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Pages 259, 644 & 968 are incorrectly numbered pages 2, 44 & 978.

DEBATES

—OF—

THE SENATE

—OF THE—

DOMINION OF CANADA

1886.



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**REPORTED, EDITED, AND PUBLISHED**

—BY—

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**FOURTH SESSION—FIFTH PARLIAMENT.**



OTTAWA:

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1886.



# THE DEBATES

—OF THE—

# SENATE OF CANADA,

—IN THE—

FOURTH SESSION OF THE FIFTH PARLIAMENT OF THE DOMINION OF  
CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS  
ON THE 25TH OF FEBRUARY, 1886, IN THE FORTY-  
NINTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

## THE SENATE,

*Ottawa, Thursday, February 25th, 1886.*

The SPEAKER took the Chair at  
2.30 p.m.

Prayers and Routine proceedings.

The SPEAKER presented a communi-  
cation from the Governor General's Sec-  
retary announcing that he would open  
the Session of the Dominion Parliament  
at Three o'clock.

The House was adjourned during  
pleasure.

After some time the House was re-  
sumed.

## THE SPEECH FROM THE THRONE

The GOVERNOR GENERAL being seated  
on the Throne, and the House of Com-  
mons being in attendance, with their  
Speaker, HIS EXCELLENCY was pleased to  
open the Session with the following gra-  
cious speech to both Houses :—

*Honorable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

On meeting you again I have the pleasing  
duty to perform of congratulating you on the  
sufficient harvest of last year and on the pro-  
sperity and substantial progress of the country.

Since the suppression of the insurrection in  
the North-West Territories, peace and order  
have been restored, and now prevail. After so  
serious an outbreak some disquiet and appre-  
hension of the recurrence of those disorders  
may naturally be expected to linger, and it will  
be the duty of my Government to make such  
precautionary arrangements as will assure the  
present inhabitants, as well as intending settlers  
of efficient protection against all disturbance.

I warmly congratulate you on the practical  
completion of the Canadian Pacific Railway,  
and on the announcement that it will be open  
for the daily carriage of passengers and freight  
from ocean to ocean in the month of June  
next. This great work, so important alike to  
the Empire and the Dominion, cannot fail to in-  
crease the trade between British Columbia and  
the other provinces, to ensure the early develop-  
ment and settlement of Manitoba and the  
North-West, and greatly to add to the com-  
mercial prosperity of the whole country.

Should the negotiations between Her Majesty's  
Government and that of the United States for  
the appointment of a Joint Commission to ad-  
just what is known as "The Fishery Question,"  
and to consider the best means of developing  
our International Commerce, fail to secure any  
satisfactory result, you will be asked to make  
provision for the protection of our Inshore Fish-  
eries by the extension of our present system of  
Marine Police.

The measure submitted to you last Session for  
the consolidation of the Statutes and for the in-  
troduction into the North-West Territories of a  
more simple and economical system for the  
transfer of land will be again laid before you for  
consideration and legislative action. The Act

of last Session will be found to be included in the first of those measures.

You will also be asked to consider the expediency of improving the judiciary system which obtains in those Territories.

Your attention will be invited to the propriety of amending the law relating to the business of the office of Queen's Printer and of providing for the more satisfactory working of the present system of Government and Parliamentary printing.

A numerical census of the North-West Territories has been taken and a measure based thereon for the representation of the people in Parliament will be laid before you.

Other measures will be laid before you, and among them will be found Bills for providing for a better mode of trial of claims against the Crown, for regulating Post Office Savings Banks in British Columbia and the North-West Territories, for expediting the issue of patents for Indian Lands, for the administration of the rights of the Crown in the foreshores of the Dominion, for the establishment of an Experimental Farm, and for the amendment of the Chinese Immigration Act.

*Gentlemen of the House of Commons :*

The accounts for the past year will be laid before you. You will find that the estimate of receipts has been fully realized, but I regret to say that the outbreak in the North-West has added largely to the expenditure of the country.

The Estimates for the ensuing year will be submitted to you. They have been prepared with due regard to economy and the requirements of the Public Service.

*Honorable Gentlemen of the Senate .*

*Gentlemen of the House of Commons :*

I recommend these several subjects and the others which may engage your attention to your best consideration, and I earnestly trust that the result of your deliberations may, under the Divine Blessing, conduce to the advancement and prosperity of Canada.

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

#### BILL INTRODUCED

An Act relating to Railways. (Sir Alex. Campbell).

#### THE ADDRESS.

##### MOTION.

THE SPEAKER reported His Excellency's Speech from the Throne, and the same was then read by the Clerk.

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

The motion was agreed to.

#### THE PRIVILEGES OF PARLIAMENT.

##### MOTION.

HON. SIR ALEX. CAMPBELL moved that all the members present during this session be appointed a Committee to consider the Orders and Customs of this House and Privileges of Parliament, and that the said Committee have leave to meet in this House, when and as often as they please.

The motion was agreed to.

#### THE LIBRARY OF PARLIAMENT.

##### THE LIBRARIAN'S REPORT.

THE SPEAKER presented to the House the report of the joint Librarians on the state of the Library of Parliament.

The same was then read by the Clerk.

The Senate adjourned at 4.30 p.m.

#### THE SENATE.

*Ottawa, Friday, February 26th, 1886.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

#### THE ADDRESS.

##### MOTION.

HON. MR. BOLDUC, 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 he has been pleased to make to both Houses of Parliament: namely:—

TO HIS EXCELLENCY the Most Honorable Sir Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, in the County of Somerset, Earl of Wycombe, of Chipping Wycombe, in the County of Bucks, Viscount Caln and Calnstone, in the County of Wilts, and Lord Wycombe, Baron of Chipping Wycombe, in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, in the Peerage of Ireland; Knight Grand Cross of the most Distinguished Order of Saint Michael and Saint George; Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY :—

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

We rejoice that your Excellency on meeting us again has the pleasing duty to perform of congratulating us on the sufficient harvest of last year and on the prosperity and substantial progress of the Country.

We are glad to learn from Your Excellency that since the suppression of the insurrection in the North-West Territories peace and order have been restored and now prevail. After so serious an outbreak some disquiet and apprehension of the recurrence of those disorders may naturally be expected to linger, and we respectfully concur in Your Excellency's opinion that it will be the duty of your Government to make such precautionary arrangements as will assure the present inhabitants, as well as intending settlers, of efficient protection against all disturbance.

It affords us great pleasure to receive Your Excellency's warm congratulations on the practical completion of the Canadian Pacific Railway, and on the announcement that it will be open for the daily carriage of passengers and freight from ocean to ocean, in the month of June next. This great work, so important alike to the Empire and the Dominion, cannot fail to increase the trade between British Columbia and the other Provinces, to ensure the early development and settlement of Manitoba and the North-West, and greatly to add to the commercial prosperity of the whole country.

We learn with much interest that should the negotiations between Her Majesty's Government and that of the United States for the appointment of a joint commission to adjust what is known as "The Fishery Question," and to consider the best means of developing our international commerce, fail to secure any satisfactory result, we shall be asked to make provision for the protection of our inshore fisheries by the extension of our present system of marine police.

We thank Your Excellency for informing us that the measures submitted to us last Session for the consolidation of the Statutes and for the introduction into the North-West Territories of a

more simple and economical system for the transfer of land, will be again laid before us for consideration and legislative action, and that the Acts of last Session will be found to be included in the first of those measures.

Your Excellency having been pleased to intimate that we shall also be asked to consider the expediency of improving the judiciary system which obtains in those Territories, we beg leave to assure Your Excellency that the subject shall receive our most careful consideration.

Our attention, which Your Excellency has been pleased to say will be invited to the propriety of amending the law relating to the business of the office of Queen's Printer and of providing for the more satisfactory working of the present system of Government and Parliamentary printing, shall be cheerfully given thereto.

It affords us great satisfaction to be informed that a numerical census of the North West Territories has been taken and that a measure based thereon for the representation of the people in Parliament will be laid before us.

We also thank Your Excellency for informing us that other measures will be laid before us, and that among them will be found Bills for providing for a better mode of trial of claims against the Crown, for regulating Post Office Savings Banks in British Columbia and the North West Territories, for expediting the issue of patents for Indian Lands, for the administration of the rights of the Crown in the foreshores of the Dominion, for the establishment of an Experimental Farm, and for the amendment of the Chinese Immigration Act.

We humbly beg to assure Your Excellency that these several subjects, and the others which may engage our attention, shall receive our best consideration, and, with Your Excellency, we earnestly trust that the result of our deliberations may, under the Divine Blessing, conduce to the advancement and prosperity of Canada.

He said : Ce n'est pas sans hésitation que j'ai accepté de proposer l'adresse en réponse au discours du Trône, car quelque honorable que soit cette tâche, le sentiment de mon insuffisance à m'acquitter de cet important devoir me fait éprouver l'obligation de solliciter l'indulgence de cette honorable Chambre.

Cependant, refuser l'honneur qui m'étais offert, aurait été mal comprendre mon devoir et je crois être l'écho de cette Chambre dans l'appréciation que je vais tenter de faire de la politique du gouvernement telle qu'annoncée dans le discours maintenant devant nous.

Je suis heureux de pouvoir me joindre à Son Excellence le Gouverneur-Général pour féliciter le pays de l'abondante moisson de l'année dernière et de la pros-

périté qui règne dans le pays. En effet, messieurs, cette abondante moisson a donné l'aisance à la classe agricole et grâce à la politique nationale adoptée par le gouvernement, il y a quelques années, le cultivateur a pu retirer des prix assez rémunérateurs de la vente de ses produits.

Aux Etats-Unis, aussi bien qu'en Europe, la crise commerciale qui sévit actuellement a paralysé la plupart des manufactures et la classe ouvrière se trouve dans un état de gêne bien voisin de la misère. Dans la mère-patrie, les ouvriers sont obligés de demander de l'ouvrage au gouvernement, et ont déjà causé des troubles assez sérieux.

Ici, messieurs, quelques fabriques ont, il est vrai, diminué temporairement le nombre d'heures de travail, mais l'activité renaît dans toutes les branches du commerce et nous devons nous féliciter du progrès réel du pays.

Le discours du Trône fait aussi mention du rétablissement de l'ordre et de la paix dans les Territoires du Nord-Ouest.

Dans le mois de mars dernier nous arrivait la nouvelle d'une insurrection dans ces territoires. Les métis et les sauvages trompés et excités à la révolte, par des personnes qui espéraient retirer des profits considérables des troubles au Nord-Ouest, se révoltaient contre l'autorité et voulaient se séparer de la Confédération. Cette révolte prenait tout le monde par surprise et on se demandait s'il serait possible de faire cesser ces troubles sans subir de nombreuses pertes de vies et sans encourir des dépenses excessivement considérables.

Aux Etats-Unis, où l'on connaît toutes les difficultés et les dangers de ces guerres indiennes, on paraissait douter de la possibilité de pouvoir rétablir l'ordre dans ces immenses territoires.

Cependant, messieurs, au premier appel, la jeunesse canadienne, sans distinction de nationalité, s'est généreusement offerte pour aller réprimer cette révolte, et grâce à l'énergie et l'activité déployées par notre habile ministre de la milice, — puissamment secondé par nos braves volontaires, — cette révolte a pu être facilement réprimée.

Nous avons subi des pertes de vies très-précieuses et encouru des dépenses considérables, mais l'ordre a été rétabli et les Canadiens ont donné la preuve qu'ils

étaient capables de maintenir la paix dans les limites de la Puissance.

J'espère, messieurs, que la répression aussi énergique de cette insurrection aura l'effet d'éteindre tout esprit de révolte chez les sauvages. D'un autre côté, je crois que nous devons nos félicitations les plus sincères au Gouvernement pour la clémence dont il a fait preuve depuis quelque temps envers ces pauvres métis enfermés dans les prisons de l'Etat, et je suis convaincu que le Gouvernement ne s'arrêtera pas à mi-chemin, mais qu'il continuera à suivre cette politique sage et qu'avant longtemps tous ces malheureux, dont le plus grand crime a été de se laisser tromper, verront les portes des prisons s'ouvrir devant eux et qu'il leur sera accordé une parfaite liberté.

Cette politique de clémence fera beau coup plus pour assurer la paix dans le Nord-Ouest que l'envoi de quelques bataillons.

En même temps, afin de faire disparaître toutes les craintes des personnes qui sont déjà établies ou qui ont l'intention d'aller s'établir dans le Nord-Ouest, je crois que le Gouvernement rencontrera l'approbation unanime des Electeurs de la Puissance, en prenant toutes les mesures nécessaires pour assurer une protection efficace contre ces troubles.

Je vois aussi avec plaisir que nous sommes assurés de l'achèvement du chemin de fer du Pacifique Canadien, qui sera livré à la circulation, d'un océan à l'autre, au mois de Juin prochain.

Messieurs, la construction aussi rapide d'une immense voie ferrée comme le Pacifique Canadien fait honneur au Gouvernement qui a eu l'idée d'une entreprise, aussi gigantesque ainsi qu'à la compagnie qui a pu exécuter ces travaux d'une manière aussi rapide qu'avantageuse pour le pays.

Avant la construction de ce chemin de fer, la Colombie se trouvait complètement isolée des autres Provinces de la Confédération et il était impossible de songer à faire un pays prospère de Provinces qui n'étaient pas reliées entr'elles par des voies de communications faciles. Aujourd'hui, Messieurs, par l'achèvement du chemin de fer du Pacifique Canadien, ce problème se trouve résolu et le Canada qui, il n'y a que quelques années, ne comptait que quelques milles de chemins de fer, a une

voie de communication qui s'étend de l'Atlantique au Pacifique, ainsi qu'un réseau de chemins de fer dans toutes les Provinces de la Confédération qui n'est surpassé par celui de nulle autre nation. Le pays a fait des sacrifices considérables, il est vrai, mais la construction de ces chemins de fer étaient essentiellement nécessaire au développement du pays, l'esprit et les besoins de notre époque, et avant longtemps le produit de la vente d'une partie de nos fertiles terres du Nord-Ouest aura remboursé au Gouvernement un montant plus que suffisant pour couvrir les avances que nous avons faites.

La questions "des Pêcheries" dont il est fait mention dans le discours du Trône, intéresse beaucoup les Canadiens et je vois avec plaisir tout l'intérêt que le Gouvernement y porte.

Afin de faciliter la bonne entente qui doit exister entre le Gouvernement Canadien et celui des Etats Unis, les Américains ont été laissés libres de pêcher dans les eaux canadiennes durant la dernière saison. Aussi, nous avons vu que, dans son discours au Congrès, le Président des Etats-Unis recommande la nomination d'une commission mixte pour le règlement de cette question. Il est vrai que les pêcheurs de l'Etat du Maine et de celui de Massachusetts s'opposent à la nomination de cette commission et s'ils réussissent à empêcher que cette question importante soit réglée d'une manière avantageuse aux deux pays, le Gouvernement peut compter sur l'appui nécessaire pour l'adoption de mesures propres à pourvoir à une protection effective de nos pêcheries.

Je vois aussi avec plaisir que le Gouvernement doit présenter un projet de loi pour la représentation des colons établis dans les territoires du Nord-Ouest.

Pendant les premières années, le Conseil pouvait suffire à l'administration de ces territoires ; mais, maintenant que la population a atteint un chiffre considérable, il semble juste que ces personnes soient représentées en Parlement.

Plusieurs autres projets de loi seront aussi présentés, qui, j'en suis convaincu, serviront à promouvoir les intérêts généraux du pays.

Maintenant, Messieurs, si nous examinons les progrès faits depuis l'établissement de la Confédération, je crois que nous devons nous féliciter et envisager l'avenir

avec confiance. Quoique le Canada soit une colonie dépendante de l'Angleterre, nous jouissons d'institutions aussi libres que possible et nous avons une liberté complète d'administrer nos affaires de la manière qui nous paraît la plus avantageuse.

Grâce à la protection de l'Angleterre, nous retirons tous les avantages que comporte le prestige du pavillon britannique. La flotte Anglaise qui couvre toutes les mers est pour nous un appui précieux et le fait que les représentants diplomatiques Anglais sont également les nôtres, épargne au Canada de très-fortes charges.

Il est vrai que notre ciel politique a paru s'assombrir durant le cours de l'année qui vient de s'écouler. Une partie de la presse, dont la seule mission et le but à atteindre devraient être d'éclairer le peuple et conseiller la modération et l'harmonie entre les différentes races qui habitent la Puissance, a, par des écrits inflammatoires cherché à soulever des préjugés de races et de religion et par là même menacé d'exciter la révolte et allumer la guerre civile dans le pays en proférant des menaces et publiant des écrits révolutionnaires.

Heureusement que les conseils donnés par ces imprudents écrivains n'ont pas été suivis et que la population s'est montrée paisible et a fait preuve de beaucoup plus d'intelligence que ceux qui lui donnaient ces mauvais conseils. Il est regrettable que ces faits soient arrivés, car, dans un jeune pays comme le nôtre, habité par une population d'origine et de croyance religieuse différentes, nous ne formerons jamais une nation forte et puissante sans que l'harmonie règne au milieu de nous.

Pour moi, messieurs, je suis canadien-français et je suis fier d'appartenir à cette race, mais je respecte et je suis heureux de travailler au progrès de mon pays avec tout Canadien vraiment patriote quelque soit son origine ou la croyance religieuse qu'il professe.

HON. MR. CLEMOW—I highly appreciate the privilege and honor of seconding the resolutions in reply to the Speech so ably and forcibly presented to you by the hon. member from Lauzon, and only regret my inability to discharge the duty thus devolving upon me in a manner which its importance demands and decidedly merits.



Fortunately for me, though, my task on the present occasion is greatly lessened in consequence of the Speech itself being so remarkably comprehensive in its terms, the various clauses disclosing such unmistakable assurances of the prosperity and substantial progress of the country as will readily commend them to the favorable approval of hon. gentlemen without any great effort on my part to that end. All loyal and patriotic men will rejoice at the suppression of the insurrection in the North-West Territories, and will learn with intense feelings of satisfaction that peace and order now prevail in that far distant section of the Dominion. It must be likewise a source of gratification to the hon. members of this House, and to the people of this country that their fellow subjects from every province, and of every nationality and creed, evinced a patriotism and bravery worthy the past history of the races from which they spring, journeying at an inclement season of the year, and with necessarily imperfect means of communication, to a distant part of the Dominion to lay down their lives if required in the defence of law and order, and to protect the firesides of their brethren in the North-West. Such brave conduct establishes our character as a people for all future time, and make it a matter of pride for each and every one of us to declare that we are citizens of Canada.

It is to be hoped that no similar occurrence will again blot the page of Canadian history, and it must be universally conceded that the Executive have acted wisely in adopting precautionary measures to secure to the people residing in the North-West Territories, the peaceful enjoyment of all their rights and privileges as subjects of the Crown.

The practical completion of that great enterprise the Canadian Pacific Railway is a matter for the hearty congratulations of the people generally of this Dominion. This road, with its various ramifications, must ultimately prove of immense advantage in the development of Manitoba and the Great North-West, and otherwise must prove a source of incalculable benefit to the commercial prosperity of the whole country.

The construction of this gigantic undertaking has been successfully

performed within a period of time unparalleled in the history of all previous railway undertakings in any country. It seems quite evident that the British Empire has been favorably impressed with the importance of this great national highway, and the people of this country are rejoiced on hearing that Her Majesty has been pleased to confer a marked honor of distinction on the person of Sir Geo. Stephen, in recognition of his services as the leading promoter of that enduring monument which will always remain as an example of what energy and determination can accomplish, when directed by capable men with patriotic motives.

It would be considered a source of deep regret if the negotiations entered into between Her Majesty's Government and the United States, in reference to the appointment of a joint commission to adjust the fishery question, together with the consideration of the best means for the development of our international commerce, should ultimately prove nugatory. Whilst the people of this Dominion are anxious and always have signified their desire that all differences between the two countries should be discussed and amicably arranged, still the vested rights of every section of the country must be zealously guarded; therefore when all fair and legitimate exertions have been exhausted without favorable result, the recourse to the extension of the marine police, as suggested, is the only alternative that can be resorted to for the protection of our rights in the territory within and under our own special jurisdiction and control.

The residents of the North-West Territories will hail with delight and satisfaction the prospect of their enjoying at an early day the benefits incidental to their representation in Parliament on the basis as lately determined from the census returns. No act will meet with greater favor by a public hitherto unrepresented, as by such means alone are they placed in a position to make known their peculiar wants and requirements, and thus render their position as a part of the Dominion every way now satisfactory, and more in accordance with the spirit of our institutions.

It must be considered highly satisfactory that the estimated receipts of revenue of

the past year have been fully realized, and although the large and unforeseen extraordinary expenditure in connection with the difficulty in the North-West Territories has caused increased and exceptional expenditure, nevertheless the people of the Dominion will loyally concur in making the necessary provision for recouping the expenses thus unavoidably contracted in the best interest of the country under the most urgent and trying circumstances.

The several measures foreshadowed in the Speech other than those referred to by me are all of a practical and special character, and I have no doubt that such consideration will be extended by hon. members on their introduction in this Chamber as will ensure their, being engrossed as part of the future laws, of the country.

I have now to thank hon. gentlemen for the patient hearing of this my maiden attempt in addressing them, and trust they will overlook any defect or shortcoming in my first effort at conveying my views in reference to the subject now under consideration.

HON. MR. ALEXANDER—The House may think it very strange that I should have the presumption to rise before the leader of the Opposition. I do so purposely. I do so in order to say what I have said before, that the leader of the Opposition in this House has not acted in a manner worthy of himself or his party during the last five sessions. I do not belong to the party to which the hon. gentleman belongs, but I think he should have acted differently in the parliament of a great country like this when public affairs are not managed in conformity with the views of the people.

With regard to the speeches that have fallen from the mover and seconder of the address, I am sure that the House will concur with me that we are all much gratified at the manner in which those hon. gentlemen have discharged their duties. I do not rise to consider His Excellency's speech, because it is well known that the speech from the throne in a colonial parliament is generally a very unmeaning document. It embraces in fact as little as possible of the public questions of the day. It not unfrequently

dwells upon the great prosperity of the country, arising from the industry of the people, and we have no objection to hon. gentlemen taking credit for all that the industry of the people has produced. This debate at the opening of every session, appears to me to furnish a very favorable occasion for taking a cursory view of the acts and general administration of the party in power. And who are the party in power? The party in power is the first minister, the Right Hon. Sir John Macdonald. That is the party in power, and he is a very wonderful man. His counsels, and resolves, and determination guide the party—and he has had in the past a large and powerful army at his back to carry him into power and to keep him in power. Some have lately observed that the mistake he made in life was in not entering the church; because they observed that he has done much to raise the standards of honour and truth in the councils of the country! He is regarded by them with great esteem. He certainly would have been a very fitting prelate for one of the great churches. Talleyrand was a man very much of the same type: but Talleyrand commenced his career as a dignitary of his Church before entering into the field of diplomacy.

Now my purpose in rising to-day—which I do with great humility, and with great respect for the members of this House—is to enquire whether the Government of this country has been prudently and honestly administered. That is what we as the representatives of the people have to ascertain. I fear that I shall have to dwell upon a very sad record. There is staring us at this moment the sad incontrovertible evidence (which we obtain from the blue books) of the prodigal waste and recklessness of that colonial statesman. It is not denied that he has brought up the controllable expenditure of the country from \$6,500,000 in 1878 to \$13,000,000 in the brief period of seven years. He has added further, as the Ministerial organs all admit, \$80,000,000 to the public debt, while the Government are extracting from the pockets of our industrious people a tariff ranging up to 25, 30 and 35 per cent., which is most burdensome on all classes. I have felt it myself to be burdensome. I could

particularize the leading items, but I shall take another opportunity to do so. While they have taken so large a revenue from the country, we have, notwithstanding, a deficit of at least \$3,000,000—some say \$5,000,000. This is the fiscal management of the leader of the present party in power. Some will say that that deficit had been largely increased by the North-West rebellion. I am not going to waste the time of this House discussing that. Whatever may be said or thought, the people of this Dominion generally hold the opinion that the insurrection at Prince Albert arose from the wanton neglect of the Department of the Interior. The returns made to Parliament showing Bishop Grandin's representations respecting the grievances of those 300 poor half-breed families on the Saskatchewan place the question beyond doubt. One of the grievances of those poor people was the Government sending surveyors through the centre of their river lots, and disturbing thus their possessions—which, everyone knows, is a tender point with every farmer—and thus fomenting a rebellion that has cost us \$5,000,000 and the loss of a hundred of our young citizen soldiers; and in this connection, for the first time under the Queen's rule, the Indian tribes, who have always been faithful to the Queen mother and her colonial subjects, have shown disaffection and joined in the outbreak, causing to all thoughtful minds deep anxiety that they, in the future, may give further trouble when suffering from want. Many of them are without religion, and have not very clear perceptions of the difference between mine and thine. And if the greatest care is not shewn by the Government in the management and instruction of such Indian tribes in the future, they may at any time commit depredations which may lead to bloodshed and such scenes as we had last year.

As regarding the Canadian Pacific Railway, I am sure that every man of intelligence must acknowledge the great skill and ability shown by Sir George Stephen, Mr. Van Horne and the syndicate in the construction of this road. We must all rejoice that Her Majesty has conferred the honor of a baronetcy on Sir George Stephen, to which he is fairly entitled for the great financial skill which was re-

quired to carry to completion such a colossal enterprise. But as regarding the policy of the Government in conceiving and advising the pushing of that work through with such break-neck speed, a very short time will show whether that policy was wise or unwise. It is not only with regard to the large expenditure of \$80,000,000, but it remains to be seen now whether it can be run without very large assistance from the country. We cannot expect that these men who have built this road with so much credit to themselves and to the country, will throw away their daily bread in running that road. It must be run by the country: and what railway man can possibly suppose that a railway 2,900 miles long, from Montreal to Port Moody, with such a thin, sparse population in the Red River country, and along its line can find sufficient traffic for its maintenance. The annual deficit arising may not come out of this Government. It may be possible that capitalists will take stock in the road and go without interest on their money for a given time; but it is contrary to all experience that that road can be run for a length of time without loss. It is not only the ordinary running expenditure, but large amounts will be required for sidings, snow galleries, transfer arrangements, new plant and stock, and endless other wants, such as casualties. I am utterly surprised that this Parliament has allowed itself to be carried away thus: surrendering its judgment to a party leader. He knows the drawbacks of that northern latitude, and that our North-West will have to compete with the better latitude and climate of Colorado, Kansas, and other such States. He knows how much European immigration has of later years diminished; and he knows that the share that we are likely to receive must be comparatively limited; and when you connect with that the unfortunate consequences of the rebellion which took place, I do not think we can look for the masses of population anticipated. I am surprised that Parliament should have surrendered its own judgment in regard to so large a public enterprise; and I apprehend that the country will be most deeply incensed when it comes to pay the penalty of such recklessness. The position of our affairs now with the present high tariff, and large deficit, be-

gins to appear alarming to the merchants of Toronto and other places, and there is a growing feeling that if Sir John remains a little longer in power, he will go on increasing the public burdens and create such discontent from one end of the Dominion to the other, that it may break up Confederation. We are all willing to admit his great astuteness and his large parliamentary experience, but his better judgment and principle are gone, and the Parliament of the country will be directly chargeable with entire remissness of duty if they permit him to go on longer in his present reckless ways. Then again, what a melancholy evidence of perverted judgment and unreliability as a political leader we have in the unconstitutional course he pursued with regard to the Boundary and License questions. Could anything be more unstatesmanlike than the First Minister of a country like this bringing, by his own foolish acts, a collision between the Central and Local Governments? Could anything be more calculated to break up Confederation? Could there be stronger evidence of a man's mind being off the hinge? And we may be thankful that we have the Privy Council to appeal to. That a very large proportion of the increased expenditure has been for partizan purposes has been shown by the speeches of members at meetings held lately in the country. It is known that excessive amounts have been given to large contractors so that those contractors might be able to contribute to the return of government candidates at a general election. Could there be a greater public scandal than the Government throwing away public money for such purposes. It is well known that large sums of money have been given to localities for works of doubtful requirement where disaffection to the Government appeared in order to soften down such feeling. Is that an honest expenditure of the people's money? Then again we had an Omnibus Railway Bill brought in to lead the people of different districts to enter upon railways when there could not be sufficient traffic. But the worst of all these revelations, bearing evidence of lamentable depravity, were actual facts disclosed by Parliamentary returns of coal, lands and timber limits, being given for small nominal sums to partizan followers

who have rendered mere partizan services; I believe it is admitted that one party realized by selling such a timber limit, \$80,000 clear gain. Could there be greater depravity in public life? I am surprised that the whole country does not rise as one man to stop such practices. Now, the question arises, what are we to do with this colonial statesman? He has formerly rendered services to the country. And that deserves consideration. We have no desire to think or act rashly with an old public servant, who in former times served the country. We are disposed to sympathize with his failings but we should not allow him to go on to destroy the country. I will throw out a suggestion that the Imperial Government should consider the propriety of transferring our Conservative chieftain to the vice royalty of Ireland. I think that he would solve a great many difficulties which Mr. Gladstone has to deal with. I do not believe Mr. Gladstone can deal with them; and I believe if he were transferred there he has certain qualifications (which I shall not name) for that peculiar position. When he landed at New York he expressed his strong admiration for Parnell as a statesman. It was a most extraordinary speech for one of the Queen's subjects to make. We all know the views of the Queen; we all know the views of the great body of the people of England. Everyone desires to see Ireland get all the liberty that could be safely given her. But we did not expect our First Minister to express such ardent admiration for Mr. Parnell. Nineteenths of the people of England of all classes dread giving Ireland her own Parliament. They have the kindest feeling towards Ireland; but they dread the evil results that would flow from their acquiescence in such a conception.

I only now in conclusion desire to observe that the Government, session after session, neglect to deal with those breaches of trust which have brought three or four of our banks to insolvency. It is known that such banks were wrecked by men of high position. Our laws are stringently framed to deal with the poor criminal, but not framed to deal with the criminal of high social position. We have found the Exchange Bank wrecked, and we have seen other banks wrecked; and we see every day men wearing the mantle

of religion, even holding the position of president of bible societies and other kindred institutions, guilty of the most criminal acts—ruin the families of widows and orphans without heart or feeling—caring not what misery and suffering they may cause so long as they can continue to live in their mansions and drive in their carriages, and so long as the law cannot touch them, so long as a detective cannot tap them on the shoulder, because, perhaps, the books of the bank have been burnt. We all remember the history which cropped up last session of the sewage being allowed to run on the books, so that the fact could not be proved that such men of high position have not paid their debts.

HON. MR. OGILVIE—I rise to a question of order.

THE SPEAKER—Will the hon. gentlemen state the point of order?

HON. MR. OGILVIE—The hon. gentleman from Woodstock has just spoken of the Exchange Bank being wrecked, and stated that the directors were likely to have burned the books of the bank, that they have robbed widows and orphans in order that they may ride about in their carriages. I do not know whether it is parliamentary or not to characterize such a statement in strong terms—but every word of it is as false as hell. Every gentleman here knows as well as I do that the directors of that bank always had their carriages till the bank was wrecked, and that through its failure we lost them. Many of us lost the whole of our property through it. The man who wrecked the bank is a fugitive from justice in the United States. The directors of that bank are as honest as any man in this House. We were all sufferers: I think I was the worst. We were all but totally ruined. One of my confreres, Mr. Green, who was worth three-quarters of a million before the failure of the bank, is not worth a quarter of a million to-day. It is too bad for anyone who pretends to be a gentleman to stand up and utter such falsehoods before the House. When he is prepared to make such statements about us, can you believe his statements about the Government? When he attacks

the characters of private individuals, do you think he would hesitate to slander the Government? Such assertions as he been making are disgraceful to the Senate, and I know that he would not be allowed to utter such unwarranted assertions in any other deliberative body. The leader of the Government ought to be in a position to stop him, and I suppose would have done so if he were not more amused than hurt by the hon. member's utterances. When I heard the hon. member utter such gross slanders upon men who so little merited such treatment, I thought possibly there might be some here who might attach some credence to the statements. I can show a letter from the liquidators of the Exchange Bank, in which they state that after having carefully examined the books in their hands for three years, they were able to say, as the result of a close investigation, that they could not find that the directors were to blame in any respect. I hope the House will pardon me for having used strong language in characterizing the statements of the hon. member, but I felt so galled by the slander that I could bear it no longer.

THE SPEAKER—The hon. gentleman has not stated the point of order.

HON. MR. ALEXANDER—I am exceedingly sorry that my hon. friend, for whom I have the greatest respect, should suppose that any part of my remarks applied to the Exchange Bank. I named that bank as one which had failed, but everyone in the House knows that the latter part of my remarks related to the Bank of Upper Canada. Last Session, as hon. members will recollect, the Minister of the Interior admitted that the books had been burned, and an admission was also made that others had been injured by sewage. I am sorry that the hon. member thought my remarks applied to the Exchange Bank, when, as a matter of fact, they referred altogether to the Bank of Upper Canada. I regretted the failure of the Exchange Bank, and I know that my hon. friend who has just spoken suffered very deeply from its failure.

HON. MR. OGILVIE—I do not want any sympathy from you.

HON. MR. ALEXANDER.

HON. MR. SCOTT—The mover of these resolutions is not new to public life, having had a seat in the other branch of Parliament for many years, and it was therefore to be expected of him that in addressing the House he would do so in the excellent style which he exhibited and the very moderate language which he used in supporting the address. My friend and colleague from the city of Ottawa, who seconded the resolutions, apologized for his inexperience. I think it was not necessary, because the speech itself—though I do not concur in the views he expressed—was delivered in very clear and forcible language. While my hon. friend has not been long in the Senate, he has had large experience of public affairs. Knowing the qualities he possesses, I was surprised to find that he supported every part of the policy that the Government have introduced before the country. I suppose it is incidental to public life in Canada that individual opinion is largely ignored by those supporting an administration. I am glad to think that in other countries where representative institutions prevail men do not give such unswerving support to party leaders. It seems to be the idea in Canada that a man must endorse without question every act of his party. I have noticed, as I have no doubt other hon. gentlemen have, that whether supporting the administration of Lord Salisbury or of Mr. Gladstone, a very considerable number of members in both Houses in England have thought proper on various occasions to express opinions differing from those of their leaders, and society acquiesced in the propriety of their independent conduct on such occasions. I should be glad if our public men in this country would follow in their footsteps. I think a very much better condition of things would prevail if hon. gentlemen were free to differ occasionally from the Government that they are supporting on the various questions which are from time to time presented for their consideration. Coming now to the Speech, the first paragraph of the address asks us to join in congratulating the country on the "sufficient harvest of last year, and on the prosperity and substantial progress of the country." Now, that is a very doubtful compliment to this country, that we are

able to produce sufficient for our own consumption. It has been the pride of the people of Canada that ours is one of the food-producing countries of the world—that we grew not merely sufficient for our own consumption, but that one of the great sources of our wealth was the export of food supplies to countries that were more thickly populated and not so fortunately placed as Canada. The term "sufficient harvest" seems to me to question whether the last harvest was up to the general average. The ordinary term that we find employed in the speech from the throne is "bountiful harvest," but it seems the opinion of His Excellency's advisers that the harvest of last year was not bountiful. It is to be regretted, no doubt, that the exports of this country have fallen off in the last year or two. One of our chief sources of export has been the products of the farm, and if I remember distinctly the speeches made in this Chamber a few years ago we were told that under the policy with which Canada is now supposed to be blessed we would have a home market and our farmers would have high prices for their products irrespective of the market outside. The experience of the last two or three years must have removed from all minds the delusion that by an act of parliament we can affect the immutable laws of supply and demand—that by any policy which we may adopt in this country we can give a fictitious value to the products of Canada. Hon. gentlemen ridiculed very much the expression of Sir Richard Cartwright that we were as powerless to affect the laws of supply and demand as a fly on a wheel is to control the movements of the wheel; but have we not here convincing evidence that Sir Richard Cartwright was perfectly right in the figure which he used in describing the measure which was then introduced? It was misleading the people to represent to them that by legislation or any other means an artificial price could be given for the products of the farm. At the present time Canada is enjoying a fair degree of prosperity, but it is not due in any sense to the policy of the Government. The chief product at the present moment which is giving us prosperity is lumber. The exports of the farm and of the fisheries have somewhat diminished

but the export of the forest has kept up, and that export is entirely independent of our legislation. It has largely aided in preserving the prosperity of Canada during the times of depression which have visited this in common with other countries. With that trade, fortunately, the Parliament of Canada have nothing to do. They might possibly, if it had been under their control, have crippled it also. Any regulations affecting it belong exclusively to the Provincial Legislature, and therefore for that portion of the prosperity of this country we can claim no special credit.

In the next paragraph of the Speech we are reminded that peace and order have been restored, and now prevail in the North-West Territories. Yet notwithstanding that assurance, we are told that precautionary arrangements are yet necessary in order to ensure protection and a greater feeling of satisfaction amongst the people. What does that mean? Is it true that we are going to send a few more battalions up to the North-West that this flying column that the newspapers have discussed is to be sent through that country from one end to the other in order to terrify the Indians? It is supposed, now that the Half-breed claims are settled, that they are no longer disposed to press further grievances at Ottawa. The flying column, therefore, it is to be assumed, is to intimidate the Indians. My advice to the Government would be, that instead of spending a large sum of money in trying to frighten the Indians, it would be much safer to take better care of those wards of the Dominion, and to see that they are properly provided for, and treated more generously as to the supply of provisions; that the agents and the contractors who have to do with their well-being in that country, are men of greater honesty than the public press and the residents in that country say in the past they have been. The dissatisfaction of the Indian is, no doubt, due entirely to his treatment by the white man. Let any of us contrast the relations of the white man and the Indian in the past two hundred years up to within ten years, and what does it show? For two hundred years, up to a very recent period, peace and happiness prevailed in the North-West.

The Hudson Bay Company's employes were able to go from one end of the country to the other without being in the smallest degree alarmed at the savages; missionaries travelled all through that country, and were warmly received, even by those of the Indians who were not Christianized. Property was safe, the Hudson Bay Company's stores were never attacked, and private property was respected amongst the savages. Yet in recent years, owing to the unhappy intercourse with the white man, this position of affairs has completely changed. I say it is rather a reflection on our boasted civilization that our intercourse with the savage has led him to place less confidence in, and hold in lower estimation, his white brother than in former years. This is due largely to causes that in my judgment were avoidable. The people who have been sent up into that country the last ten or fifteen years—more particularly during the last seven or eight years—to look after the interests of the Indians have had but one motive, to make money, no matter whether out of the poor Indian, or some other source. To become suddenly rich was the moving impulse with those employes of the Government. If we are to believe the evidence of ministers, priests, bishops and laymen, the conduct of the Government agents and the Government authorities was most reprehensible. We are excessively careful in compelling the young men we employ in the offices at Ottawa to pass a special examination—to graduate, so to speak, in morality; yet of the class of men we have sent up into the North-West to look after the interest of the poor Indian, some have gone there with the lowest impulse to treat the poor savage as if he were a brute. And what has been the result? It has changed the character of the entire Indian population. It is through our maladministration in that country that the Indian is to-day what he is. I am quite aware that it is a most difficult problem, but still it is not so absolutely impossible to obtain honest, faithful servants, that any Government is justified in appointing a class of agents such as, to a large extent, were sent among the Indians. More liberal treatment, in my judgment, would be the best policy to pursue towards the savage. The sending of troops

into that country will involve a large expenditure, and if that money were expended in additional provisions for the Indians, it would have a better effect. The sending of a body of troops into that country can have no lasting benefit. The existing evils can only be alleviated by a different course of treatment, and I think it is the duty of every man who prides himself in being a Canadian to see that those unfortunate wards of ours are treated in a more Christianlike, and a more humane manner in the future than they have been in the past. It is notorious that large bands of Indians have been during the last two years absolutely starving to death. The accounts that have come from different quarters are too well authenticated to be doubted, and therefore it is of the highest importance that the attention of the Government should be called to it, and that a more vigorous effort should be made to see that the money appropriated by Parliament for the support of the Indians should be fairly and honestly distributed.

Coming down to the paragraph of the address relating to the Canadian Pacific Railway, I can cordinally acquiesce in and endorse all that has been said, both by the mover and seconder of the resolution, in reference to that great enterprise. The people of Canada in 1882 approved of the policy of the Government in building that road by a body of gentlemen known as the syndicate, and the road having been given over practically to them, of course very large latitude was to be permitted as to whether the road should be finished in 1886, or at any later period. Speaking now for myself, and not as the representative of any body of gentlemen either in this House or out of it, I had always very grave doubt of the wisdom of forcing the building of that road through as an all-rail route to the Pacific at so early a period, believing that it would be very much better that the development of the North-West should have proceeded *pari passu* with the building of the road, and believing that very little was to be gained by its extension to the Pacific coast. I am free to confess that during the last year my views on that question have been very much modified—in fact very largely altered. It is one of the singular features of the building of

a railway in any new country, that it is sure to develop sources of traffic that even the most far-seeing could not have conjectured. It must be a cause of great gratification to every Canadian that that road is now on a fair paying basis. The price at which its stock has been held in the market, having gone up some 40 per cent in the past few months, is the best testimony of the opinion of the moneyed men of the world as to the solidity of the Canadian Pacific Railway as a paying enterprise; and it must be a feeling of relief to the people of Canada that they are not to be burdened with any expense in connection with the keeping up of the road, as was a few years ago anticipated. We know that even Sir Charles Tupper himself, who was always sanguine as to the ultimate success of the Canadian Pacific Railway, and those who thought with him, believed that after the road was constructed it would require something in addition to its own earnings to keep it running from ocean to ocean. Happily the results of the last few months have removed any doubt as to the enterprise being able to take care of itself. The amount of traffic that has come over the road has been in a large measure unexpected. The fair promises of the people of England, which, I have no doubt, will be carried out, making it to some extent a highway between England, and China and Japan, will give it great support and assistance, and, perhaps another great and important source of profit which has been discussed in the press, is the circumstance that it is likely to be a powerful competitor of some of the American railways. It is a matter very well known to those who have taken an interest in the subject that the traffic from San Francisco is carried to the east by the Southern Pacific Railway, and that the relative distance over the Canadian Pacific Railway is vastly in favor of our road, and we see by the public press that it is already discussed in San Francisco that in the coming summer the Canadian Pacific Railway is likely to bid for a very considerable share of the through traffic from California to New York and the Eastern States. Therefore, I think that it is fairly a subject that we can all cheerfully congratulate the country upon, that this road is to be a paying road—one that



can take care of itself. If it be a paying road, of course it will be very much better kept up than if it were not, and it will be a first-class road from the fact that it will be a profitable one.

The next question that the address deals with is that connected with the fisheries. The way in which the clause is framed would lead one to believe that some negotiations are at the present moment being carried on between the Governments at Ottawa and Washington through Great Britain for the continuance of the Washington Treaty clauses with reference to the fisheries. Those who have read the proceedings of Congress must be satisfied that very little attention indeed is given to the too-late appeal made by the Canadian Government, or the Imperial Government for Canada, for the continuance of the treaty. The Government, during the years '83 and '84 were repeatedly reminded that that treaty was about to expire; that it was in the interests of the people of Canada as well as of the United States, since it was a source of envy and bitter feeling between the two countries, that overtures and negotiations should have been commenced for a continuance of that treaty. However it was allowed, like a great many other important questions, to drift, and it was only at the eleventh hour, even after the eleventh hour, that the question was really vigorously taken up. Then Congress had risen, and under the law of the United States the president of the power that was to deal with the subject could do nothing except receive the favors that were tendered to him by the government of Canada. The government of Canada, in the most generous spirit, said, "We do not desire to annul the treaty; we hope it will continue, and as a proof of our sincerity we will allow matters to go on as they are until Congress meets." What was the effect? Congress saw that Canada had opened her three mile limit to the fishermen of the United States and that no attempt was made by us to enforce the laws of this country. We on the other hand asked that they on their side should allow the treaty to continue for the six months; but the President of the United States met our government with a distinct refusal. He had no power to continue the arrangement, and the consequence

has been that it has been a one-sided treaty for the latter half of the year 1885, we paying the duty on fish going into the United States, and the American fishermen enjoying all the privileges that they have had in our waters during the past ten years. Now we are told that the Government will probably ask Parliament for a vote to raise a sort of police navy to protect our fisheries. I think it is extremely unfortunate, that if the treaty was to terminate, it was not terminated on one side as well as on the other; that this left-handed arrangement by which we are compelled to pay duty on fish going into the United States, while we give American fishermen all the privileges they have enjoyed under the treaty, has proved to be a mistake. They assume probably that Canada is not disposed to quarrel with them over this question of the defence of the three miles limit. We all know that it is a subject fraught with a great deal of trouble; that regulations of that kind are very difficult to enforce, and with the facilities that American fishermen have for reaching our bays in our fishing sections, they will constantly be encroaching upon our limit, leading no doubt to a constant irritation, an irritation that will not be favored by the people in England. The British Government will not care to be drawn into these quarrels. They have shown in the past that they are somewhat averse to being drawn into difficulties of that kind with reference to small commercial treaties.

A measure to give to the people of the North-West representation in Parliament is promised, I am very glad that the Government have even at this late period determined to give the people of that vast territory representation in Parliament. It has been rather a novel feature in the past that so large a body of British subjects should be governed in the manner they have been by orders in council, and I may say by departmental decrees. Had we had representatives in the North-West during the last two or three years in Parliament, possibly the serious trouble and the consequent loss of life and money might have been averted. It is one of the evidences at all events that the government recognize that the people should have their representatives in the parliament of Canada, because, as I said be

fore, it is not recognized under our system that people shall be taxed without representation. It led to troubles of a much more serious character over one hundred years ago in the old colonies, on the other side of the line, taxing people without their consent, without being consulted, and without their having an opportunity of expressing their opinions as to the right of such taxation.

Several measures—some of them no doubt of some importance—are promised us. It is not my purpose just now to make any special reference to them. When they are presented for our consideration there will be ample opportunity for commenting on their details.

We are told, however, that though the estimate of the receipts of the revenue have been realized, yet there will be a considerable deficit, and that it is chargeable to the expenses connected with the North-West troubles. Of course in the absence of the figures we are unable to say what the receipts have been. It is, however, apparent that our expenditure, wholly apart from the abnormal outlay of last season, has been one that has been growing in a very much greater degree than the prosperity of this country or its increase in population at all warranted. In 1878 our income and expenditure were in the neighborhood of \$25,000,000. In the year 1886 I presume the figures will have been increased by nearly \$10,000,000. I say there has been nothing whatever, either in the increase in population or the development of the country, to warrant the enormous increase in the expenditure in a country composed of 5,000,000 of people; and it is time at all events that a halt should be made, and that the expenditures should be placed on such a basis that the people, without being unduly taxed, will be enabled to contribute to the revenue an amount at all events not to reach that figure. Sir Leonard Tilley's plea in 1878 was that we ought to remain at the figure of \$25,000,000 for some time. The hon. gentleman opposite who heard the statement shakes his head, intimating that I am wrong. I may be mistaken, but I certainly am under the impression that Sir Leonard Tilley made some such announcement.

HON. MR. POWER—It was \$22,000,000.

HON. MR. SCOTT—My hon. friend says that it was \$22,000,000. It is likely to have been less rather than more, because at the time he came in I remember hon. gentlemen opposite found very great fault with the extravagance of the then existing government, which had run the expenditure up to \$25,000,000; and, no doubt speaking for his party, the Finance Minister would have given expression to some such opinion as that—that we were running wild in those days because we had allowed the expenditure to reach that figure. However that figure is now exceeded, as I said before, by nearly \$10,000,000, a sum altogether too large, and unless the volume of our import and export trade is kept up in some way that I do not at this moment see how, it will be extremely difficult, without imposing more taxes, to bring the revenue up to meet the expenditure. It is quite probable that the Finance Minister is at this moment conjuring his brains to see where he is to get it. It is said that he is to make a good deal out of tea and coffee. If he proposes it, I should hope that he will not do as some gentlemen of that same party have done in former years—take the public into his confidence and allow the importations to be made on so large a scale that the revenue, at all events for a year or two, will be considerably defrauded by anticipating the fiscal policy of the Government. I, of course, do not propose to suggest any amendment to the Address, and there are some other subjects probably that might have been adverted to, one the burning question which has excited a good deal of attention; but I think it would be very much better that on an occasion of this kind, in discussing the answer to the Speech from the Throne, a subject of that kind should not be introduced. It is one that will stand on its own merits, and I have no doubt before the end of the session will be pretty fully discussed; therefore, it is better that we should not introduce it on the present occasion.

HON. SIR ALEX. CAMPBELL—It is a pleasure on all occasions to reply to my hon. friend's criticisms. I am glad to notice that he finds some references in the Speech in which he can cordially concur: those about the Pacific Railway

and others. I think, however, he is incorrect in the proposition in which he complained of the want of independent opinion in this country—I presume he meant amongst members of Parliament—which he contrasted unfavorably with the independence of members in Great Britain. It seemed to me that the remark was not very *apropos*, in view of the position of affairs in this country. Within the last few months there has been an exceedingly widespread—in one province at all events—expression of independent opinion. Had he borne that in mind, he would hardly have complained of the want of independent feeling, or of the want of independent expression of it in this country; but, I think, with reference to all the provinces, and to members of Parliament generally, there is a very adequate expression of independent opinion. Government and Opposition are so affected by what they learn to be the feeling of those who support them that it guides, so to speak, the course of both. I do not think our public men contrast unfavorably with those of England—with those whom my hon. friend quotes as having taken an independent stand in regard to certain public matters in Great Britain.

Neither is the hon. gentleman's criticism correct, I venture to think, with regard to the Indians. He thinks that the discontent of the Indians is due to their intercourse with white men. In one sense this may be the case, but not because of their treatment at the hands of the Government, and the agents of the Government. I fancy that the discontent of the Indians has arisen not from ill-treatment by the Government or agents of the Government, but from other causes, and particularly from the extinction of the buffalo. Nothing appeals to a man's feelings, or arouses his discontent more than a want of food. In the years gone by when the Indians referred to by my hon. friend as being contented and peaceable under the good and wise rule of the Hudson Bay Company, a different condition of affairs existed. The Hudson Bay Company are entitled to infinite credit for their management of and system of dealing with the Indians in that country, and I have frequently taken occasion from my place in this House to pay my humble tribute to them

in that respect; but neither they nor any other power controlling the Indians could have provided against what has happened in the North-West in the last few years, as the result of opening up that country to settlement. When the immense supply of buffalo was cut off, there was a good deal of want and starvation amongst the Indians which naturally produced discontent. No matter how well they were treated by the agents of the Government; and no matter whether they were or were not subject to ill-treatment by white men, it was impossible to maintain content if they were on the verge of starvation. Now, with reference to their present position, since the supply of buffalo has failed, the Government have taken every means, I think, which reason would dictate, or which the finances of the country could afford, to supply the wants of the Indians and to keep them from starvation. Great pains has been taken, great care has been exercised, and large sums of money have been expended for the purpose; and I believe I am safe in saying that there has not been any starvation amongst the Indians, notwithstanding the statement which has been made to-day. It has been made again and again; we have heard it within the last five or six weeks, and the Government were so startled by the news that special pains were taken to find out whether the statement was accurate or not. Men connected with the service of the Government in the North-West, on whom we could thoroughly depend, were sent amongst the various tribes to ascertain whether the statements were correct, and returns reached us by letter and by telegram that they were not. Of course, Indians do not live as white men do, and when an agent says there is no starvation among them, he means literally that their wants are reasonably supplied, having reference to their mode of living. That is the return that was sent us by the various Indian agents employed during the last two months. The incident I speak of occurred a couple of months ago, during Sir John Macdonald's absence in England. The agents employed were reliable men in every way. I could readily mention the names; and I am sure if they were known to hon. gentlemen they would increase the impression which I desire to create by quoting their reports to the effect that

there was no starvation amongst the Indians.

HON. MR. SCOTT—The statement was made by a member of the North-West Council in the presence of the Lieutenant-Governor.

HON. SIR ALEX. CAMPBELL—I have no doubt it was, but similiar statements reached us from other sources entitled *prima facie* to great credit: and when we come to enquire into them by our own agents we found that they were not true. No doubt the Indian has suffered since the disappearance of the buffalo, but still not in the way or to the extent the hon. gentlemen apparently would desire the house to believe. The treaties which have been made with the Indians, and which have been faithfully and accurately observed ever since, show that the Indians have been supplied with what was thought by them and us essential to keep them above and beyond want. I think the efforts of the Government in that respect have not only succeeded but that we are entitled to some credit for having so earnestly and constantly persisted in them. No doubt sometimes the Government are deceived by agents, and some maladministration takes place which the Government does not hear of at the time: but we rapidly do become aware of it. There are not only agents, but there are inspectors of agencies who go round and report whether the agents are doing their duty: and these men see the chiefs and find if there are any complaints. Every effort is made commensurate with the resources of the country to prevent starvation want and suffering amongst the Indians: and I think we have succeeded in preventing these great calamities and that apart from the disappearance of the buffalo they are not suffering from want. But there are other sources of discontent—for instance, being kept away from the chase and having nothing to do. Then, again, it has turned out upon some occasions, that the character of the food which has been given them is not such as they like or desire to have. For instance, it has been found difficult to supply the Indians with fresh beef. It was attempted to remedy that by supplying them with good pork and ex-

cellent bacon. They admitted it was good of its kind, but they disliked the kind. I do not think we are remiss in respect to our treatment of the Indians. I was glad to hear my hon. friend say that he thought Canada was enjoying a fair degree of prosperity. I think it is too, but my hon. friend runs away with theories which he can never avoid discussing when prosperity is mentioned as to whether it is due to the policy of the Government or to some other cause more deep and more at the basis of national prosperity. The Government has not, in this speech, taken any credit for it. I have invariably, I think, declined, or tried to decline, discussing these questions with my hon. friend; but I think he will agree that we are quite right in trying to enjoy the prosperity and take it from whatever source it may come. I think myself—if I may be allowed to have an opinion on the subject—that it is partly owing to the Protective Policy, as well as to the deeper causes, to which my hon. friend alludes. My hon. friend finds fault with us for the delays with regard to the Fishery question, and blames us for not having stopped the Treaty rights abruptly in July last. What good could have resulted from that, supposing we had stopped the Americans from coming within our limits last July? It would only have increased ill-feeling amongst the people of the United States. Congress was not sitting, and it seems to me nothing could have been more likely to bring about disagreement with the United States than by taking the course which the hon. gentleman suggested. We said, although the Treaty ended in July, yet we will allow fishing to go on until the end of the season, with the understanding that the President of the United States will, when Congress meets, try to bring about the appointment of a commission to settle not only the Fisheries, but also all trade questions between the two countries on some liberal basis. What the hon. gentleman suggested we should have done, would have prevented any return to the relations which have been so happy and useful between the two countries. If we had taken the step which he suggests, we would have been obliged to send cruisers to those waters and stop the fishing within the three miles limit, and we might have

taken possession of some of their vessels and brought them before the tribunals for the purpose of having them declared forfeited. These proceedings would have excited exceedingly bad feeling, and there would have been no possibility afterwards of obtaining a return to our old relations; but the course which we did take afforded us an opportunity for negotiations. We found perfectly friendly and good feeling on the part of those in power at Washington—even an active disposition to join us in trying to get our trade relations reconsidered by the only power that could effect anything—that is Congress. The President could not make a treaty with us about the fisheries: he could do nothing but what he said he would do and has since done, namely: recommend it to the favorable consideration of Congress. That was a valuable point to obtain, and it at all events brought the subject up in such a way as to give fair-minded men in the United States, who desire to have trade relations with us, an opportunity to discuss the subject; and it renders it possible and even probable that these trade relations will be resumed. We should have heard nothing of all that if we had taken the course the hon. gentleman suggests. It is now apparently only those who have ownership in vessels and are absolutely engaged in the fishing that desire to prevent the renewal of the treaty. The men who are more or less concerned in the fishing trade in Boston and elsewhere, and the general public along the border and up towards the west, are all interested, and have endeavored to make their feelings known with reference to the advantage to the United States of renewing these relations. Gentlemen have passed backward and forward between Washington and here who have been and are still taking a very active part in endeavoring to bring about a renewal of those relations. It seems to me to be a sensible way of dealing with the difficulty and of reviving the relations which have been so valuable to us. That is the course the Government have pursued, and I think it was the true policy to adopt and the policy most likely to prove successful. My hon. friend passes over some of the other paragraphs of the speech and tells us that he will be glad

to consider the various measures promised in the speech from the Throne. Some of those measures were brought before the House this last Session. Two of them particularly were introduced and adopted in this House; and, therefore, they are being introduced this year in the other branch of Parliament. I hope and believe that the result of the Session will be advantageous to the country, and that the legislation to be adopted will be such as to commend itself to the favourable consideration of this House. I desire, before I resume my seat, to say one word in support of the ordinary usages of Parliament. There are certain customs which are binding upon all reasonable men, and which gentlemen submit to as a matter of course, because they feel that in so doing they are only acting in conformity with the general feeling of those surrounding them. The usage of Parliament, is to allow the leader of the Opposition to follow the mover and seconder of the Address; and the interruption which took place on this occasion was, I think, unparliamentary and unusual, and not made, I am persuaded, for any other purpose than to allow the member who made it, at a moment when he thought he could make himself conspicuous, an opportunity to indulge his inordinate vanity and malevolence. The idea of the hon. gentleman criticising Sir John Macdonald and his policy, is too absurd to be worthy of a reply. He desires to thrust himself on the House at times when hon. gentlemen do not want to hear him. Nothing has struck me more, since I have had a seat in the Senate, than the patience of the House on such occasions, when hon. gentlemen know that the usages of parliament are being departed from, and yet permit the person who offends to finish what he has to say. I desire to express my opinion of the course which has been pursued by the hon. member who prevented the hon. leader of the Opposition from taking the course which propriety and usage prescribe.

HON. MR. TRUDEL—(in French)—The Hon. Postmaster-General has made allusion to a parliamentary usage which I understand perfectly well. I think, however, he has departed from a well-under-

stood custom himself. It has been from time immemorial the rule for the leader of the Government in this House to congratulate the mover and the seconder of the Address on the manner in which they discharged their duty. I presume that it arose from forgetfulness.

HON. SIR ALEX. CAMPBELL—I did forget it. My attention was fixed on what had just been said by my hon. friend opposite, and I proceeded with my remarks in reply to my hon. friend without first referring, as I should have done, to the mover and seconder of the Address, and congratulating them on the able and eloquent manner in which they dealt with the subject.

HON. MR. TRUDEL (in French) complimented the mover and seconder of the Address on the able manner in which they had discharged the duty assigned to them. He could not help being struck with the courage which the hon. member from Lauzon (Mr. Bolduc) had displayed in congratulating the Government, not only on their general policy, but on the manner in which they had administered the affairs of the North-West Territories. The hon. gentleman seemed to be perfectly satisfied with all that they had done, because they had exercised clemency towards some of the imprisoned Indians and half-breeds who had been implicated in the outbreak. The hon. member, in the course of his remarks, had stigmatized the spontaneous movement of his compatriots in the Province of Quebec as revolutionary, and had gone so far as to assert that the press of his province had published violent articles inciting the people to disorder. If articles of an incendiary character had appeared in some of the French papers of the province, it must have been in Ministerial organs. It was a remarkable fact that the most violent of all had appeared in journals which were the recognized organs of members of the Government. For four or five days they had pursued this policy, and then, with shameless inconsistency, had taken the opposite course, and were so utterly devoid of honesty as to accuse the newspapers which advocated the national movement of the very offence of which they themselves had been guilty. At the time, he (Mr.

Trudel) had for three weeks published, in the columns of his newspaper, a challenge to any one opposed to the national movement, to point out one solitary article of a revolutionary character which had been published by the newspapers which had espoused the cause of the half-breeds. Perhaps the hon. member from Lauzon did not read his newspaper, but he could assure the hon. member that it circulated largely in the province of Quebec. He (Mr. Trudel) repeated his challenge now. Under the circumstances, it was most unfair to make such a violent and unwarranted attack upon the great mass of the people of Quebec and the press which expressed their views in connection with the North-West troubles.

HON. MR. BOLDUC (in French)—I hope the House will permit me to correct some of the statements which have been made by my hon. friend from DeSala-berry. I was very much flattered by his kindly comments on the manner in which I had spoken in moving the Address, but he has mis-interpreted a portion of my speech, and put words in my mouth which I never used. What I did say was that I offered my most sincere congratulations to the Government for having granted an amnesty to the half-breeds who had been imprisoned for having taken part in the North-West troubles, but I never said that the National party in the Province of Quebec were revolutionary. The sole accusation that I made was against a portion of the press of the Dominion—I did not allude to the press of Quebec alone. My remark was that it was to be regretted that a certain portion of the press of the country had made threats and published almost revolutionary articles, thus endangering the peace of the Dominion, arousing sectarian animosities, and almost exposing the country to the horrors of civil war. The hon. gentleman says he presumes that I have never read his paper. I admit that I have only read a few copies of it during the sessions, and it is difficult to understand how my hon. friend, who admits that I do not read his paper, can say that the press to which I alluded in my speech as having published revolutionary articles, was in the Province of Quebec. I ask the hon. gentleman what grounds

he has for saying, "When you said that the press has tried to excite prejudices between the different denominations and races of the Dominion, your remarks were directed against me?" I admit that the hon. gentleman is a better judge of what he has written than I am, and if he really wrote articles such as those I have denounced, he is welcome to accept the position, and to believe that the expressions I have used were directed against him; but I challenge him to prove that I have accused my compatriots of being revolutionary in the late movement, and I defy him to point out anything in my speech which could bear any other interpretation than that which I have just given. My hon. friend was kind enough to remark that I would be isolated in this House and in my Province. I make no pretence to being a dictator in the Province of Quebec as my hon. friend pretends to be. I have a right to entertain an independent opinion, and I can assure him that I am prepared and determined to express it freely. Moreover, I am satisfied that at the general elections my hon. friend will find that the intelligent and well-meaning French-Canadians are not all on his side.

HON. MR. GIRARD—Will the hon. Postmaster-General be kind enough to inform the House whether the debate will be adjourned or continued this evening?

HON. SIR ALEX. CAMPBELL—If the House desires it, I have no objection to the debate being adjourned until Monday, but it is usual to adopt the Address on the first day.

HON. MR. HAYTHORNE—It is not usual to hurry a division on the debate on the Address. I for one would feel I was remiss in my duty if I failed to offer some comments on the conduct of the Government during the recess.

HON. SIR ALEX. CAMPBELL—The only answer I have to make to my hon. friend is that I have not hurried it.

HON. MR. GIRARD moved that the debate be adjourned until Monday.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

HON. MR. BOLDUC.

## THE SENATE.

*Ottawa, Monday, March 1st, 1886.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## ST. VINCENT DE PAUL PENITENTIARY.

### MOTION.

HON. MR. BELLEROSE moved that :

"An humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, a copy of the protest of the Deputy Warden of St. Vincent de Paul Penitentiary (Telesphore Ouimet), objecting to the evidence of Hector Demers, summoned as a witness on the 14th July, 1884, being taken before the Commission of Enquiry named to enquire into the management of the aforesaid Penitentiary in 1884."

HON. SIR ALEX. CAMPBELL—There is no objection to the Address, but I may inform my hon. friend that a search has been made in the records of the trials concerning the Penitentiary without finding this document. Mr. Moylan is not in town at present. A telegram has been sent to him asking whether there is such a document in existence, and if there is where it is to be found.

The motion was agreed to.

## THE ADDRESS.

### DEBATE CONTINUED.

HON. MR. GIRARD—When I moved the adjournment of the debate on Friday last, it was my intention to speak in French, because the speech to which we had just listened at the time was in French; but I suppose, accustomed as I have been to rely on the indulgence of this House, it will be better for me to make my remarks in the broken English that I speak than in a language which many of the hon. gentlemen would not understand.

HON. SIR ALEX. CAMPBELL—It is good English.

HON. MR. GIRARD—It is a matter of great satisfaction to me to be called once a year by the supreme authority to enquire into the wants and needs of the country, and, judging from the past, to look into the future and see what is best to be done to consolidate the institutions of the country and promote the good of the people. This present session which is now opening, promises to be a very important one. Last year we were here for six long months, occupied in the great inquest of the Dominion. Accidentally a fire had originated in one of the extremities of our vast Dominion; a sufficient force was immediately dispatched to extinguish it; our sons, our brothers, and our friends were promptly on the spot; some of them fell, but others were there to take their place, not hesitating to sacrifice their lives for the maintenance of the British flag in this Dominion of ours. At the close of last session we thought that everything was over, and that the duty of members of Parliament on returning to their homes, was to restore and promote the peace and prosperity which had been interfered with. But other troubles came—troubles of such importance in some parts of the country that an agitation was created sufficient to threaten the harmony of our constitution and cause serious apprehensions of the disorganization of the Confederation. It is with great hesitation that I enter upon a question on which I think I am forced to meet my best friends on a ground where we may differ. When fifteen years ago I left them, it was for their sake that I did so. The mission that I entered upon at the time had no great charm for me. I was called upon to assist in the formation of a new country. It was a very important period for the French population. They had the best acquired rights, but they were not alone in the North-West land. It was in 1870, just at the end of the difficulty which had occurred there. At that time those troubles were justifiable, and they have since been justified; but they were naturally the cause of a feeling of animosity, which until then had not been known there. Those who endeavored to allay this feeling of animosity by mutual concessions, and doing justice to all were successful, and we were able to announce

to the world that we were prospering, and to invite the emigrating multitudes of the Old World to come and share that prosperity with us. Within a short time many thousands of people have settled amongst us; towns and cities have grown up, industrious families have settled in Manitoba and the North-West Territories, and enjoying such prosperity, we remain attached to the Government that have assisted and promoted this rapid development. From time to time we represent to our rulers the wrongs of which they have been guilty, and sometimes advise them to adopt another course. It is sufficient to look at the Speech from the Throne to be convinced that our importance is recognized. The best paragraph of it—the most important legislation that is there announced—affects either Manitoba or the North-West Territories. I may be permitted to ask my hon. friend from DeSalaberry if I am not justified, when I remember all that I have obtained from the Government for Manitoba and the North-West, in telling him, and through him, the people he represents, that the agitation which has taken place in the Province of Quebec has been prejudicial to the interests of Manitoba and the North-West. There is no doubt that it has. While the people of the North-West may consider the Government at fault in some respects, and while they have come before the Government at times to seek redress in the ordinary way, we never expected that such an agitation would arise as we have witnessed lately in the Province of Quebec. I feel sorry that it has arisen, because we in Manitoba, and especially the French element of the population there, have reason to be thankful to the Province of Quebec for the deep interest they have taken in our welfare. It is not my intention to declare war against my hon. friend from DeSalaberry. I act upon the maxim “I am not disposed to fight for fear I might be fought with.” At the same time, when the truth should be proclaimed I for one shall not remain silent. I have been accustomed in the past to find my hon. friend from DeSalaberry fighting the battles of the party to which I belong, and it was with a feeling of deep regret that I saw him assume a position which I cannot share with him. I think it is the only occasion in my life that I



have been obliged to differ from him on public questions. In the past I have been glad to recognize him as my leader in all that I have attempted to do in the interests of the party. I shall now refer briefly to the paragraphs in the Address in which my province is interested. With reference to the harvest of last year I am happy to say that in Manitoba and the North-West, the crops have on the whole been good. Early frosts destroyed the hopes of many who expected extraordinary crops, and some parts of the country have suffered more than others. We suffered in the vicinity of Winnipeg; but 60 miles from us, at Portage La Prairie, no damage was sustained from the frost at all. We have ample supplies of wheat not only for our own wants but also for those who require seed grain.

The next paragraph refers to the late troubles in the North-West which caused great anxiety throughout the country. They might have produced very serious consequences indeed. I know at Winnipeg fears were entertained that the city might be ruined. A disaster was averted through the promptitude with which help was sent from the Eastern Provinces, and now, since the troubles have ended, we are glad to find that the Government have come to the relief of the sufferers. Ample supplies of grain and provisions have been sent to relieve those who have been brought to want through the troubles. I hope there will be no repetition of the experience of last year. It was the work, and organization and scheme of 15 years time, and I am satisfied that people who are capable or desirous of bringing about such troubles are very few in the Dominion.

The clause with reference to the completion of the Canadian Pacific Railway is one of deep interest to the people of the whole Dominion. It was my good fortune to echo the words of the Speech from the Throne in 1872. It was a pleasant duty for me, and it is equally pleasant for me now to be able to announce that that great artery will ere long be completed from ocean to ocean. It has taken some years to finish the work. There was an interruption, the consequence of which we have had to stand, but a few months hence we will see the end of the work; it will be possible in the

course of next summer to proceed by continuous rail communication from the Atlantic to the Pacific. Certainly the Government which has provided the means of completing such a wonderful work deserves our credit. While there may be much in their administration which we cannot approve, we must recognize all that they have done towards the completion of that road, and the country should certainly be proud of such rulers. They should also be gratified to possess such men as those who assumed the responsibility of carrying out such a gigantic undertaking, and who have brought it to such a successful completion. They are certainly entitled to the gratitude of the country and should be recognized as the best promoters of the prosperity and greatness of the Dominion.

Allusion is made in the Address to the large expenditures incurred in the suppression of the late outbreak. It is true that the expenses have been heavy, but some good results have been obtained. Sometimes it happens that evil produces good; it has been so in this case. We know the depressed condition in which Winnipeg stood, up to last year. Business was at a standstill; but now it is admitted by everyone that the troubles in the North-West broke the jam, if I may use the expression, and business has become more active. The Government have certainly had something to do in bringing about that result; they applied the oil to the wheels, and the machinery has been moving ever since in such a way as to give satisfaction to the population in that vast country. The proposed measure to give representation in this Parliament to the North-West Territories will prove highly satisfactory to the people residing there. If it had been possible to give them such representation sooner, possibly the troubles of last year would not have arisen. Those who would have been sent here as their representatives would have explained their position to the Government, and I think it would have been easy for them to have prevented those troubles and the serious consequences which have followed them, and the large expenditures incurred. Certainly it would have been very easy to have stopped the Indians. They were incited to rise and could not have created an outbreak otherwise. I think it is possible

for the Government to treat the Indians in such a manner as to make them their friends. They should send men there who will treat them with the greatest kindness. That the outbreak did not assume more alarming proportions, I think is largely due to the influence of the clergy upon the Indians, and it is the duty of the Government to protect those engaged in preaching the gospel amongst the tribes. That is the best means of spreading civilization which could be employed. Not ten days ago I visited the Manitoba Penitentiary and witnessed the baptism of 29 of the Indians incarcerated there, among them such well known chiefs as Poundmaker and Big Bear. My opinion is that before long the Government will, in their own interest and the interest of the North West, come to the conclusion to release all the imprisoned Indians. They are certainly guilty, but they did not understand what they were doing. I think they now know that they acted wrongly, and it is to our interest that they should be restored to liberty as soon as possible. When those who have recently been baptised return to their families they will be our best friends. That is certainly the best means of promoting civilization and progress, and we may rest assured that they will never again violate the peace and order of the country. Having alluded to the paragraphs of the Address which refer more particularly to Manitoba and the North West, I shall now take the liberty of replying to some remarks which were made by the hon. member for DeSalaberry.

HON. MR. TRUDEL—I would ask the honourable gentleman from St. Boniface if it is a crime for the people of Quebec to create an agitation by expressing opinions differing from those of the Government. I think the honourable gentleman is falling into the same mistake, because he does not seem to approve altogether of all that the Government has done. I call his attention to the fact that it may be the means of creating an agitation in this House.

HON. MR. GIRARD—I do not think the Province of Quebec has committed a crime; but supposing they had committed what I considered to be a crime, I

would not take it upon myself to denounce it; I would leave to others better qualified than I am the duty of bringing it up against the province which I love *par excellence*. At the same time I do not hesitate to say that I regret the agitation which has taken place in the Province of Quebec. If it was not a criminal one, it certainly was very reprehensible. It was not in the interests of the Dominion, and it went so far that one step more would have endangered the existence of the confederation. For my own part I do not hesitate to express my unqualified disapproval of the movement. I do not say it is a crime to agitate. British liberty gives to the subjects of Her Majesty very wide scope, and gives us the right to plead for our rights; at the same time I do not think we could do any more than what has been done in the Province of Quebec to create trouble and disorder in the rest of the Dominion. The honourable gentleman from DeSalaberry smiles; but I tell him that we who reside in the North-West, who were most interested in this matter, never wished for such an agitation. We remained quiet. We were in the minority there, and we understood that if we desired to advance the interests of the Dominion, of our own province, and of the North-West, we could not do it by our own unaided effort. We are in the minority, and we feel that it is the duty of the minority to go to the majority and make mutual concessions from time to time which will be in the interests of the community as a whole. That is what we have done. If we had not done it, what would have been our position to-day? It certainly would not have been possible to have advanced that country to the position in which it now stands. It was only by mutual concession that it was possible to allay the animosity that existed when I first entered that Province. Certainly had I acted as my friends in Quebec have done towards the people of Manitoba I would have been forced to seek a home in some other country. Our friends in Quebec must understand that we do not care to submit to injustice, when any injustice exists, any more than they do, and for that reason we desire to protest against the agitation that has been brought about as not being in the interests of the confederation. It is very

painful for me to have to rise in my place and say we do not thank the Province of Quebec for what it has done, and ask it as a favor to let Manitoba alone. There are men there who understand the politics of the country, who know what is necessary for the Province and for the Dominion, who are ready to sacrifice everything, even their lives, if need be, in the interest of their country. They gave proof of it when they were called to arms during the late troubles. It was in the interest of the Dominion, that the people of Manitoba were the first to offer their services in the battle field, and there, without fear, to risk their lives in defence of their common country. The French and the English citizens of that country are still ready to do all in their power for the maintenance of peace and order in the Dominion, and I think that the people of the Province of Quebec will assist us in that duty. Certainly I am not, and I hope I have never been a blind follower of the Government. While I have always given them a fair support and sympathy because of the heavy responsibility they bear, and have always been ready to assist them when they are right, at the same time, I am not a blind admirer of all that they do. On the present occasion I do not see any sufficient reason to withhold from them the same support that I have given them in the past. The hon. gentleman opposite referred the other day to the victim of the 16th November last.

HON. MR. TRUDEL—I never said a word about it in this House.

HON. MR. GIRARD—I did not mention the hon. gentleman's name.

HON. MR. TRUDEL—I do not believe that the hon. gentleman is doing it intentionally, but he is departing from the question altogether. In the previous debate I only replied to some of the remarks of my hon. friend from Lauzon, and I did not intend to go into the merits of this question, and besides, I said that I would not go into the merits of the question because I thought it was understood that it should not be discussed on the Address. The hon. gentleman from St. Boniface speaks in English. I spoke in French. I

think that he will admit that I had some reasons for speaking in French, at least in one debate during the Session. It is very painful for me to see the hon. gentleman attempting to reply to statements which I did not utter and evading the question altogether. The hon. gentleman is trying to impress on the minds of members of this House that there has been an agitation, and I suppose since he denounces it, he means an improper agitation. In my opinion an agitation which consists of the expression of loyal opinion, and the use of constitutional right, is not one which should be denounced in such terms as the hon. gentleman has used. I do not think it is fair on his part to misrepresent us in the way he does. I feel that we shall always be ready to discuss the position we have taken, and I invite the hon. gentleman to point out to this House what was wrong in what we have done in expressing our opinion. The hon. gentleman says: "I find that there was not sufficient for me to withdraw my support from the Government." That is his view; but he ought not to find fault with other parties because they hold a different opinion.

HON. MR. GIRARD—I have nothing to say against the loyal opposition of the Province of Quebec, but I remember in certain cases it has been—

HON. MR. TRUDEL—Mention facts or opinions, or sayings or something.

HON. MR. GIRARD—At a convenient time I will mention, as well as I can, my impression of the circumstances the hon. gentleman refers to. I shall refer to the remarks of the hon. gentleman from De Salaberry; I will try to answer him as completely as possible, and if in my expression there is anything which I should not have said, he may be sure it is more from want of capacity than will on my part. I have looked upon the hon. gentleman as one of the pillars of the Conservative party. For over a quarter of a century he has been fighting for the good cause, and I was glad to serve under him. But when I see all this agitation in Quebec about Manitoba affairs, I, as a humble representative of Manitoba, so much interested in its destinies, hope he will not

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be offended if I tell him and the Province of Quebec, through him, we thank you for your sympathies, but we do not look for any change. Although the Government was in fault on some important points, there was nothing to justify the insurrection, and we do not want to put down the present government, because they have done great things in their day; they have introduced many reforms, and we have nothing better to expect from a change of administration. The hon. gentleman in his speech refers to the expiatory victim of the 16th of November last. I think we all regret what happened at the time. For my part, I would prefer to see that victim living to-day. If he were alive we would not have much difficulty in appreciating him at his true value; but dead he is everywhere. The only question is whether he had any sufficient reason to justify the course which he adopted. I think it would have been possible for the Government to have acted another way; but he was certainly not justified in plunging the North-West into an insurrection, and bringing upon his fellow-citizens the trouble and loss which they sustained, and which we all so much regret. We know that for years he laid his schemes in that new country through which he hoped to preside over a new world. He did not succeed. If he had succeeded, perhaps it would have been quite different; but he failed and had to suffer the penalty of the law. We all regret it; but at the same time I do not think there is sufficient cause for ill feeling against the Government for what has taken place. That man had certainly caused a great deal of suffering amongst the settlers of the North-West. The Government to-day are repairing as much as in their power lies, the wrongs that have been done; but it will take many years before the people are placed in the same position they held before the rebellion. I think that to-day the people are satisfied. They seek redress in a legal and constitutional way. They claim their rights as British subjects are entitled to do. I find in to-day's *Gazette* a dispatch from Winnipeg, which shows exactly the position in which affairs now stand in those parts of the North-West Territories where the troubles occurred last year.

With the permission of the House I shall read it:—

WINNIPEG, Man., February 27.—The half-breeds held a public meeting to-day at St. Laurent, when leading men from all the French parishes were present. Resolutions were adopted thanking the Government in warm terms for the humane manner in which the half-breeds had been treated since last spring. It was decided the half-breeds should ask the Government for a free grant of their lands, basing the claim on being the original possessors. They will also ask that an industrial school for half-breed children be established in the district, that the amnesty be extended to the half-breeds in the prison and across the border, that naturalization be made more accessible, and that electoral districts be erected in the French settlements. Riel's name was not mentioned.

I shall now take the liberty to read some extracts from letters which I hold in my hand as giving the opinion of some of our public men in the province of Manitoba and the North West. As far as Manitoba is concerned, I would direct the attention of hon. gentlemen to the manifesto of the Archbishop of St. Boniface, which has been recently published in Quebec:—

"Everything which affects Quebec, everything which affects Manitoba and the North-West Territories, touches me keenly, and, therefore, in view of an agitation which cannot fail to be attended with danger, I take the liberty, as respectful as affectionate, to say to my friends not to let themselves be drawn into a movement which may be most prejudicial to themselves, and to the cause which they have embraced with so much generosity.

"Amid all that has been said and written in the past three weeks, I have admired the noble promptings of a generous patriotism. Now, to be sincere, I should declare that I have deeply deplored impulses which, in my humble opinion, are not the echo of that sentiment, or do not in the least exhibit that extreme prudence which the true patriot imposes on himself in the crisis which occur in the history of a nation.

"Quarrels of race and above all of religion, are instruments most dangerous to handle, above all in a country where men of different creeds and origins are in daily relations with one another. Between different nationalities there is something of the spirit displayed between political parties. Each contents itself with seeing its own good aspirations, without taking into account those of others; just as it closes its eyes to its own defects, only to open them excessively to those of the other side."

I shall now read to the House the letters to which I have referred. One of

them is written from St. Albert where the troubles began, and the other is written from Edmonton in the North-West Territories. The gentleman who writes to me is a half-breed, a young man of education who draws a parallel between the position of his country as it was some years ago, and its position to-day. He says :

"It was a sad blow, and one which has thrown us a long way behind. What disorganization in our French parishes! I can truly say that it is as if fire or war had passed over them. I have been there but once since the troubles, and I can assure you that they present a sad spectacle. What a contrast they furnish to their former condition!"

This other letter, coming from a French-Canadian gentleman established at Edmonton, is from an independent source, and this is what he writes to me :—

"I see that the Province of Quebec is still agitated over the hanging of Riel. The announcement of his execution is received by the Metis very coolly. If I might venture to express an opinion, I would say that this agitation does us more harm than good. We have nothing to gain by it. On the contrary, it is arousing race prejudices. If the people of the Province of Quebec knew what a train of evils that agitation is preparing for us—for us who are but a handful of French-Canadians lost in this vast North-West—I believe they would have sufficient patriotism not to try to destroy us completely.

I give those extracts just to let hon. gentlemen know the position in which not only Manitoba but the whole North-West Territory stands in reference to these troubles. I will not go any further than to recite the words of the hon. member from DeSalaberry—that it is not easy to impart life to what has no life in it. It is possible, however, by our patriotism, and kindness, and forbearance to restore the progress and prosperity of our country. It is for that purpose we are here ; for my own part I am quite decided to do my best to advance, as far as lies in my power, the true interest, the peace and prosperity of this Dominion.

HON. MR. POWER—I hope I may be pardoned if before referring to the Speech from the Throne I allude briefly to another matter. It will be remembered that towards the close of the last Session it was generally understood that we were to lose from this Chamber the gentleman who has so long and so ably led it ; and

I hope I shall not be considered as disloyal to my party if I take the first opportunity of expressing my sincere gratification that that hon. gentleman still remains amongst us.

HON. GENTLEMEN—Hear, hear.

HON. MR. POWER—I do not mean to say that the hon. gentleman feels happy about it himself ; but if his remaining here is his loss, it is our gain ; and I only hope that we shall have him with us for a long time to come. Having said so much of the leader of the House I may be allowed to sympathize with another hon. gentleman as to whose promotion some of us have been disappointed ; and I only hope that in due time the strenuous exertions of that gentleman in the cause of his party, may meet with the promotion to which they are entitled.

Now, a few words as to the Speech. His Excellency begins by congratulating us on the sufficient harvest of last year, and on the prosperity and substantial progress of the country. I am glad to know that throughout the Dominion as a whole the harvest has been fairly good ; but I regret to say that coming from the portion of the Dominion which I do, I cannot concur in the sentiments expressed in the latter part of the first paragraph of the Speech. Speaking only for the Province of Nova Scotia, as to which I think I can fairly speak, I believe we have no reason to be congratulated on the prosperity and substantial progress of that part of the Dominion. Taking the city of Halifax for instance, we find that one most important establishment which it was boasted had been the result of the introduction of the National Policy, has come utterly to grief—the Nova Scotia Sugar Refinery—and in that manufactory there has been sunk nearly half a million of dollars, which money has been completely lost to the shareholders ; and the institution is now closed up with little prospect of being re-opened.

Then, the West India business, which it was supposed would be promoted by the change in the sugar tariff, is suffering almost as badly as the sugar refinery. The West India business of our Atlantic ports is at the present moment in a worse position than it has been for a great many

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years ; and, unless some change is made in the tariff, there seems to be no probability that the West India trade, a most important one to us, will recover. Honourable gentlemen may think that the West India trade, and the sugar business may be exceptions to the general rule in the province of Nova Scotia, but there are other criteria of the prosperity of the country of which that cannot be said—they are criteria which are almost infallible. There is no better criterion of the prosperity of any city, county or district than the value of land. The value of land in the Province of Nova Scotia at large, and especially in the city of Halifax, has gone down very materially during the last few years. At the present day the value of property in Halifax is not more than two-thirds of what it was ten years ago. The process of depreciation in the value of land in that city has continued almost steadily since 1877.

HON. MR. CARVELL—Are you not glad of it ?

HON. MR. POWER—I am not glad of it ; I am very sorry, as I have reason to be. There is another criterion of the state of business in a country, that is the condition of the banks. Now the banks in Nova Scotia are worse off to-day than they have been, I should say, for 25 or 30 years. I have in my desk a petition from a bank which has been doing business there for some thirty years, asking for a reduction of its capital to one-half. The dividends of the banks have been largely reduced ; and we had not long ago in the Halifax Chamber of Commerce, the manager of the largest local bank in Nova Scotia declaring that business generally was depressed, that the condition of the banking business was most unsatisfactory, and that there was very little prospect of its improvement. Probably that is enough to say on such an occasion as this with respect to that particular matter. I may be pardoned if I make one more remark on the subject. The hon. gentleman from Lauzon, in the admirable speech in which he moved the Address in reply to His Excellency's Speech, spoke of the progress that we have made since 1867. Now, whatever progress may have been made in the Province of Quebec or other

provinces, in Nova Scotia it has been largely of a retrograde character, and the Province does not stand as well to day as it stood in 1867.

The second paragraph of His Excellency's Speech deals with the question of the recent disturbances in the North-West Territories. I am happy to be able to join with the hon. gentleman from Lauzon in speaking in terms of warm praise of the conduct of our volunteers. They conducted themselves on the whole in a way that would have done credit to regular soldiers ; and I think that the Militia Department deserves the greatest credit for the manner in which it contrived to put so large a body of troops on so distant a field of action in so short a time and with so little loss, and in getting their supplies there. I regret to notice, from the tone of this paragraph of His Excellency's Speech, that there appears to be some foundation for the rumors of a threatened Indian uprising in the North West. He says : "it will be the duty of my Government to make such precautionary arrangements as will assure the present inhabitants as well as intending settlers of efficient protection against all disturbance." Considering that there are already two batteries out there, this intimation that more troops are to be sent to the North West would seem to indicate that the Government feel that there is a danger of a further rising.

HON. SIR ALEX. CAMPBELL—There is no specific reason for the apprehension. We have no direct evidence to indicate in any way that there is any difficulty to be apprehended there ; it is simply a precautionary measure.

HON. MR. POWER—I am happy to hear that, and I regret that the Government think it necessary to send additional forces to the North West. We must admit that while the recent disturbance was a loss to the country at large, to a number of people in the North West, it was a great gain ; and I presume no one is more alive, than the leader of this House is, to the fact that parties pecuniarily interested in that way are likely to contrive to create an impression that there is danger in order that more money may be spent in that country. I think these stories of probable

Indian rising ought to be somewhat discounted. The suggestion has been made before, and I think possibly there was some reason in it that the Indians at the close of the recent disturbance should have been at least partially disarmed. I also feel, as I felt at the time the disturbance broke out, that it would have been wiser for the Government to entrust the defence of that country to the local forces, the people on the spot. They are more directly interested in preventing any armed outbreak than we are; and if local volunteer corps were organized in the dangerous districts they would, with comparatively little expense to the rest of the country, prevent any risk of outbreak.

The third paragraph of the speech congratulates us on the practical completion of the Canadian Pacific Railway. In that congratulation I can most heartily concur; and the reason why I do so is this—so long as that railway was in an incomplete condition we were never sure that a Session would pass without bringing the Canadian Pacific Railway Company to our doors asking for more money. I do not feel very sanguine yet that we shall not have another application; but I am happy to think that the time for these applications is nearly over.

HON. MR. PLUMB—We have not lost anything.

HON. MR. POWER—More than one hon. gentleman has dwelt with a good deal of feeling on the energy and wonderful enterprise shown by the Canadian Pacific Railway Company in the construction of the work which they had on hand. The hon. gentleman who seconded the address was one of them, and I think the hon. leader of the Opposition was another. It does not seem to me that, when the country supplies all the money that is required and a great deal more than is absolutely necessary, and supplies it with a ready and lavish hand, the people who spend the money deserve a great deal of praise for displaying energy. With abundant labor and means at hand to carry out such an undertaking it is not difficult to prosecute it rapidly. I venture, now that the work is nearly completed, to doubt the wisdom of the haste with which it has been carried over the

mountains by what I consider to be a bad route, and of the speed of its construction north of Lake Superior. However, this is not the time to discuss this question, and I do not propose to go into the reasons *pro* and *con*. I think, with respect to the reports and statements which we have as to the earnings of the road, that they should be regarded with a certain amount of doubt. I may be mistaken; but I believe that in these statements we get the earnings of the leased lines as well as the earnings of the main line, and I should be very much surprised to learn that the main line of the Canadian Pacific Railway is paying its working expenses. There is one reason why as a British subject one cannot but feel pleased that the road is practically completed, and that is in case of difficulty between England and Russia, or some other country, this Canadian Pacific Railway will be available for Imperial purposes. That suggests another consideration. If this road is built, as it has turned out to be, largely for Imperial purposes, the Mother Country should to some extent contribute towards the cost of its construction, and not leave the whole burden upon her colony. I do not know how my hon. colleagues from Nova Scotia feel, but I could not help thinking, when listening to this paragraph in the Speech and to the congratulatory comments made upon it, that down in Nova Scotia we had very little reason to congratulate ourselves upon the completion of the road. We were given to understand that that road would be brought to us—that we should be connected with its present terminus by the shortest and best practicable line. That hope has been disappointed, and on that point we have had expressions of opinion from bodies authorized to speak for the mercantile community of Nova Scotia. Then, while the 20,000 people of British Columbia have connection by the Canadian Pacific Railway with the centres of population, the great island of Cape Breton, with a population five times as large as that of British Columbia, and which has been a portion of the Dominion for several years longer than the Pacific Province, instead of having a railway has still to be contented with a survey and with promises. I hope that now that the Government have built their road as far as they can to the

west, they will see that it is completed at an early date at the east end too.

HON. MR. MCINNES (B. C.)—I hope the hon. gentleman will allow me to correct an error into which he has fallen. He states that the population of British Columbia is only 20,000. If he will look at the census of 1881 he will find that the population is very much larger.

HON. MR. POWER—The white population.

HON. MR. MCINNES—I am not speaking of the white population; neither do I think, when the population of Nova Scotia or any other province is mentioned, that any distinction is made between white, black and red. The population of British Columbia is nearer 75,000 than 20,000.

HON. MR. POWER—Perhaps I overstated the number of whites and understated the number of Indians. I do not think the Indians are likely to give much trade to the Canadian Pacific Railway.

HON. MR. MCINNES—Yes they do.

HON. MR. POWER—In case of an outbreak perhaps they will, but not otherwise. Coming from one of the Maritime provinces which is largely interested in the fisheries question—more largely than any other province of the Dominion—I must confess to a feeling of disappointment at the tone of the paragraph which deals with that question. It is evident that the Government do not feel hopeful of a successful end to the negotiations for the renewal of the Washington Treaty, and they speak of making provision for the protection of our inshore fisheries, by the extension of our present system of marine police. I presume the English of that paragraph is that the fishery clauses of the Washington Treaty will not be renewed, and that there will be nothing to take their place, of a general character like the former reciprocity treaty. Now, why are we in this position? It may be that that position is an unavoidable one; but I must say that I think the course of the Government in connection with this matter has not been one which we should approve of. It has been practically to do nothing whatever;

and the reason that they gave for doing nothing was that if they were to attempt anything it would manifest an anxiety for the renewal of the treaty, which would lead the Americans to think that we valued it very highly and that therefore they should not give it to us. I think, to begin with, that it is absurd to suppose that a business-like people like the Americans would be governed by considerations of that sort. If it is clear to the American Government and people that the Washington Treaty or a wider treaty—a reciprocity treaty—would be beneficial to themselves as well as to us, I do not think they are so silly as to refuse to negotiate such a treaty because we would share the benefits derived from it. Here we have the same government which year after year excused their doing nothing towards getting a renewal of the Washington Treaty or of the reciprocity treaty on the ground which I have just mentioned, giving away at the close of the treaty the whole season of fishing to the Americans for no consideration whatever. Now what greater proof could we give of our anxiety for a renewal of the treaty and our fear of offending the American people or their government than to give them for nothing all the benefits which they enjoyed under the treaty? What has been the practical result of this? The fishermen of Massachusetts have interpreted this action of our government as an indication of weakness, and probably as an indication that our government did not believe that the fishing rights which the Americans enjoyed under the treaty were of any great value; and, having got them for nothing, they are able to speak of them as being valueless and to use that as a strong argument against a renewal of the treaty. If the Government, which had two years notice of the proposed abrogation of this treaty, instead of folding their arms and doing nothing, had made preparations to deal in a summary and vigorous way with the American fishermen when the treaty did terminate, and if in addition to that they had taken pains to secure such statistics as would have shown that the Washington Treaty and the previous Reciprocity Treaty had been of the greatest benefit to the United States, then we would have been in an infinitely better position to deal with the United States



Government than we are to-day. I think the conduct of the Government on this one point is sufficient to condemn them, at any rate in the estimation of the people of the lower provinces. I know already it has had very great effect indeed in changing the opinions of the fishing population as to the merits of the present Government. It is now very late in the day to begin to do anything. It does not seem that anything has been done yet; and I do hope that the Government will make up by prompt and vigorous action now for their neglect in the past—that they will take steps to secure the statistics which they ought to have got before, and that they will vigorously and energetically protect our rights in our inshore waters. I trust that they have taken steps already to secure the assistance of the Imperial navy in protecting our fisheries. Supposing the Imperial Government have no right to contribute towards the construction of the Canadian Pacific Railway, I think the least they can do, seeing that we have done so much for them in furnishing them with such a magnificent military road as the Canadian Pacific Railway, will be to allow us to utilize their navy to protect our fisheries.

As to the next two or three paragraphs of the Address I do not propose to say anything. They refer to matters that I think must meet with the approval of every hon. gentleman. It is desirable that the Consolidated Statutes should get into use as soon as possible. I am glad to see that the consolidation is now about completed and ready for submission to parliament; and undoubtedly it is a desirable thing to improve the judiciary system that obtains in the North-West.

The fifth paragraph speaks of the taking of the census in the North-West Territories, and indicates that it is proposed to introduce a measure for the representation of the people of the North-West in Parliament. I am glad that it is so; and I agree with the hon. gentleman who spoke before me in thinking that if the people of the North-West had been represented in Parliament during the past few years the recent disturbance might not have taken place at all. One thing struck me as being singular—that, while so many petitions were undoubtedly sent from the North-West to the Government,

so few of them found their way before Parliament. If that country had been represented in the House of Commons and in this body, undoubtedly we should have had years ago petitions giving us information which, as things have turned out, was unfortunately only in the hands of the Government, and, as it appears, in very bad hands indeed. When I say the Government, I do not mean to say the blame is to be borne equally by all the members of the Government. It is generally understood that the leader of the Ministry has had North-West affairs under his special control; and that even when the hon. gentleman whom we regret not to see amongst us now was Minister of the Interior he was guided and controlled by his leader.

I am glad to learn from the 6th paragraph of the speech that a measure will be laid before us to provide for a better mode of the trial of claims against the Crown. I think there was room for improvement in that way. There is one subject referred to in the 6th paragraph of the speech which I cannot help feeling some apprehension about. His Excellency tells us that a measure will be laid before us for the administration of the rights of the Crown in the fore-shores of the Dominion. I am afraid that, in introducing a measure of that kind, we are about entering upon a course of difficulty such as we got into by our interference with the license question. I think the intention of the framers of the constitution clearly was, and the practice of all the Provinces since the Union has been, that the grants of water or of land covered with water should be made by the provincial governments. I am sorry to see an intimation here that it is the intention of the Government to take this matter into their own hands. I think before any measure of that sort is introduced the government should have the opinion of the Privy Council on the question of right. I have always felt, and I should not speak so positively if I had only my own opinion, but I know numbers of gentlemen of sound legal learning who believe that the decision on which this measure is to be based was an erroneous one.

The 7th paragraph, which is addressed more particularly to the House of Commons, tells us that the estimates of receipts

has been fully realized. We will all be glad to hear that, no doubt; as we must all share in His Excellency's regret that the outbreak in the North-West has added largely to the expenditure of the country. I think, as to that last passage, that the substance of it is, we have a very large deficit this year, the largest we have had since Confederation; and the Government say the cause of it is the outbreak in the North-West. I regret that the hon. gentleman to whom I referred just now is not here; because, when I said last year that the period of deficits was approaching, that hon. gentlemen said it had not come so far, and was not likely to come—that I was a false prophet. It has come now. But it does seem to me that, to excuse the existence of the deficit as has been done by those who have spoken on behalf of the Government by attributing it to the difficulties in the North-West, is an attempt on the part of the Government to take advantage of their own wrong doing. Our information as to the causes of the difficulty in the North-West is not as full as it might be, but still we have enough information to show that the Government are responsible. We have the admission of the hon. gentleman—a warm supporter of the Government—who has just spoken, that if the North-West had been represented in the House of Commons and in this House, the outbreak would not have occurred. If Parliament had had the information which the Government possessed, the rebellion would not have taken place. Clearly the Government were responsible for the insurrection, because they did not do what they would have done under the pressure of the members of the two Houses. The Government themselves admitted at an early stage in the outbreak—in fact just as it began—by the issuing of a Commission on the half-breed claims, that they had been negligent of their duty before. We have information to show that there was a great deal of discontent amongst the whites as well as amongst the half-breeds in the North-West; and it is not to be wondered at when it was very often a matter of several years' effort to get a patent for lands in the North-West. I have heard of one instance where the Lieutenant-Governor of the North-West Territories, Mr. Dewdney, sent an urgent

dispatch to the Government here stating in his dispatch that it was a matter that required to be attended to at once. That dispatch was answered a year afterwards to the effect that the matter would be considered, and nothing, I believe, has been done about it since. One can understand, in a free country like this, when the well-founded complaints of people are treated in that way by the Ministry, that if the people break out in revolt the Ministry are to blame. Then in addition to these half-breed claims and the difficulties about patents, and the delay in doing things generally, and the dissatisfaction as to the manner in which the surveys were made where the half-breeds were settled, there was the character of the appointments made by the Government in the North-West. The dispatch which the hon. gentleman from St. Boniface read to us just now shows that the people of St. Laurent have still to complain of the delay and neglect of the Government. It is clear that it was the misdeeds and the neglect of duty of the Government which made Riel's rebellion possible. If there had been no misconduct and no neglect of duty on the part of the Government there could have been no outbreak. I do not wish to be understood at all as justifying the rebellion. I should be very sorry to have any hon. gentleman understand that I assume such a position. Things have to go a very long way before open rebellion is justifiable; but the outbreak would not have taken place if it had not been for the Government's neglect and misdoings. I do not pretend either to say that the Government were wrong in allowing the law to take its course in the case of Riel. If, instead of executing Riel, they had executed, for instance, such a man as Gabriel Dumont, I think their conduct might have been found fault with. But Riel's case was different. Looking over the evidence there are certain circumstances which are calculated to prevent a man of unbiased mind from sympathising deeply with him. When you find a patriot who on different occasions professes his readiness to sacrifice his patriotism for \$35,000, I think he is hardly a man who deserves a very great deal of sympathy. So I do not quarrel with the Government—that is, as far as our information goes—over the execution of

Riel. It may be that the report of the Medical Commissioners who were sent out to investigate Riel's mental condition would show some cause for clemency. I regret that the document does not appear amongst the papers laid before us; but I feel bound to suppose that their report was to the effect that he was not insane; and then I do not think we have any reason to find fault with the Government for his execution; but it does not seem like even-handed justice that a man of comparatively narrow mind and small ideas—who was guilty, no doubt—should expiate his crime on the scaffold, while another man who was in a greater degree the cause of the outbreak, remains at the head of the Government. There is this further thing to be said, that, although the Government may have done right in allowing the law to take its course, right things are sometimes done from wrong motives; and it is possible that before the end of the session we may have an opportunity of ascertaining the motives which led to the law being allowed to take its course in the case of Riel.

I may say that during the last summer the Lower Provinces were visited by a gentleman of distinguished position and great ability, whose connection with the leader of the Government is a very intimate one, and who went about lecturing in different important centres in the Lower Provinces, apparently preparing the minds of the people for a commutation of Riel's sentence. That that gentleman should have done so without an understanding with the head of the Government, seems to me highly improbable.

HON. SIR ALEX. CAMPBELL — Who is he?

HON. MR. POWER—Rev. Principal Grant.

HON. SIR ALEX. CAMPBELL — I never heard of it. He is not in the confidence of the Government, any way.

HON. MR. POWER—I have said all that I propose to say as to the paragraphs in the Speech from the throne. I shall now call attention to some omissions from that Speech. In the first place, it makes no reference whatever to the question

which is looked upon in the Lower Provinces, as the most important of all the questions which can engage the attention of the Government and Parliament—that is the question of reciprocity. Hon. gentlemen in the Upper Provinces cannot realize how strong the feeling on that subject is with us, and they cannot realize how great will be the disappointment of the people in the Maritime Provinces, when they find that the reciprocity question is kept resolutely in the back ground; and I think their disappointment is justifiable, because amongst other reasons, the present leader of the Government when in opposition moved on one occasion a resolution in which he spoke about moving through reciprocity of tariffs to a reciprocity of trade. We have moved a very long way in the direction of reciprocity of tariffs, but we seem to be farther off than ever from reciprocity of trade. The natural market of the lower provinces is in the United States. The market of Nova Scotia is almost exclusively there. They have a market in England to a certain extent, but the United States constitute the principal market for a great many productions of Nova Scotia, and the people down there must feel bitterly disappointed to find that there is no prospect of an early opening of that market to them.

There is another subject which we might have expected to see noticed in the Speech, after the eloquent and patriotic speech made by the leader of the Government at St. George's Club in London. The Speech does not say a word about imperial federation. Upon reading the right hon. gentleman's remarks, one would naturally suppose that that subject would occupy a prominent place in the Speech from the Throne.

There is another significant omission from the Speech of this year, the omission of any reference to the Intercolonial Railway. For a number of years after the change of Government, we had triumphant references to the fact, first, that we were equalizing the expenditure and the income; and then for two or three years that there was a considerable excess of income over expenditure. This year there is no reference to that road, because there is an unprecedented deficit in the Intercolonial Railway revenue. I regret to notice that

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the Government, instead of taking what might be regarded as statesmanlike steps towards improving the condition of things on that railway, has been dismissing old and trusted employes at the very worst season of the year, in midwinter, when it is almost impossible to get employment elsewhere. We do not find in the Speech any reference to the license law. That was a matter that occupied our attention for two or three years. It has now been happily disposed of. I am surprised that the Government do not congratulate the country upon the fact that this burning question has been completely extinguished by the last decision of the Privy Council. Probably if the leader of this House were still Minister of Justice, he would have seen that a paragraph was put in the Speech with reference to that matter. There are other decisions of the Privy Council that we do not hear anything about either.

There is just one remark I should like to make as to something that dropped from the hon. leader of the Government in reply to what was said by the leader of the Opposition. The leader of the Government said that there was no want at all in this country of independent expression of opinion, and he referred to the present agitation in the Province of Quebec. The leader of the Opposition was perfectly right in expressing his regret at the absence in this country of an independent political sentiment, and I think the leader of the Government need not have gone back very far to recall cases where that independent feeling was effectually crushed out. The hon. gentleman cannot help remembering how it was that the opposition to the last vote of \$30,000,000 to the Canadian Pacific Railway was disposed of—how the independent opinion opposed to that grant was got rid of. The hon. gentleman must remember also that last session a measure was introduced into Parliament which was opposed, I believe, by three-quarters of the Conservative members of the House of Commons; and that independent opinion was got rid of in some way or other; and, look at the course now taken by the Government and their friends—

HON. MR. CARVELL—I rise to a point of order. I do not think my hon.

friend is justified in standing up here and abusing so large a majority of the other branch of parliament.

HON. MR. POWER—I am not abusing them; I am only pointing out how very accessible to reason the majority of them were.

HON. MR. CARVELL—Traducing them.

HON. MR. POWER—No; I am not traducing them. If my hon. friend can induce some of his friends to reveal the secrets of "No. 8," hon. gentlemen will see whether I am traducing them or not. I think the circumstances which accompany one great expression of independent opinion are enough to show how true the words of the leader of the Opposition were. We have had recently an independent expression of opinion in the Province of Quebec; and how has it been met? Has it been met in a reasonable way? Was not this expression of opinion, which may have been rather extreme, but was kept within constitutional bounds, met at the very outset by the organ of the Government in Toronto with the threat to do away with the constitutional rights and privileges of the people of Quebec, guaranteed by the treaty of 1763? That fact just shows how little the people who govern this country can understand or appreciate independent expression of opinion. I hope that as we grow older we shall grow wiser and grow more like England. I think it is very much in the interests of this country that we should have much more frequent and general expressions of independent political opinion; and I only hope that before we get through this session we shall not have striking evidence of the large price that the country shall be called upon to pay in order to get rid of the recent and present expression of opinion in the Province of Quebec.

HON. MR. KAULBACH—I do not rise to prolong this debate, and probably I should not have risen at all but for some few remarks of my hon. friend on my right. Now, as regards reciprocity, my hon. friend would lead the House to believe that the Government is opposed to trade with the United States. He must re-

member well, however, our failure to secure it in 1874, when a then distinguished member of this body went to Washington to negotiate a reciprocity treaty, and the conditions which he and his party were willing to give, although they were considered too large and not in the interests of this country.

HON. MR. BOTSFORD—They would not be approved of, even to-day, by the Dominion.

HON. MR. KAULBACH—True, we have become self-reliant. Even after all the negotiations, we failed—entirely failed—and we had it then from the leader of that party in the other House, that we had humiliated ourselves enough; that we should not again put ourselves in a false position; that he should never consent to our humbling ourselves any more and asking concessions from the United States in the manner we had done. That was the condition of affairs at that time, and since then has there been any reason why we should approach the United States and ask for reciprocity, even in the natural products of the country? When this country adopted our present system of protection eight years ago, what did we do? By Act of Parliament we provided that whenever the United States were willing to abolish or reduce the duties on natural products of the country, our Government should do the same. That inducement has been held out to the United States for the last eight years—a standing invitation to extend the commercial relations of the two countries, and they have failed to accept it. Can the Government of Canada be reproached, or can it be said that the Government are hostile to reciprocal trade in the natural products of the two countries? I say no, because the country knows well that Parliament has given that authority: and that policy has not been challenged, but has been endorsed on two occasions by the people; therefore my hon. friend does not state the case fairly. He would impress upon the country a view which is not sustained by the facts when he would lead the people to believe that this Government is opposed to a reciprocity treaty. I probably should not have risen at all on this occasion, but when statements were pro-

mulgated by my hon. friend which have a tendency to mislead the minds of the people, and make them believe as facts things that do not exist, I felt myself bound to expose such falacies. I do not intend to follow the whole discussion of my hon. friend. It seems to me that although there is prosperity and substantial progress in the country my hon. friend from Halifax sees nothing but adversity and black ruin everywhere. As regards the harvest he has very little to say, or as to the prosperity that prevails amongst the farmers. I know that that prosperity is widespread throughout the Dominion, and it is admitted that agriculture is the basis of all our industries—our very existence depends upon it. The manufacturers have to depend largely on the raw products of the farm, and although we have had a good harvest, my hon. friend had not a word of encouragement on that subject, but says that the prosperity of the Maritime Provinces is diminished. I fail to see it. He refers to the lands in Nova Scotia as having depreciated in value. It may be the case in Halifax, but the prosperity of Halifax is not the prosperity of the whole Province. Halifax at one time had a monopoly of the trade of Nova Scotia; the whole Province came to trade with Halifax; but now each little town imports direct from the Old Country instead of buying from Halifax merchants, and can sell cheaper than the Halifax merchants.

HON. MR. BOTSFORD—And small villages are rising everywhere?

HON. MR. KAULBACH—Yes, and they are flourishing. I say that the prosperity of Lunenburg never was greater than it is at the present day, although money is scarce and in demand. Property in Lunenburg which ten years ago was not worth \$1 is to-day worth \$10. Our fisheries have been very productive; but the trouble is we have had poor markets for our fish in consequence of the abrogation of the Fishery Clauses of the Washington Treaty by the United States, and depression of trade—and sugars in the West Indies. I believe however that the time will come when the United States will have to crave of us the privilege of resorting to our fishing grounds.

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The American dealers will soon find that they cannot in their own waters catch sufficient to supply their own markets, and the American people will find that they have to pay too high a price for their fish. We will then be able to send our fish into the United States in the face of their high protective duty, and compete successfully with the American fishermen in the markets of their own country. In addition to that we are opening up a large trade with the people of Western Canada. We find that we can send our fish up this far, and soon we will send them very much further into the interior of the country. Our great North-West will find also that instead of allowing United States fish dealers to be the middle men to pack and sell the fish of the Lower Provinces we can do it ourselves, and send it to other markets. We, of necessity, are becoming alive to the importance of encouraging that industry and opening up new markets, and I believe that in the end, instead of having to go to Washington and humble ourselves there by asking the United States authorities to continue the Fishery Treaty, that they will find it in their own interest to come to us for the right of free fishing in our waters in exchange for free markets in the United States. I differ from my hon. friend when he says that this Government did wrong in allowing United States fishermen to fish in our waters after the abrogation of the Treaty. I am deeply interested in fisheries myself. The people of the County of Lunenburg, from which I come, catch half the fish that is exported from the Province of Nova Scotia, and I am directly and indirectly largely interested in that branch of industry. The feeling there was that if we had protected our fisheries and routed the United States fishermen after the lapse of the Treaty, we would not be in a fair position to negotiate for a continuance of the Treaty. We felt that if we granted that concession last year it would be a step towards not only a renewal of the fisheries Treaty, but also towards securing reciprocity on a larger scale. We felt that the Government had done their duty; that instead of provoking the hostility of the people of the United States, and incurring enormous expense to fit out a marine police, they have done better by extending the olive branch

and showing a disposition to meet the American Government half way. I hope that our neighbors will yet have a better mind on this subject. I believe the vast majority of the people of United States, have not yet looked into the matter. The fishing people in Gloucester and Cape Ann, and along the shores of the Eastern States have been aggressive on this question, but the time is coming when the whole of the people of the United States will become alive to the importance of this matter, and will see that they are being heavily taxed to put money in the pockets of a few fishermen in the Eastern States. In this connection I hope that the Washington Government will be generous enough to return to us the moneys they have taken from us unfairly in the shape of duties on fish, since the abrogation of the treaty, and I draw the attention of the Government to that point. Our fisheries this year have been prosperous; the catch was large, but in consequence of a want of good markets the fishermen are no better off than they were at an earlier period of the fishing season. The country must see that we are not now and have not been for the last year, in a position to ask the United States to continue the treaty. The late administration in the United States, we know, was adverse to the Fishery Treaty. Both branches of Congress had given notice that they intended to terminate the treaty. We could not approach them and ask them to stultify their own action. We knew better than that; we knew that a general election was coming off in the United States; that there was a hostile feeling in certain quarters against everything British, and both of the great political parties felt that they could not take up this important question. Party lines were drawn so closely it was felt that if they touched any one industry or prejudiced any particular class in the United States it might prejudice the elections, and we could not ask anything from them. But when the new President of the United States said he would recommend to Congress not only free fishing and free markets, but a general extension of reciprocal trade between the two countries—I say when we had such a suggestion from the new President of the United States, who had the support of a large and influential party in Congress,

this Government would have been recreant to the great fishing interests of the country had they made themselves hostile to the people of the United States, and disregarded these manifestations of better feeling on the part of the United States Government. I think our Government have acted wisely and well, although it has resulted in a temporary injury to our fishermen. The fishermen themselves feel that the Government have acted wisely, and in the interests of that great and important branch of the industries of the lower provinces. Our fishermen maintain a spirit of self reliance; they hold of right waters teeming with fish along 1,200 miles of coast. Half of the fish taken by the Americans have been within our lines. Hampered as the fishermen of the neighboring country will be for want of bait and supplies, they cannot for long hold a monopoly of their own fish market. Fifty millions of people will not for long consent to pay the increased price that the duty imposes on them, and ere long they will be asking, possibly in vain, for the concessions that they now refuse; and if we cannot now obtain by amicable means, and mutual concessions, mutual benefits—if our neighbors object to a continuance of the treaty, the greatest loss will be theirs, and our fishermen will, I trust, reap a harvest in the sale of their fish at enhanced prices. One thing at least is certain, our fishermen will not be robbed of their birthright. They have representatives here and in the other branch of Parliament who are alive to their interests. They are assured in the Speech before us, as well as by the action of this Government in the past, that their rights and interests will be firmly and efficiently protected.

With regard to the falling off in the trade with the West Indies, we know that it has been caused by the competition of beet-root sugar with the product of the West India Islands. When the people there could not sell their sugars, of course they could not buy our fish, and our trade suffered as the natural result. Other branches of trade, however, are fairly prosperous. Money is plentiful at low rates—in fact there is too much money at present throughout the Dominion at too low interest to please the banks. Discounts are low, and, consequently, the banks complain of poor times; but when

the banks complain it is not always a sign that the country is not prospering. My hon. friend complains that the condition of the Maritime Provinces is retrograding. For my part I do not believe it. If he compares the progress and the condition of the Lower Provinces to-day with the condition of the provinces before Confederation, he will find that there is no unfavorable comparison. The most sanguine expectations of the people of eighteen years ago have been surpassed. Take Nova Scotia for instance. At that time we had no communication with this continent except by water; we had no railways; we had no communication with the Western Provinces, and had to depend entirely on the United States and West Indies for a market. We then felt that without trade with the United States we could not exist. Happily—with Confederation—all this has changed.

As regards the Pacific Railway, my hon. friend, the would be leader of the Opposition here, has very little to say. He was one of the pessimists from the first; he decried everything; he contended that all the money we loaned to the Pacific Railway Co. was so much given to them. The Canadian Pacific Railway Company, I believe are now able and ready to repay their loan. The completion of that road has produced a new and mighty era in this country, fraught with benefits yet beyond our realization. My hon. friend alongside of me said that we went too fast and should not have built the road around Lake Superior. Contemplate, hon. gentlemen, what would have been the position of the North-West and Manitoba last spring if it had not been for the completion of the Pacific Railway round the north of Lake Superior. The necessity for that railroad was demonstrated when we had the trouble in the North-West. Had it not been for that railway what would have become of the settlers throughout the Territories? Had we followed the policy of the late Government with regard to the Pacific Railway it would not have been completed for many years to come. In fact, the Government had no confidence in themselves, in their country or in their party, and what they sought to do one year, they undid the next. Their railway scheme, half land and half water, certainly would not have been

a success, and we must feel that by the completion of the Pacific Railway the Dominion as a whole has been consolidated, and new life has been infused into it from ocean to ocean. We feel now that Canada is a country that it never would have been without the trans-continental railway; we feel that the civilized world has been awakened to our importance, and has been talking about the great enterprise which has been so successfully carried through, and ere long we will find that the Province of British Columbia will stand as high in the estimation of the Dominion as well as of the Empire at large, as any of the older provinces.

The hon. gentleman from Halifax spoke of the Intercolonial Railway, the deficits in the receipts, and the discharging of some of the employes. Not more than a year ago the hon. gentleman denounced the Government for not carrying on the business of that railway on commercial principles, and contended that it should be treated like any other commercial enterprise. When the Government has done that, and has attempted to cut down some of the expenditure, he complains and says it is unwise and improper to discharge laborers whose services were not necessary. My hon. friend is not the gentleman who should complain of the railway being run on commercial principles. I may remark that the Intercolonial Railway should be run as nearly as possible on commercial principles, but first and foremost as a highway for the trade and commerce of the whole Dominion. I believe it is essential to us that it should be operated efficiently no matter what its cost, and no matter what the deficit may be. The people of the Maritime Provinces are always complaining of the rates being too high, although the Government has reduced them below the actual cost of carrying freight from one Province to another. I should not have spoken to-day, only I considered that my hon. friend, when he has nothing else to say, should not have run down our country and its institutions and led us to believe that there was danger of another rising in the North-West or that otherwise troops would not be sent to the North West at a large expense. Although it is the right of

the Opposition to adversely criticize everything that may possibly be prejudicial to the interests of the country, it should be guided first and above party by feelings of true patriotism. When the hon. gentleman tells us that there is danger of another rebellion in the North-West, otherwise we would not send out troops, he must see that it is only right and proper that the country should be prepared for such an event. We had a lesson last year that has cost us a good deal of money—millions of dollars. It cost us a great deal that we treasure more than money, and now having been forewarned, although we do not believe the whispers of alarm, and the Government do not anticipate any trouble, yet it is necessary that we should be on our guard, and in a position to preserve the peace of the country. It will show that we are cautious and watchful, that we possess the power to enforce the protection of life, property and civil rights everywhere throughout the Dominion. It is not fair when we expect such a large influx of immigration in this country, and when we should be in a position to satisfy people who come here that their lives and property are safe, that any such cries and alarms should be promulgated. I am at least glad to hear my hon. friend from Halifax endorse some remarks which fell from the hon. member from Winnipeg. We always listen to that hon. member with great pleasure when he speaks. To-day his remarks gave me more than usual pleasure, because of the cool and calm manner in which he stated the case of the North-West. He is himself a resident and a representative of that country and by race and religion, in heart and soul, with that people; he knows the wants of the people there and what is best for them, and I am sure the counsel which he has given us cannot fail to have a good effect not only on this House, but on a portion of the population of the Province of Quebec, violently excited as they have been at the administration of justice. During last summer they expressed themselves against the Government for administering justice impartially and allowing the law to take its course. We hear no more the cry of French domination. The hon. member from Manitoba has shown the people of the Province of Quebec that



the course pursued by the Government in that matter has been impartial, wise and judicious, and necessary to the peace, order and general benefit of the country.

HON. MR. HAYTHORNE—This debate has certainly taken a very wide range, and I think I perceive a feeling of weariness on the part of the House and a desire to bring it to a close. I certainly shall not extend it if I can avoid doing so. It seems to me to have brought forward some features which are agreeable and some of a contrary character. Amongst the former I may allude with pleasure and satisfaction to the reference made by the hon. gentleman from Manitoba, to the baptism in the penitentiary there, a scene most graphically described by him, and one which, it occurs to me, might afford a subject for a painter or a poet, and a subject of gratification for Christian men of all countries. There was another pleasing episode in this debate—an allusion made by the hon. member from Halifax to the presence amongst us to-day of the leader of the Government. I myself have often had occasion to recognize the courtesy with which my complaints are listened to; and so far as that hon. gentleman is able, they have been attended to; but we know that one minister does not run the whole Government. I am sure my honourable friend will readily remedy any grievance brought to his notice by the representatives of the province from which I come, I hope that better times for my province may not be so far off as they seemed to be some time ago. Coming to the different paragraphs of the Address, I think the common custom of congratulating Parliament and the public upon the harvest is one which requires to be carefully handled. It is but rare in a country of such extent as this Dominion of ours, that the harvest is universally abundant. I have myself before now smarted under similar treatment. Perhaps in Ontario or the western portion of Canada the harvest has been everything the agriculturist could desire, while with us we have had a sunless summer, poor wheat, inferior grain and potatoes. Under these circumstances, to be congratulated on the excellent harvest is rather trying to one's patriotism. On this occasion how-

ever, I may safely say that the harvest in Prince Edward Island was unusually good last year. The season was a favorable one from end to end, and the consequence was that we had good wheat, barley and potatoes—perhaps the best wheat and potatoes we have had for a number of years; but it seems to me there is a slight incongruity in the terms of the clause to which I have referred. It is scarcely ground for congratulating an agricultural country like Canada that it has merely a sufficient harvest. The farmers of Canada are, I take it, to a great extent still wheat growers, and to grow only what is sufficient for home consumption would certainly not be encouraging to them. They look to the sales of wheat and other grains for their returns, and if their harvest is barely sufficient, and prices are as at the present time very low, there are very slight grounds for congratulation on that account. Then again, as regards the agricultural interests, we know, besides poor markets for corn, cattle bring very low prices at present, and they barely remunerate those who undertake to transport them to European market for sale. The inference at the close of this paragraph is, I think, questionable indeed—that prosperity and substantial progress abound. It does seem to me that prosperity and tangible progress in the country naturally lead to the conclusion that contentment and satisfaction prevail with its Government, but I do not think that can be said to be of universal application, or even very partial application at this time in the Dominion. We know for instance that the Province of Quebec is not in the happiest mood possible. We know in Ontario, there are many causes of discontent between the Government and the people, and we can hardly say that the result has been prosperity and progress in these instances. Referring to my own province, I can say the same; I say that contentment with the Government and its measures does not exist there; on the contrary, discontent is rife. If I made this statement on my own authority merely, or on the authority of the party press of the country, hon. gentlemen might naturally challenge my statement; but I make it upon authority which I think no member of this House will question—on the authority of the Local Government

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and the Local Legislature. The Local Government and the majority of the Local Legislature are of the same political stripe as the Government of the day at Ottawa, and consequently they are certainly not disposed to take a very hard view of things. Yet, what do we find? Not many weeks since a deputation of the Local Government passed through this city on their way to England to lay their grievances at the foot of the Throne. Having tried in the Local Legislature and in the Dominion Parliament, through their representatives, to secure a fulfilment of the terms of Confederation, or the nearest approach thereto possible under present circumstances, without effect, they have taken the last step to carry their complaints to the foot of the Throne. If that indicates contentment with the Government of the day it is a very strange sort of contentment indeed. For my part, I hope that, as I hinted just now, the beginning of the end of these difficulties is nearer at hand than we once anticipated, and therefore I do not care to follow up this question at present more in detail, especially as I have given notice of a motion to day which will enable me to allude to it more at large in a very short time.

As to the second paragraph, which refers to the late insurrection in the North-West, it cannot be otherwise than a matter of congratulation to every right-thinking man that the insurrection has been put down. At the same time there is a little discordance between the first portion of the second clause and the final part of it. That the insurrection has been put down is undoubtedly a fit subject for congratulation, and it is equally certain that it is the duty of the Government to adopt such precautionary arrangements as will assure the present inhabitants, as well as intending settlers, of efficient protection against all disturbance. The duties which are so clearly laid down in this clause as necessary to be performed now should have been discharged years ago and had these precautions been in force before last year, it is likely there would have been no insurrection, or if any had taken place it would probably have been of a less difficult character to deal with and resulted in less loss of life and property and pro-

bably less expense to the Dominion than was the case. I see also in other clauses of this Address further reason to take this ground. For instance I see several measures suggested, some not for the first time, others which are necessary no doubt and some which should have been adopted before, rather than after the occasion which has given rise to them—I allude to the proposed amendment to the judiciary system. We all know what the opinion of the French element in the Dominion was respecting the court which tried an unfortunate man to whom I scarcely care to allude at the present time. That amendment is desirable now, but if it had been made two or three years ago, it is quite probable that we should not have seen those painful reprieves which I think were one of the hardest additions to the sentence of the court which that unfortunate man finally underwent.

I can cordially concur in all that has been said on this side of the House with reference to the completion of the Canadian Pacific Railway. I never was one of those who objected to the carrying of that road round the north shore of Lake Superior. I saw that if that road was to be of any real service to us on an occasion such as that of last year when our very existence as a Dominion might depend upon the speedy and safe transport of military armaments to the North-West, it must be an all-rail route through Canadian territory. Our very existence as a Dominion might have been annihilated had we no means of transporting men through our own territory. I remember the occasion of the former outbreak in the North-West, when difficulties occurred as to the transport of our men and military stores at Sault Ste. Marie.

HON. SIR ALEX. CAMPBELL—Will my honourable friend permit me to interrupt him for a moment to make an explanation about the reprieve granted to Riel? I think it would be regrettable if an erroneous impression were to go abroad on that subject. The first reprieve was to enable him to appeal to the Privy Council, and ample time was given, as we supposed, to carry his case to the foot of the Throne. It turned out that the papers which were necessary had not been sent by his counsel, and the second reprieve

was granted to enable him to send the papers to England. That also was granted at the instance of his counsel. The third reprieve was granted because it was desired by many persons that there should be a medical examination of the prisoner before the execution; so that all the reprieves were granted, not at the instance of the Crown, but at the request of the prisoner's counsel.

HON. MR. HAYTHORNE—I regret having alluded to the question at all, but it always has occupied a prominent position in my mind that in addition to undergoing the sentence of death he underwent all the anticipatory horrors of it. We know in holy writ that that has been pointed out to us, the bitterness of death—that man underwent it three times over.

HON. SIR ALEX. CAMPBELL—It is very regrettable, but if we had refused it, what would have been the case then?

HON. MR. HAYTHORNE—I expressed my regret that I was led to allude to the subject at all under the circumstances, not because its effect is in any way weakened in my mind, but because I do not feel myself in a position to go fully into the question and discuss the point as to how far the Government of the day were in a position to come to a proper decision upon Ric's case.

I was speaking of the Canadian Pacific Railway and saying that I thought it was a subject for congratulation that it runs its whole course through our own territory; that we are not likely to incur any future danger by inability to transmit military stores or anything of that kind. That I think is a subject of very great importance. I felt, myself, though I could not always concur in the modes adopted by the Government in granting contracts and finding funds for that great work, that still it was a thing which every Canadian, particularly men advanced in life like myself, would be glad to live to see completed; and I do think it is a matter of congratulation for us all, young and old—that the young will have before them during the coming years the means of easy and rapid transport across the continent, and the old that they have seen what was regarded almost as a dream become a reality.

I must say a few words, at the risk of wearying the House, about this Fisheries question. I do so because it intimately concerns the prosperity of many of my constituents and many of my immediate neighbors. I do so because the last two winters just previous to the opening of Parliament I had been called on to attend meetings of the fishermen and farmers in my neighborhood and to obtain their sentiments on these points. I recollect not many weeks ago I was at such a meeting. On this occasion the discussion did not refer to a renewal of the treaty with the United States, because it was understood at that time that good hopes prevailed that the negotiations would lead to a desirable result; but on the previous year that point was fully discussed, and the men present there, fishermen and farmers, and others, expressed the opinion very clearly that they would prefer a renewal of the old reciprocity treaty to any other arrangement that could be made; but if that could not be obtained they would prefer a renewal of the arrangement abrogated last year, which gave rise to the concessions made by the Government of the day to the Americans. Then followed the question—What alternative do you suggest in case neither can be obtained? In that case they said “There is no alternative except to exclude the Americans of the United States outside of the Three Miles limit. There were present on that occasion some warm supporters of the Government, one gentleman particularly, who had just been returned for the county in the Government interest. I rose to my feet on this being stated, and pointed out to those present that at this time—and it is still the case—a most friendly state of feeling exists between the United States and the British Empire; and that it was most important that this desirable feeling should not be disturbed if possible by any action of ours. This renders, of course, the treatment of the Fisheries question the more difficult, because we know, however valuable and important our fisheries are, it is still more important that a good understanding should be maintained between Great Britain, Canada and the United States. We are able, I believe, to appreciate the very difficult position that the Government occupy to-day; still I cannot acquit them of want of timely attention to

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this subject, and of abandoning our interests too hastily last year, because I think there was another course still open to them. I heard, not many hours ago, in another place, that the Dominion of Canada could not demean itself and humble itself to ask the United States to renew a treaty or an arrangement which they had decided in their Congress should be abrogated. Was that necessary? Could not the Government of Canada have said to the Government of the United States: "You have decided to abrogate that arrangement which has been in operation so many years. Now we do not ask you to renew what you have said you will not renew, but we call upon you in consequence to propose an alternative measure. It rests with you now to propose a measure which will prevent unpleasant and dangerous collisions between your fishermen and the marine police which we must establish to preserve our fisheries and to keep sacred to the use of our fishermen the three mile line which we have always claimed."

That was the course which I think was fairly open to the Government, and had we placed the United States in that position I think we should have been relieved of the expense which we have to incur now. It would have shown a willingness on our part to adopt another course, though it might not be as much to the liking of the fishermen of the Lower Provinces as that which they had before. Speaking of these fishermen neighbors of mine—for I reside within a few miles of some of them—I shall not just now touch upon another grievance of theirs, because later in the session I shall probably take occasion to give a notice of motion upon it.

I have cursorily touched upon certain measures which are mentioned in the succeeding paragraphs, and there remains very little which I think it necessary to mention; but there is one subject which is not alluded to in this Address, and concerning which I regret no notice has been taken. It is not a very pleasant subject, but it is a very important one, and the people of my province have learned to their cost in lost lives, money and business how important it is. I allude to a sanitary subject—the spread of small-pox in this Dominion—and I regret that the

Government have not seen fit to mention that subject or announce that they are prepared to deal with it as a Dominion measure, and take such precautions as will in future prevent the spread of the disease.

HON. SIR ALEX. CAMPBELL—It is not a Dominion subject; we have not the power to deal with it.

HON. MR. HAYTHORNE—I am quite aware of that doctrine. I once brought that subject up on a former occasion when our province suffered severely, and I felt it my duty to call the attention of the House to the subject. I was answered then that it was *ultra vires*, but a member of the then existing Government, and a medical man himself, I was clearly informed, held different views as to its being *ultra vires*. And supposing it is *ultra vires*, is it not necessary that application should be made to the proper quarter in order to put it within the power of this Dominion to enact uniform laws for the preservation of the health of its subjects? I would just ask the hon. gentlemen who I know is candid and competent to form a decision upon it, of what use is it to any province to have suitable sanitary arrangements, good laws with regard to the prevention of disease and to arrest it when unhappily it does appear, if such a disease as small-pox is actually propagated in an adjoining province? Nothing except a law of universal application such as prevails in Great Britain, and which has had the result of nearly stamping out that once fatal and disgusting disease, will suffice. In our province we took vigorous measures on its appearance—a little late perhaps—but even so we lost many valuable lives. Our business matters were arrested at a most important season of the year and finally we incurred a vast deal of expense, all of which might have been prevented had there existed a Dominion law which would have made the spread of small-pox a matter of impossibility. I think that it is a subject well worthy the attention of the Government. The local sanitary precautions which are taken will be useless so long as there exists a nidus for the propagation of disease. I regret that the member of the medical profession who supported me on a former occasion

when I brought this subject to the notice of the House is no longer with us. He was carried to his rest. He was highly respected and held views similar to those which I have expressed to-day on this subject. Should such a precautionary measure prove to be absolutely beyond the powers of Parliament I do think, in the interests of all the Provinces, it is well worth the attention of the Government that power should be sought to deal with those diseases in the same way that they are dealt with in Great Britain. I would just make one more allusion to this; the bills of mortality in the metropolis of England frequently show perhaps one and sometimes not a single case of small-pox amongst the 4,000,000 of people in that great city; yet it is accessible to all the world; but whenever a case of small-pox does occur there instead of leaving it to fructify, as it unhappily does in some instances amongst ourselves, it is immediately isolated. I have mentioned this subject because I think it is one of great public importance—all important certainly to our Province because we have smarted from its infliction on several occasions. I have perhaps intruded too long on the House, observing as I did when I rose an apparent desire for a cessation of the debate, and thanking you for your kind attention I will close my address.

HON. MR. BELLEROSE moved that the debate be adjourned until to-morrow.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

### THE SENATE.

*Tuesday, March 2nd, 1886.*

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

### BILLS INTRODUCED.

Bill (A) "An Act to make further provision respecting summary proceedings before justices and other magistrates. (Mr. Gowan.)

HON. MR. HAYTHORNE.

Bill (B) "An Act to make further provision respecting pawnbrokers. (Mr. Gowan.)

### THE ADDRESS.

#### THE DEBATE CONTINUED.

The order of the day having been called,—Resuming adjourned debate on the motion of the Hon. Mr. Bolduc, for an address to His Excellency the Governor General, in answer to His Excellency's Speech in opening the Fourth Session of the Fifth Parliament,—

HON. MR. BELLEROSE said:—When I heard the words which fell from the lips of His Excellency the Governor-General at the opening of the Session, I decided to take no part in the debate on the Address beyond registering my protest against the conduct of the administration which has continued from year to year during the past eight years, to systematically deprive the French minority of this Dominion of their constitutional right to have on the Treasury Benches in each of the two Chambers a Minister speaking their language. But the debate which has since taken place renders it necessary that I should speak. Last year the resolutions in reply to the Speech from the Throne were proposed in the House of Commons, as well as in the Senate, by gentlemen speaking the English language, in contravention of an arrangement made at the time of Confederation, and also contrary to the spirit of the constitution, which recognizes two official languages. This year the Government have found in the Senate one of my compatriots ready to defend its policy, but in the Commons I am well pleased to observe that the Government, has not been able to find a solitary member prepared to assume the responsibility of endorsing the present administration of the affairs of the country. In fact it ought to be difficult to find a Catholic, either French or Irish—to find even a patriotic English or Scotch Protestant, devoted to his country and possessed of that spirit of fair play which characterizes these powerful races—who would consent to share the burden which weighs so heavily on the shoulders of the Government of the day, and to wear the

livery of the First Minister, who has become a traitor towards his old friends and towards the Conservative flag, which he has destroyed and scattered to the four winds of heaven. Gentlemen may think that I am rather severe in using such expressions towards the leader of the so-called Conservative party. My excuse for so doing is the fact that I have borrowed this language from a speech of the hon. Premier himself delivered in the Commons during the time I had a seat there some thirteen or fourteen years ago, when having been abandoned by some of his friends from Ontario he had to resign. Sir John had then no good reason to so ill-treat friends who thought they could not honestly follow him. But I have good reason to use this language to-day when I recall the support which he received from Lower Canada before Confederation, and when I find him now, when he thinks he can do without our support, endeavoring to destroy our influence and to realize what was attempted once before at the suggestion of Lord Durham. That attempt failed through the patriotism of Baldwin and others who joined with Lafontaine and aided him in his patriotic efforts to avert the evil. I now come to the subject with which I propose to deal, and I will show how Sir John has treated us.

Before Confederation Sir John Macdonald was in a minority in Upper Canada, and he was obliged to rely upon Lower Canada for his majority. He did rely upon us, and we have always been faithful to him. With disinterested devotion we sustained him. In fact we made him what he is. How has he displayed his gratitude? Let us examine that important question in the light which is furnished us by public documents. The project of confederation of the Provinces of Canada, New Brunswick and Nova Scotia had scarcely been understood, and the proportion of the population speaking the English language had not yet been fully ascertained when the hatred which Sir John Macdonald had displayed against us Catholics and Frenchmen in 1849, and which he had allowed to slumber afterwards, became aroused. His plans were arrested. He masked his batteries. In 1865 our political chiefs having decided to unite the provinces to which I have

referred, met and adopted the basis of Confederation in the form of certain resolutions. In submitting them to the Legislature of Canada for their consideration, Sir John and his colleagues in the Cabinet declared that these resolutions could not be amended, and that they must either be adopted or rejected in toto. Some of these resolutions in particular aroused the suspicion of Catholics and French-Canadians, and were only adopted after the most solemn promises had been made on the honor of ministers. In confirmation of this, I would refer you to the official report of the Confederation Debates. The Imperial Act was passed and our delegates returned to this country and proceeded to organize the new system of government. It was convenient, in order to conform to the spirit of the constitution and the state of our society, that the Executive should be composed of thirteen ministers—five from Ontario, four from Quebec, and four from the Maritime Provinces. Three of the ministers from Quebec should be of French origin, and one of them should be in the Senate. In 1871, in reference to the New Brunswick School Act, an iniquitous law directed against Catholics, Sir John, in his capacity as Minister of Justice, made a report to the Governor General, recommending that the disallowance of that law, demanded by the Catholics, should not take place, because, as he said, the law, though oppressive to the majority in the province, was constitutional, as New Brunswick had not, before the Union, any law which recognized separate schools. Sir John added on that occasion that he was opposed to any intervention in the legislation of the provinces, unless it was *ultra vires* or prejudicial to the general interests of the Dominion. Our Catholic fellow-citizens of New Brunswick found it hard to stand such a rude blow. On the 20th May, 1872, Mr. Costigan demanded in the House of Commons the repeal of that law, and on that occasion I rose and said, amongst other things, the following :

“Sir John Macdonald having reached England, mocked the Catholics and trampled under his feet his promises, his agreements and his honor. . . . He dared to change the 43rd resolution, which provided that the legislatures of the two Canadas should not have the right to deprive minorities of the

rights or privileges which they possessed at the time of the union. His Grace Mgr. Connolly, Archbishop of Halifax, having gone to England, pointed out, with reason, that the advantages conferred on the minorities in Upper and Lower Canada by the 43rd resolution should be extended also to the minorities in the other provinces. Knowing that Nova Scotia and New Brunswick had no law which recognized separate schools, and that in those provinces they had only certain usages or customs, Sir John, in acceding to the demand of the Archbishop, took care to add these words: 'Guaranteed or imposed by law,' after the words 'rights and privileges,' thus rendering illusory the favor which he pretended to grant to this Prince of our Church. And it is after having thus acted, that the first Minister (Sir John) recommends that the New Brunswick school acts be not disallowed, because, as he says, there was not in that province prior to the union any law on that subject."

Some time afterwards the Government disallowed an act passed by the Legislature of Ontario known as the "Streams Act;" it was a law which was in point of fact constitutional, and which contained nothing detrimental to the general interests of the Dominion, but which had the misfortune to interfere with the private interests of certain political friends of Sir John in Ontario. (Vide the Journals of the House of Commons.) In this last instance Sir John, to serve the material and personal interests of certain of his friends, did that which he had previously refused to do to render justice to 50,000 Catholics in New Brunswick, even when it was demanded by a million and a-half of their co-religionists.

In the Confederation Debates in 1865 the Catholic members of the Legislature of Canada frequently manifested their fears and apprehensions as to the position which they would occupy under the new constitution, with regard to a question so important in their eyes as that of marriage. Sir John and his colleagues made the most solemn promises and pledged their honor—they even guaranteed in writing that they would take care to leave to the local legislature the entire jurisdiction over this important subject. As a matter of fact we find at page 388 of the English edition of the Confederation Debates, that the Government of Sir John speaking through the Hon. H. L. Langevin, said:—

"The hon. member asks the Government what they mean by the word 'marriage' placed in the constitution. . . . ."

I will reply to the hon. member as categorically as possible. . . . . The word marriage has been placed in the constitutional measure to give the Federal Parliament the right to declare what shall be marriages which shall be considered as valid throughout the extent of the Confederation, without touching for that purpose, to the least extent in the world, upon the dogmas or rites of the denominations to which the contracting parties belong. The fact is that it all consists in this: the central parliament will have power to decide that all marriages contracted in Upper Canada, in conformity with the laws of the country in which they are contracted, shall be considered as valid in lower Canada in case the married couple shall go there to live."

In 1882 a measure entitled a bill concerning marriage with a deceased wife's sister was submitted to the Federal Parliament for its consideration. Objections were taken to the constitutional right of this parliament to legislate on the subject of marriage. The attention of Sir John and his colleagues in the Cabinet was called to the solemn engagements which they had undertaken in 1865 on this question, and they were shown the written pledge to which I have referred. The Government replied, through the Minister of Justice, as follows:—

"The day when we made these promises, or when we undertook those engagements, is gone by; we have to-day to act, not according to what we wished to do then, but according to what we have to do now. (Senate Debates of 1882.) In other words, he says: "You Catholics intended to put in safe hands (the Catholic government of the province of Quebec) the important question of marriage; and we (Sir John, Sir Alex. Campbell and our colleagues) have so arranged the constitutional act that we, the Protestant government at Ottawa, will have the right to regulate it. It is useless for you to protest; that is the law. It is necessary that should you submit."

They have been guilty of another great fault. In the Senate we have no minister who speaks the French language. We have here ministers who speak only the English language and reply in English to questions put by French members, who are obliged to go from seat to seat to inquire what the responses are. In 1880 the Senators from the Province of Quebec, having renewed their protest against this state of things, the hon. Minister of Justice, Sir Alexander Campbell, replied:—

"Well I admit that the fact of having no minister in the Senate who speaks the French language may be in controvention of the spirit of the constitutional act; nevertheless

a Government cannot always execute the law as logically as the hon. member desires."—(Vide Senate Debates 1880-81, page 37).

It is proper to remark that this state of things has lasted for eight years, and has already reached the stage of a precedent. Every year we have pressed upon Sir John Macdonald to repair this infringement upon our rights, but he has not acceded to our request. This violation of the constitution has already borne its fruit. We have to-day the sad spectacle of our three French Ministers invoking, as an excuse for their grievous offence—their adherence to the execution of Riel—"if we should resign on that question Sir John would replace us by three English members." That is to say, in other words, "Sir John could do in the Commons that which he has done in the Senate with our approbation; he could deprive us of the constitutional right of having French ministers. It was therefore better to sacrifice Riel and to keep our portfolios." Will the French-Canadian people accept that excuse? And the English-speaking population generally, so attached to the charter of their liberties, will they have nothing to say when they see the constitution trampled under foot? To-day it is we who suffer; to-morrow it may be their turn.

In 1881 a French member of Parliament desiring to ascertain how each nationality fared in the distribution of the public patronage, called for a return showing the number of public employes in the Dominion, their salaries, their nationality, religion, etc. The Government, through the Minister of Justice, grossly refused to comply with that request. Other Conservative members replied sharply and placed the government in such a false position that the motion passed. A year passed by but the report was not submitted. At the end of eighteen months there was still no sign of the return which had been asked for. At length after two years of waiting and interrogations, the Minister of Justice presented the return and said that it showed that the French-Canadians had received more than their share of the public patronage. Nobody dared to contradict that statement without an opportunity to make a close examination of the return, which had been prepared in a manner which

necessitated a great deal of labor to arrive at a conclusion. However, it was found that the Minister who had brought down the report had deceived the Chamber, that the French Canadians had not received their share of the public patronage, that instead of holding one-third of the official positions, to which their numerical strength gave them a right, they had only one-sixth, that is to say, about one-half of what they were entitled to. The same remark applies to the amount of salaries which they received; they have but one-sixth. The total population of the Dominion at the last census was 4,421,810. The French race numbered 1,298,929 souls. We French Canadians have then a right to at least 22 French Senators of the 77 members who compose the Senate, whereas we have but 19. Let us now take the Province of Quebec alone. It has a population of all origins of 1,359,027 souls, and of these the French number 1,073,020, which would give it a right to 19 senators of our nationality, whereas we have but 17. The Speakers of the two Houses of Parliament speak no language but English. (See Senate Debates of 1884, page 113.) Shall I speak to you of the law passed at the last session of the Dominion Parliament—a law based on the radical and revolutionary principle of universal suffrage, and which has, moreover, the rate merit of excluding the educated farmer from the position of reviser—a position which he is more competent to fill than professional men generally are. (See chap. 40, section 14, of the Statutes of 1885.) Shall I mention the License Act, by means of which Sir John hoped to break up the Confederation and to bring about a legislative union, his dream for years? No. I have said enough to open the eyes of those who wish to study the question in good faith, of those who will not allow themselves to be blinded by party spirit or by other motives still less defensible. I have said enough to satisfy those who sincerely desire to clearly understand this important question of our rights and our privileges.

We now come to the scaffold of Regina of the 16th of November last. "The Province of Quebec was drifting rapidly to the brink of ruin," says *L'Impartial*. "God has allowed the melancholy



event of the 16th November last to burst upon us with a view to arresting our attention, to opening our eyes, and to lead us to reunite all our forces to fight the common enemy. It is probably the last chance of safety which will be given us."

It is not, therefore, the execution of Riel alone which has produced the great national movement in the Province of Quebec. The murder of the 16th November was the last act of a tragic drama which has been played for twenty years to the detriment of Catholics and French-Canadians. You must have observed for several years past the uneasiness which has existed in the ministerial party. Members of Parliament have with difficulty been able to support their leaders. It has been necessary constantly to enforce party discipline. The representatives of the people were obliged to submit to that discipline if they did not want to be insulted and calumniated by a servile press. At length the bad and culpable administration of affairs in the North-West by our rulers filled the measure and it overflowed. This was war, war with its horrors and ruin; war with its millions of expenses and its victims. The blood of those who are devoted to their country and their compatriots has always possessed a magic power. It rarely flows without producing great results. In this instance it killed party spirit and awoke a patriotic sentiment, throughout Canada, the United States and even across the Atlantic. The eyes of the people were opened. They found out at last what Sir John was. They were given to understand that in supporting the present Premier, they were strengthening the hands of one of their worst enemies. They paused, and after due consideration, they came to the conclusion that they could not continue their allegiance to such a leader. I have now gone over the political history of the Dominion as regards Sir John Macdonald on one side and the Catholics and the French population of the Dominion on the other. I have shown how he acknowledged the devotion of our people towards himself during over thirty years. I have shown his conduct during the last twenty years, and his hostile acts when an opportunity occurred to show his gratitude both to Catholics and French

Canadians for the hearty support they had given him during the critical period when he was rejected by his own province.

The proposition I laid down at the beginning I have now fully proven by facts. Facts are stubborn things, and I need therefore add no comment. They speak for themselves. But I cannot omit stating that Sir John's character was perfectly well understood for some years by the great patriot of Lower Canada, Sir G. E. Cartier, who was in a position to appreciate him, discover his motives, and find out the end he aimed at.

So far back as 1872 the great Conservative leader of lower Canada had lost all confidence in the present leader of the Government by whom he had been deceived over and over again.

Let me read here the report of the last conversation a late minister of the Crown had with Cartier in 1872 before he left for England, believing as he did that he could never come back, but would die abroad. That conversation is reported by the ex-minister (whose name will be made public in due time) in the following letter which was published in *L'Etendard* of the 4th February, 1886:—

"I declare, then, that during the Session held at Ottawa in 1872, Sir George E. Cartier, having asked me to sit beside him at his place in the Chamber, said to me, and repeated to me at different times during that Session, that he had had a good deal to complain of in regard to the conduct of Sir John A. Macdonald, on his own account and on account of Lower Canada, when he endeavored to secure the passage in England of the Imperial Act establishing the confederation of the provinces of Ontario, Quebec, New Brunswick and Nova Scotia. He asked me if I remembered the causes and motives which had given rise to the demand for that confederation. 'You know,' said he to me, 'that the political leaders of each of these provinces met at Quebec in 1865 and came to an understanding as to the resolutions which should form the basis of the Imperial Act to be asked for and passed for that purpose. These resolutions were submitted to each one of the provincial legislatures with the understanding that they should be adopted *in toto* without any amendment, because they were to form the basis of an Imperial Act. This was said and repeated by Sir John Macdonald and his colleagues in the Chamber when these resolutions were discussed and adopted.

"Subsequently ministers from each of the provinces were sent as delegates to England to ask for and to supervise the Imperial Act

which should bring about the confederation of the four Provinces for which they acted. John A. Macdonald, Cartier, Langevin, Galt and others took part in it. On arriving in England Sir John no longer wished for a confederation of the four provinces, with a local legislature for each of them, such as the resolutions provided for, but simply a legislative union of these four provinces. Sir John persisted nearly a month in this pretension. Cartier and Langevin found themselves alone, as representatives of the Province of Quebec, and repelled such a pretension, 'for Galt,' said Cartier to me, 'shared the opinion of Sir John A. Macdonald.' Cartier told me that he was indignant at the conduct of the latter, he who had risen to power in 1875 and had been kept there ever since solely through his majority in Lower Canada, for the majority of the representatives from Upper Canada were hostile to him. It showed on his part a lack of heart and loyalty for Lower Canada, to attempt to destroy himself (Cartier) politically speaking and to place the Province of Quebec at the mercy and under the control of other Provinces from which it differed as much in its civil and religious institutions as in its laws, its language and its customs. Sir John's object in striking this treacherous blow was to annihilate the Province of Quebec and to make of it an English instead of a French Province. Then our laws and our civil and religious institutions would have disappeared little by little to give place to institutions created according to the views and at the will of English gentlemen who disliked, as he knew, the French Canadians and Catholics with all their hearts.

"Cartier told me that seeing the bad faith of Sir John he wrote at once to Sir N. F. Belleau, who happily was then First Minister, to inform him of the misery and embarrassment stirred up by Sir John, and telling him that if he received from him a telegram conveying such information he should resign at once with a view to breaking up everything. Finally, after a month of efforts to bring Sir George E. Cartier to his opinion, Sir John put again the question—'Shall we have a Legislative Union?' Cartier, being asked to give his opinion, replied by a 'No' short enough to give Sir John to understand that it was useless to push the question any further. Then the Imperial Act was passed.

"Cartier told me that from that time he had lost all confidence in Sir John, that he had never pardoned his treacherous act, and never would pardon it. So much was this the case that he said he had interviewed Mr. Mackenzie, then chief of the Opposition, and told him not to imitate George Brown, who, in his journal the *Globe*, had without ceasing insulted, villified and injured the civil and religious institutions of Lower Canada, and who by so doing had rendered a union with him impossible; giving Mr. Mackenzie to understand that there would possibly be a means of arriving at an agreement with him.

This is exactly what Cartier said to me relative to the conduct of Sir John, and this declaration I am able, if necessary, to affirm under oath. I may add that the evening, or the evening before the departure of Cartier for England, where he had to go for the benefit of his health, I went to see him at his residence at Montreal. There he told me, amongst other things, that he left for England in ill-health, and that he thought he should never see Canada again, because the doctors here had told him that his malady was incurable. He begged of me to recall that which he had told me during the preceding session with regard to Sir John Macdonald, and added—"Have no confidence in him; he does not like the French-Canadians, he detests them. That is a warning which I give you by which you should profit."

Such were the last words which fell from the lips of the great French-Canadian leader, on the eve of his departure from Canada—never to return again.

Such was the parting advice given by our dying chieftain to an intimate friend of his, to a gentleman who had then and has now the confidence of his compatriots and who held before, and has since held, the high position of an adviser of the Crown.

Hon. gentlemen should not lose sight of the fact that the writer of this important letter refers to an old politician, Sir N. F. Belleau, Premier of Canada at the time of Confederation, stating that he knows the whole story. This precious document was published about four weeks ago and has never been contradicted.

If all these statements be true (and they cannot be contradicted) have I not a right to infer that the present constitutional agitation was foreshadowed by Sir George E. Cartier, and that it is in conformity with the views he expressed before his death?

The movement is not, then (as has often been stated by the Government themselves and by their paid organs) due to the fact that Riel was a French half-breed. No, as I have already said, the death of Riel was merely the last act of a tragic drama begun in England in 1867, and ending at Regina in 1885. The present agitation is somewhat like that of 1841. A legislative union of Upper and Lower Canada having been sanctioned by the Imperial Parliament, we had to submit, but we used all constitutional means to avert the danger which menaced us. We had then as our leader Lafon-

taine. He, like many others, patriotic men, thought that a people however small in numbers, ought not, and cannot submit to oppression without having first used all constitutional means to defend and preserve their rights. Lafontaine set to work and was not long left alone with the Catholic party. Brave men, true Canadians, sincere patriots, amongst English, Scotch and Irish, rallied around him—Lafontaine and Baldwin fought the battles of their country; the great cause of justice and liberty triumphed in spite of John A. Macdonald, now (through the support we gave him in the past) Sir John A. Macdonald. Lafontaine and Baldwin were called upon to form an administration. With much difficulty they succeeded. The Opposition, of which the present Premier was a member, caused much trouble. A great agitation arose; the Parliament buildings were burned down while the House was in session; Lafontaine was menaced and even besieged in his own private residence; the Governor was publicly insulted, and other outrages were perpetrated, but fanaticism failed. The mass of the people, English, Scotch and Irish, united with the French against those unpatriotic men. Peace was restored; *Justitia et pax oscula-tae sunt*; each nationality in Canada had its fair share of influence; our people were quite satisfied with their lot and found at last that they could work hand in hand with their fellow citizens of all other nationalities. Then our country prospered.

We ask for no more to-day. Give us that to which we are entitled—equal rights, equal justice. Then will we have peace and, with peace, prosperity.

It is in the face of all these facts and in view of the parting advice of the great friend of Canada, Sir G. E. Cartier, going to his rest, that the hon. Senators from Lauzon (Mr. Bolduc) and Manitoba (Mr. Girard) have assumed the responsibility of criticising those independent and patriotic men who, after having been true to Sir George during his lifetime, are now following his parting advice, setting aside all personal interests, and undertaking to avert from their compatriots the many dangers which Cartier made known to them.

True the hon. senator from Manitoba

has told us that the agitation would injure him personally, that it would do more harm than good to the part of the country in which he lives, and where he has the greatest part of his property. But this only shows how private interests may blind a man, and induce him to narrow the great and most important question of religious and political liberty to the small limits of the material interest of a section of the country in which he is interested.

The hon. senator's speech showed throughout that his lips did not speak the sentiments of his heart—that his patriotism inspired him one way while his personal interest prompted him to speak in the other direction. Did he not acknowledge that the Government had been the cause of the trouble? But he claimed that this could not justify the rebellion. That is quite true, but circumstances tend to condone the offence. No doubt both Divine and human laws make the taking up of arms against legitimate authority a very serious crime. But the same laws make it also an equally grave sin to provoke by injustice another to commit a crime. How then could he draw the conclusion that he does not see any sufficient reason to refuse to support and have confidence in the government of the day who are the parties, according to his own admission and many public documents, who forced those people into rebellion? If that is so, by what logical argument can the hon. gentleman show that the Government, having the power of mercy and not having exercised it, are anything short of murderers of Riel, and responsible for over 200 lives lost during these troubles?

Then the hon. gentleman from Manitoba read two or three letters from parties in the West. What do they show? The weakness of the case of the Government and nothing else. In one of those letters the writer charges the agitators with excusing the rebellion. I defy the hon. gentleman to name a single speaker who has done so. I defy him to name a single newspaper on our side which has published anything of the kind. They said that the rebels were wrong; that both the law of God and the law of man make it a crime to rise in arms against constituted authority; but they also said, as they say now, that the authors of the rebellion were those who, by their unjust dealings

with those people, brought about the troubles, and that the Government are no less criminal than those who rose in arms. To the other parts of those letters I have already answered or will answer in the course of my remarks. For the present I shall only allude to one of the letters from which he read. It is a pity that the hon. Senator did not read the whole of that letter. It contains the most complete condemnation of the course which the hon. gentleman is now pursuing. I will read it in its place :—

“The troubles could and should have been prevented. Why was the warning not listened to when given by those who foresaw the same troubles and who brought them to the notice of the authorities? Our statesmen have my respect, but as ‘no man is wise at all times’ I trust they will permit a friendly voice to tell them that they were mistaken. But it is only justice to say that they were not alone in fault. The Ministerial seats number 13, but the Parliamentary seats number nearly 300. It is undoubtedly painful and humiliating to know that Ministers of the Crown should have officially affirmed that no steps had been taken in favor of the Metis, either by themselves or by their friends; but, on the other hand, it is also to be deplored that the isolated voices raised in both Houses of the Legislature did not command the support sufficient to determine an earnest search into the situation, and the means of remedying what was defective in it. It is sad to think that nothing short of bloodshed and expenditure of millions could bring those who have the management of public affairs in one or another capacity to comprehend that the North-West is not only a vast tract of country, but, moreover, that there are vast social questions which are far from having obtained a satisfactory solution.”

Then as to the hon. senator who moved the resolutions (Mr. Bolduc), I was not at all surprised at the stand he took—Il n’y a que le premier pas qui coute dans la voie du mal. The hon. gentleman having been one of the causes of the rebellion he thought it was better to continue the course he had begun.

On the 27th March, 1884, a motion having been made in the Commons asking the House to take into consideration the complaints of the half-breeds, the hon. senator and the majority of the House of Commons voted down the resolution. The House could have nothing to do with the half-breeds; let them die of hunger; let them leave the country, they are French half-breeds; we have enough of that race in the country. The moment the news of

this vote reached the far west a meeting of the half-breeds was held. They decided that Riel should be asked to join them. A deputation was sent to Montana, where Riel was residing, to bring him home with them. Riel hesitated but his patriotism triumphed, and he came to the Canadian side in June 1884, and from that day till the beginning of 1885 he used all constitutional means to force the Government to do justice to his people. Finally war broke out. I regret that the honorable gentleman has persevered in the evil way. It is certainly more worthy of a man when he has been wrong, to acknowledge his error, change his course and do what is right. A good many of those who voted down this resolution to which I have referred, deceived as they were by the Government acknowledged it and changed their allegiance. Had we not again some few days ago a proof of what Sir John is? If his party is small, his majority thin, he is humble to his friends. Is he strong, the majority at his back powerful, he cares no more about his most devoted friends but persists in having his own way, and should he find any of them in his way he does not hesitate to sacrifice them. Take for instance the case of the hon. member from Toronto (Mr. O’Donohoe); was it not a shame to treat an old and devoted follower as he did that gentleman? Could he have treated in a more insulting manner, I will not say a friend, but even an adversary? Here are the words he is reported to have used in the House of Commons last Friday, the 26th ult: “Mr. Speaker, the hon. gentleman went on at some length to discuss the reconstruction of the Government and the hon. gentleman talks about Mr. O’Donohoe. Well, Mr. O’Donohoe is a very good man and is now a Senator. He was very near being in the Government. But I will say this for Mr. O’Donohoe, that he did not desire to be a weakness to the Government, and at the time he might have claimed a seat in the Cabinet he found that such was the hostile feeling towards him that instead of being a strength to the Government he would be a weakness; he admitted the fact, and he took a seat in the Senate where he now is.”

I cannot resume my seat without giving an answer to a rumour which has spread

over the country and which has been encouraged by Government organs and even by ministers. It is insinuated that this agitation was due to the fact that Riel was a Frenchman. There was no foundation for such a rumour. The case of the Government must be a very bad one indeed in their own estimation and that of their friends when they have to use such means to defend it. The most important immediate reasons of the beginning of the present movement are :—

1st. That according to moral laws, any party who may be the cause of why a crime is committed is himself a criminal, and consequently that the Government of the day having, by their bad administration of the North-West Territories during past eight years, provoked the people of that country by starving them, and otherwise, they are responsible for the rebellion, and as a logical consequence of such a responsibility, having, as they have, the power to do so, they were bound to use all possible clemency towards Riel and his people

2nd. That the jury, though composed of men adverse to Riel and his people, having declared upon their oath that Riel deserved *mercy*, the Government, responsible as they are for the rise of this quiet people, were in duty bound to grant such *mercy*.

3rd. That considering the whole evidence as it now stands before the public, the least that can be inferred is that there is a strong doubt as to Riel's mental capacity, and it being a general and well known principle that the accused party has a right to have the benefit of any doubt which may exist, he could not be put to death.

4th. That the Government, during last session and during the troubles, having refused to alter the old laws of the North-West Territories and make them somewhat uniform with the laws of the provinces, have shown a determination to deal unjustly with those people.

5th. That the *memorandum* of the late Minister of Justice, Sir Alexander Campbell, is such that any honest man after having read it over and compared every part of it with the facts as they really are, cannot help coming to the conclusion that the Government had no good reasons to act as they did. That Riel was sacri-

ficed to a cry of hatred and of vengeance, and consequently that the Government is responsible for the death of the half-breed chief and of all the other victims of the troubles of last year.

Such are some of the immediate causes of the agitation which has spread not only in the Province of Quebec, but also throughout the American continent, and even across the Atlantic. This movement may be stronger in our province than it is in other parts of the Dominion, but this would only show, if true, that our people have faith in responsible government, and that they understand their responsibility for the good or bad administration of the affairs of the country by their representatives in Parliament and by the advisers of the Crown. Where, then, is the question of nationality so far as this part of the question goes? Is not the agitation a movement in favor of justice and humanity, and what has to do with it the nationality to which may belong the party who was sentenced to death and executed? Whether he be a Scotchman, an Englishman, an Irishman or a Frenchman, does not change the issue. Why, then, should the Government have tried to stir up such feelings of races? Was it not sufficient for dishonest newspapers, generally well paid for doing such dirty work, to raise such a cry? Is the case of the Government so bad in their own estimation that they believe they could not defend it if they should use honest means?

The hon. Postmaster-General has tried to excuse the policy pursued towards the Indians by stating that the Government have done all in their power to prevent them from starving, adding that the treaties with the tribes demonstrate the justice and liberality with which they have been treated. In answer to the hon. gentleman's statement, I will read some extracts from a letter written by a gentleman of high standing in the North-West, where he has passed the greater part of his life amongst the Indians. He is consequently better able to judge of the efficacy of the measures adopted by the Government in dealing with the Indians than the hon. gentleman is. He says :—

“ When beginning to speak of the Metis I was happy to invoke the testimony of Lord Dufferin in their favor. In alluding to the Indians, I am equally pleased to be able to

quote the words of another representative of our Gracious Sovereign. The Marquis of Lansdowne visited the Indians. He spoke and listened to them, and here are the noble words the conversations inspired:—

‘It is impossible to meet these poor people and to listen to their statements without the deepest feeling of sympathy for their present condition. They are the aboriginal inhabitants of this continent. They regard themselves, and not without reason, as the legitimate occupants of the soil. We can scarcely be surprised, if now that the buffalo, upon which they have subsisted for so many years past, has become almost completely extinct, their hearts occasionally sink within them when they see, as they express it themselves, that the white man is getting rich and the red man poorer with every year that passes. It is quite unnecessary to discuss the question of their so-called title to the land of the North-West. The strength of their title, if they have one, is not in its legal aspect, but in the moral claim which they have to the most considerate treatment at the hands of those who have brought into the country that irresistible tide of civilization, before whose advance the native races have dwindled and receded.’

“These words were pronounced by the Governor-General in Winnipeg on the 22nd October last: I had the pleasure of hearing them. His Excellency’s voice betrayed his emotion, his sympathetic expressions were loudly applauded. There appeared the intelligent mind which had seized the importance of a question and a kind heart taken with a generous sympathy for human beings, that civilization so loudly boasted drives out of its way, pending destruction. The Indians took a part in the troubles. In some cases by cruel massacres, of which nothing can palliate the horror; in others by a regrettable attitude, no doubt, but nevertheless, from another standpoint full of important lessons for those who reflect and feel. The Indians of the North-West there is a class of men but little understood by the Canadian people in general, and who will never be entirely comprehended except by those who speak their language, who have lived among them, and who have given them their sympathy. Canada will never know the ordeal in which it has placed the proud children of the prairie by packing them on reserves, there to suffer the pangs of hunger, and to brook the struggles of a semi-capture. One must have seen the undaunted Indian, erect in the midst of the immense prairie, complacently draping himself in his semi-nudity, his flashing eye scouring the boundless horizon, inhaling an atmosphere of liberty not to be found elsewhere, glorying in a sort of royalty which had neither the embarrassments of riches nor the responsibility of dignity. One must have seen the indefatigable huntsman raising to a sort of religious enthusiasm the excitement and the chances or success of a chase without parallel. One

must have seen the idler needing not to toil for the abundance he enjoyed and led only by caprice to vary his unbusy course. Yes, one must have seen all this. And then look at the Indian of to-day, dragging his misery, deprived of his incomparable independence, reduced to want and semi-starvation, and having added to his vices the loathsome consequences of the immorality of the whites. One must have seen all this, and seen it under the impulse of sympathy, to form an idea of what the Indians suffer at the present time.

It is useless to speak of treaties as a compensation for the change. These treaties were not understood by the untutored Indian. He listened to the form but did not detect the meaning, and therefore did not accept the consequences. I go still further and say that the Government and those who have made treaties on its behalf, never perfectly conceived their object, at least inasmuch as they were not all aware of the unacceptable position they were preparing for the Indian in many cases. Truly can I repeat with His Excellency the Governor General: ‘Their hearts occasionally sink within them.’ The greatest stoic will agree that they have a ‘moral claim to the most considerate treatment.’ Now is the time more than ever to be mindful of the blunders committed in their regard. They have been left a prey to the seductions of men revolting immoral, and when this was pointed out the friends of humanity had another regret to register. As a consequence the Indians felt that they could but profoundly despise people whose conduct should have been such as to command respect.

“In other cases the Indians were deprived of the pittance assigned to them, or it was given them ‘as if they were dogs.’ They were too often deceived. The Indian, who is far more intelligent than most people seem to think, was not the dupe of what was going on, and he felt his contempt increasing.

“It is among the Indians more than elsewhere that it is important to make a judicious choice in appointments. I am happy to say that the choice is what it should be in many places, and as a consequence the Indians in those localities are satisfied, and the Government has also reason to be so.”

I am afraid that some of our public men in the Province of Quebec are illustrating by their conduct that Lord Durham knew too well what he was about when he made his report to the Imperial authorities, and spoke so disparagingly of our French politicians and public men. But I hope that the time is not far distant when our people will unite and force the majority to respect their rights and do justice to the minority. Let us imitate the example set us by the Irish people, and we will have our fair share of

influence in the Government of the country. While the Irish were disunited they were treated with injustice by the Imperial Parliament, but now that they have learned that union is strength, they can make and unmake governments, and even the haughty peers of England are obliged to seek their assistance if they wish to hold power. I hope the time will soon come when our public men will see the necessity of uniting as the Irish have done in defence of their rights and privileges, and will prove equal to the responsibility which is cast upon them.

I have enumerated some of the rights and privileges guaranteed to us which have been set aside, and I have endeavored to show that it is time for us to organize with a view to receiving better treatment. I ask the hon. gentlemen who are in the majority here, to put themselves in our place; I ask them to imagine how they would feel if the Premier for twenty years past had been a French-Canadian and a Catholic, and had treated the Protestant minority as we have been treated on the subject of marriage. What would their feelings be? What would they think of a man who, for five weeks, pledged his honor that a certain course would be pursued, and yet, when he arrived in England, violated that solemn pledge; and now when we remind him of it, informs us "I have got you into the Union; I do not care about my pledge now; I have my majority behind me and you must submit." I challenge any one of you to say that you would tamely submit to such injustice and continue your allegiance to such a leader. I do not ask the House for favors on behalf of those I represent. We are strong enough to demand our rights, because, as I said before, I believe there are amongst the majority who speak the English language in this Chamber, enough men of honor with a sense of right, to aid us in our appeal for justice; but if the majority continue to trample upon our rights and privileges as they have been doing, some day you will witness in the Province of Quebec something similar to what has taken place in Ireland—a union of our race, which will exercise the same influence in the Parliament of Canada that the Parnellites wield to-day in the Parliament of Great Britain.

HON. MR. BELLEROSE.

HON. MR. MCINNES (B.C.)—This debate has been rather protracted, having extended over three days, therefore I do not wish to take up very much of the time of the House. But from the fact that every province has been heard from with the exception of British Columbia, it will be taken as a sign that its representatives in this House at least acquiesce in all that is stated in the Speech from the Throne, and as there are some things in that Speech that I cannot endorse, I feel it my duty to ask the attention of honorable members for a few moments, while I state them.

The first paragraph in the Speech refers to the prosperity and substantial progress of the Dominion. I regret very much indeed that that cannot be said with regard to the province of British Columbia, for there is a greater commercial and general depression prevailing in that province to-day than there has been at any time for the last twelve years. As an evidence of the depression existing there, I will refer to the coal trade which is one of the most important industries of our province. The two great coal mining companies in British Columbia, the Wellington and the Vancouver, are only worked to about one-fourth of their capacity. One of these companies, at the beginning of this month, discharged no less than 40 of their miners, and each company has very large quantities of coal on its wharves, from 40,000 to 50,000 tons ready for market, and for which no market is to be found.

The laboring classes in particular are in a most pitiable condition in that province, and I cannot altogether exonerate the Government from blame for that state of affairs, and for this reason, when the first contract was let for the building of the Canadian Pacific Railway, in our province, a number of years ago, known as the Onderdonk section, extending from Port Moody into the interior some 225 miles, the representatives of British Columbia in both Houses of Parliament urged upon the Government time and again, in fact for two or three years in succession, to place a clause in the railway contract, excluding Chinese labor. Our warning was not heeded, and the consequence was that thousands of Chinese navvies or coolies were imported by the

contractor, direct from China into British Columbia. According to the census of 1881 we find that the entire Chinese population of the Dominion at that time was only a very little over 4,000. To-day in British Columbia alone there are between 18,000 and 20,000 Chinese. The most of those were attracted to British Columbia by the building of the Canadian Pacific Railway, and when that gigantic work was completed, or nearly completed, last fall, thousands of those poor helpless creatures were thrown out of employment late in the season, and it is a fact that I am sorry to announce on the floor of this Parliament, that they are in a starving condition—not only starving, but I am credibly informed that a number of them have actually died of starvation. Notwithstanding the strong feeling antagonistic to Chinese, in British Columbia, the corporations of Victoria and New Westminster have had under consideration the raising of funds to supply them with the actual necessaries of life, and thereby keep them from starvation. There is also a project on foot just now to ship a great many out of the country. As I stated a moment ago, I cannot exonerate the Government from responsibility for this state of affairs in British Columbia, especially amongst the laboring classes. I believe that if they had taken the advice of the representatives of that province, given in the Commons and in the Senate, from 1878 to 1882, that such a state of affairs would not now exist in British Columbia. The Chinese were the means of excluding thousands of white men that would otherwise have been attracted by the construction of the railway and the dry-dock, and other important works in British Columbia; but when they found that they had to compete with Chinamen, who could live cheaper than white men could possibly do, many of them who went to the Pacific province wrote back to their friends warning them not to come to that province, as they would have to compete with Chinese labor. Now, I claim that if a proper course had been taken at that time, and the legislation that was adopted last year, when the Pacific Railway was about completed, had been enacted sooner it would have been better for the country. The policy of procrastination on this question as well as on many other questions has had a tendency to bring

misfortune on the Dominion of Canada. I say if that had been done from 1878 to 1882, the present state of affairs would not exist in British Columbia. Thousands of white laborers are idle in British Columbia to-day; they can get nothing to do, and are in actual want in consequence of the large importations of Chinese during the railway construction, and the labor market is overstocked. I see in the ninth paragraph in the Speech from the Throne that we are promised a wonderful piece of legislation—promised no less than that the Chinese Act of 1885 is to be amended. There is no necessity for having it amended at all; in fact there is very little necessity for having it on the statute book, because the country is now flooded with Chinese—the evil is done—there are more than can find profitable employment. There are none coming from China; in fact, they are going back. There is an old adage, and a true one, about locking the stable door after the horse is stolen, and that is true as applied to the Chinese question. I may also say about this policy of inaction; I see in one paragraph, and am happy to see it, that the North-West Territories are to have representation in Parliament. That has been urged year after year, and I venture to say here, without the least danger of contradiction, that if the North-West Territories had had representation in the Commons and in this House, and if Manitoba and British Columbia had had representatives in the Cabinet, as they are entitled to, and must have before long, notwithstanding the influence of race and sect, and other little quibbles, so prevalent in political warfare here in the East, that the North-West rebellion would never have occurred, and hundreds of thousands, if not millions of dollars, would have been saved to the Dominion treasury in connection with the building of the Canadian Pacific Railway in British Columbia. I believe that the peace and harmony of the North-West would have remained undisturbed to this day if representation had been given in the Cabinet, to Manitoba and the Territories, in the Commons and the Senate. We are warmly congratulated, or it was placed in the mouth of the Governor General to state to this House and the country that the Pacific Railway



was completed. I am conscientiously bound to take a different view on that subject from the Government and the Opposition in both Houses of Parliament. I believe that the country is not to be so warmly congratulated on the completion of that road, and I shall tell you presently why. If I stand alone on the question, I am honest in my convictions, and if I give my reasons I think some who hear me will be reasonable enough to say there is something in them. I believe that a great mistake was made in the construction of that railway in the manner in which the forces were employed. I believe that instead of beginning at Winnipeg and working west from that point, they ought to have begun here at Pembroke or somewhere in the east and built at as early a day as possible round the head of Lake Superior, and from Winnipeg built eastward, until all rail connection with the prairie country was secured, and thereby give easy access for immigrants through our country, instead of sending them by a circuitous route by Chicago and St. Paul. I believe that in British Columbia they should have gone as they did—begin at the coast and work east through the Cascade Mountains to the Selkirk range, but I believe beyond that the Government ought not to have encouraged the Canadian Pacific Railway Company to go on and build the road through the Rockies at the unprecedented rate they have done. I believe that if they had completed the road inside of ten years according to contract, it would have been infinitely better for this country. The building went on at such an unparalleled rate, such a break-neck pace, that the people of the Dominion of Canada, especially those in the Western Provinces and Territories, were not in a position to take advantage of the enormous expenditure of money, and the consequence was, in order to supply the labor demand, they had to send to China, to California and Oregon, and bring in a sufficient amount of labor to complete the road in one-half the contract time. I believe that if the Chinese had not been employed on that work, and if the building of the road had been extended over five years more, a great number of white people would have come into the Province of British Columbia; many would have worked on the

road for a time, saved their money, and settled in the country and become citizens of Canada and revenue producers. Instead of that, three-fourths of the many millions of dollars that have been expended on the building of the Canadian Pacific Railway in British Columbia and the North-West Territories has found its way out of Canada, which, under a different policy, would have remained in the country, and would have materially assisted in tiding over this unusual depression in the labor and commercial markets of Canada. This is the reason why I say that I do not think that this country should be congratulated so very warmly as stated in the Speech from the Throne. I believe that it would have been in the true interests of the country and every practical purpose would have been served had the Rocky Mountain section not been completed before 1891—the contract time. There is reference made also to the fisheries. I will not enter into a general discussion on that question to-day; but I would say with respect to that paragraph that if negotiations are entered into and a new Treaty made with the United States, I sincerely trust that the Government will not be as guilty of dereliction of duty as they were when the Washington Treaty was negotiated. Although British Columbia at that time was to all intents and purposes part and parcel of the Dominion—the proclamation declaring British Columbia a Province of the Dominion having been issued a few weeks after the treaty was negotiated, she was excluded from the advantages that accrued from that Treaty. An invidious distinction was made against our province in that respect. It certainly was a very great hardship that we in British Columbia, a fish-producing province, should have been deprived of the markets of the United States and of the advantages and benefits that the people of the Maritime Provinces enjoyed from that treaty. I certainly hope that if a new treaty is entered into that British Columbia will not be again treated as not being a part of the Dominion of Canada.

As it is nearly six o'clock I shall not trespass any more on your time at present. There are several matters in the Speech from the throne that are likely to be brought before the notice of this House

during the Session, and I will therefore reserve any remarks I have to make upon them until another opportunity arises.

HON. MR. MACDONALD (B.C.)—I am very much surprised at the remarks of my hon. friend respecting the trade of British Columbia. I have just come from there, and it is news for me to hear anything of this kind. I have taken occasion to inquire into the condition of trade in my Province, and I have heard nothing of the depression in business or suffering or want amongst the laboring classes. On the contrary, trade is in a very fair condition. Indeed there is more building going on in the towns of that Province than usual; saw mills are running day and night to cut lumber to supply the demand of the building trade, and my observation leads me to the conclusion that on the whole, there is more prosperity in British Columbia to-day than we have had for years.

HON. MR. MCINNES (B.C.)—I wish to say that my principal informant was an hon. member, as truthful and respectable a man as comes from British Columbia in the Commons, a strong supporter of the Government, and that is Mr. Gordon, of Nanaimo.

HON. MR. ALMON—Does not the hon. gentleman from New Westminster live in British Columbia himself?

HON. MR. MACDONALD (B.C.)—Everyone knows that for the last three or four years large sums of money have been expended in British Columbia in the construction of the railway, and it is but natural to suppose that we should have some men thrown out of employment after the work was finished, but there is no want amongst the laboring classes and no depression in trade? With regard to the coal mines of Nanaimo, that industry does not depend at all on the commerce of British Columbia, but on a foreign market; and as there has been a glut in the coal markets of California for some time past, and that is where the Nanaimo coal goes to, it is but natural that that trade should be somewhat depressed. As regards the Chinaman, there are always a number of idle

Chinese, and some of them are in want, but when the Municipality of Westminster undertook in a very handsome way to help these men, the Chinese merchants of Victoria came forward in a still more handsome way and said "we will take no help from the white men; we will feed our own poor;" and they taxed themselves so much per month to raise a fund to feed their indigent fellow countrymen.

HON. MR. MCINNES (B.C.)—Who induced them to do so?

HON. MR. MACDONALD (B.C.)—Their own sense of honor.

HON. MR. MCINNES (B.C.)—It was the new Mayor of Victoria.

HON. MR. MACDONALD (B.C.)—With regard to the Canadian Pacific Railway, I congratulate the House and the country on the completion of this great work, and I think that any man who cannot do that after considering all the circumstances must be blind. The man who cannot see the benefits it has secured to this country cannot see anything. The work might have been proceeded with more slowly, but the road is now built; it is a gigantic work, a lasting monument to the industry and enterprise of this country.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved  
"That the said Address be presented to His Excellency the Governor-General by such members of this House as are members of the Privy Council."

The motion was agreed to.

#### BILLS INTRODUCED.

Bill (C) "An Act further to amend the Interpretation Act."—(Sir Alex. Campbell.)

Bill (D) "An Act further to amend the Post Office Act, 1875."—(Sir Alex. Campbell.)

#### THE STANDING COMMITTEES.

HON. SIR ALEX. CAMPBELL laid upon the table of the House a list of the Standing Committees of the Session.

The Senate adjourned at 5:20 p.m.

## THE SENATE.

*Ottawa, Wednesday, March 3rd, 1886.*

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

The motions on the order paper were postponed until to-morrow and the Senate adjourned at 3:30 p.m.

## THE SENATE,

*Ottawa, Thursday, March 4th, 1886.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## REPRESENTATION OF BRITISH COLUMBIA IN THE CABINET.

## NOTICE OF MOTION.

HON. MR. MCINNES gave notice

Whereas, only four provinces of the Dominion, embracing only one-sixteenth of its area, and all lying to the eastward of its centre, are represented in the Cabinet; and

Whereas, the absence from the Cabinet of any representative of the central or prairie section of the Dominion, contributed largely to the line of conduct on the part of the Government which led to the North-West insurrection of 1885; and

Whereas, the absence from the Cabinet of any representative of the Pacific Province, caused the Government to withdraw all their lands in that Province from sale and pre-emption for the space of nine years, and to adopt in other matters a policy calculated to retard its settlement and lessen its material prosperity; therefore

Resolved, that in the opinion of this House, justice and expediency both demand that the central or prairie section and the western or Pacific section of the Dominion should each be represented in the Queen's Privy Council of Canada.

HON. MR. PLUMB—The hon. gentleman should not forget that Sir John Macdonald represented British Columbia in the Cabinet for five years.

HON. SIR ALEX. CAMPBELL—Yes, for seven years.

HON. MR. MCINNES—But we want to grow our own Cabinet Ministers.

HON. MR. PLUMB—The hon. gentleman himself is not now a representative of British Columbia.

HON. MR. MCINNES—I may take this opportunity, since the question has been raised, of giving that statement a most emphatic denial, and any person who, from this out, repeats the statement is simply telling an untruth. I am as much a representative of the Province of British Columbia to-day as I ever was, and as much as any member of this or the other House from British Columbia, and it is a piece of malicious vindictiveness on the part of some would-be representatives of that province—a piece of petty spite and malice on the part of certain politicians and newspapers for my independent course that I am singled out as a representative who has abandoned his province, and am, therefore, not in a position to represent the views of its people. Both of my colleagues in this House have been absent much longer from their province than I have been, and not only absent from the province but absent from the Dominion. I simply left there last year for the Session and did not return, in consequence of an effort to give my two sons the benefit of a university education—something that I am sorry to say cannot yet be done in my Province. My absence is only temporary; I intend to go back to British Columbia next year, and I intend to work for that Province and her interests as faithfully as if I had never been an hour absent, notwithstanding anything that quibbling politicians or their organs may say to the contrary, and I repeat it that any person in this House or out of this House who charges me again with having abandoned my Province and says that I am not a true representative of that Province is simply stating that which is not true.

## ST. VINCENT DE PAUL PENITENTIARY.

HON. SIR ALEX. CAMPBELL—It may not be out of order at this stage of

the proceedings of the House to say a word in explanation of my inability to bring down papers in reply to an address moved by my hon. friend behind me (Mr. Belle-rose). He asked for a copy of a protest of the Deputy Warden of St. Vincent de Paul Penitentiary, Telesphore Ouimet, objecting to the evidence of Hector Demers summoned as a witness on the 14th of July, 1884, being taken before a commission appointed to inquire into the management of the penitentiary in 1884. The protest was laid upon the table by the Deputy Warden of the Penitentiary and my hon. friend wanted to have a copy of it. I said in agreeing that the address might pass, that I had made inquiries in the Department of Justice and was informed that no such paper was there, but that they had telegraphed to Mr. Moylan, the inspector, who was at the moment at St. Vincent de Paul, if there was such a paper in existence. The answer which came back was the following telegram:—

"St. Vincent de Paul, March 1st, 1886.

Deputy Warden Ouimet showed a written protest to Mr. Baillargeon and self, afterwards took it from table; it is now in his brother's hands.

(Sgd), J. G. MOYLAN."

It is manifest that we cannot produce a paper which we have not got in our possession. If a copy of it is not to be had, I cannot bring down any return that will be satisfactory to my hon. friend.

HON. MR. BELLEROSE—I am sure that the Postmaster-General has done everything in his power to bring down that paper, but I may say that I will be obliged to ask for an enquiry into the administration of St. Vincent de Paul Penitentiary by the Inspector. I say, from my place here, that the paper I moved for was handed in; action was taken upon it and judgment was given in that enquiry, and the paper has not been stolen, but given away. In the same way I state that four or five prisoners in that institution have escaped, and had the Inspector been willing to do his duty he would have found that they were aided in their escape by parties inside of the penitentiary who are there still. I state it here from my place, and if an enquiry is granted I will try to show that that institution w never work satisfactorily as it is administered

now. The evil is in the Department of Justice. Let the Government do their duty; let the Minister of Justice order an enquiry, let him bring under oath those who are able to give information and to show what is going on, and then he will discover and believe as I do. The late Minister of Justice was ready to do all in his power for the good of the institution; and I believe, though I do not know him, that the present Minister of Justice is ready to do everything that he can to ensure its proper management. I have made a charge publicly. Give us a good commission of honest men who will not force witnesses to perjure themselves as was done during the last enquiry, and then the hon. Minister of Justice will see whether I am right. I hope the Government will adopt my suggestion.

#### WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

##### INQUIRY.

HON. MR. HAYTHORNE rose to

Call the attention of the House to the means provided for the transport of passengers between Prince Edward Island and the mainland, and the charges demanded therefor—and ask the leader of the Government in this House, whether any tariff of charges has been published, and if so, whether a copy thereof can be laid on the table.

He said: I regret that it has become necessary for me once more to trouble the House upon questions having reference to grievances which I have so often, during previous Sessions, ventilated from my place here. All I can undertake to say at the present time is that I shall occupy the time of the House no longer than is absolutely necessary, and I take this opportunity to disclaim once and for all anything like factious intentions in this matter. My object is to secure good and safe transport for the mails and passengers of my Province at the most reasonable rates at which they can be provided, and that these rates should not be varied capriciously at the option of any department of the Government of Canada. The House may perhaps have perceived that the motion on the paper refers exclusively to passengers this year; I have said nothing in it about mails. The reason is that since the closing of ordinary

navigation the mails to and from Prince Edward Island, up to, I may say, a fortnight ago at all events, have been carried with unusual punctuality. There is, under existing circumstances, but little to complain of in that behalf, but I regret to say that although there has been at the disposal of the Government improved means of communication, the full benefit which might have been derived by passengers from the improved means has not been invariably reaped by them. For example, last Session or the Session before, the hon. minister opposite (Sir Alex. Campbell) engaged on behalf of the Government that for one thing the *Northern Light* steamship (which hon. members will bear in mind was built specially for this service) would be put in a thorough state of repair, and the Government intended to build a vessel capable of performing a similar service, to be available in case of necessity. That the *Northern Light* has undergone very substantial repairs is quite apparent from the fact that she weathered one of the most serious storms that have taken place on the shores of the Maritime Provinces for many years. A day or two after Christmas that vessel was exposed to a storm of extreme severity, yet she weathered it safely, and though obliged to return to port, the delay occasioned by repairing the damages was not more than two days. We have every reason, therefore, to be satisfied with the performance of the *Northern Light*. She made her trips from Georgetown to Pictou and return daily. But suddenly, from no apparent reason that I have heard of, or any individual in Prince Edward Island could divine, the special mail train which was kept in attendance on this steamer in order that the public might reap the full benefit of the passage through in one day, was discontinued, and though mails and passengers were delivered on the island, they could go no farther than Georgetown unless the ordinary express train happened to be available to carry them, until the next day. This was found to be so serious a grievance, and one so utterly unnecessary and uncalled for in every way, that public opinion declared itself strongly against the Government, and they had to recognize that there was a feeling in the Province to which they must yield. The grievance was redressed and

the special mail train was replaced on the route. I only allude to this to show what occurred on one occasion there on a Saturday evening. The *Northern Light* had that day made the trip to and from Pictou, but instead of finding the special train, as usual, awaiting the arrival of the steamer, the passengers and mails were detained forty hours in Georgetown before they were moved. That, as I have explained, was altered because public opinion was a little too strong even for the Government. We all thought in Prince Edward Island that such an unusually fine season as we were enjoying would enable the Government to keep the steamer on the route to a late date. There was a total absence of severe frost and heavy snow storms, yet the vessel was suddenly removed and taken to Souris. Some of us were in hopes that an experiment was to be tried on a route which has found favor with not a few experienced mariners—that she would be put on the route between Souris and Cape George. My hon. friend from Pictou can confirm what I say, that the harbor of Pictou remained open for several weeks afterwards—was open until a week ago at all events—while the *Northern Light* remained snugly at her mooring in Souris Harbor. I have heard since leaving my home, that she had been ordered out again; what the result will be I cannot say. Thus it seems that the Government have been slow to take advantage even of the means of conveyance which they had at their disposal in this case. Leaving that branch of the subject, I recur now to the alternative route which the people of Prince Edward Island are able to avail themselves of in winter—that is between Capes Traverse and Tormentine, a distance of about eight miles, which is passed over by means of very small ice-boats. The Government were advised by a committee of the House of Commons which sat on this question, and by others, myself amongst them, that this service should no longer be left in private hands—that it should be taken in hand by the Government and run as a public service; and after many hard struggles the Government were induced to do so. I recollect, myself, coming to my place in this House two or three sessions ago, having attended a short time previously an indignation meeting, where the people ex-

pressed their sense of the inadequacy of the accommodation provided there, and made use of certain expressions with regard to our connection with the Dominion which certainly were not complimentary, and which I, for one, regretted very much to hear; because it seems to me that a contented people without grievances is a much easier one to govern than a people less favorably situated. I regret, therefore, to hear men complaining that they have grievances unredressed by the Government, and that their ordinary talk when they meet together for the discussion of public affairs, is "Give us our terms, or cut us adrift and let us shift for ourselves." Such expressions grieve every patriotic man. This service across the Straits, after many a struggle, was taken in charge by the Government. I myself recommended that they should send down there a live man with some talent for organization, and give him *carte blanche*. The Commons Committee adopted a similar recommendation. I do not remember that they advised that the Government Commissioners should give their superintendent *carte blanche*, but they recommended that the service should be taken under Government superintendence. The two ice-boat houses have been built, and the benefits resulting from them are very apparent. They are exceedingly useful. The Government superintendent has been appointed, a certain Captain McElhinny, from the Department of Marine and Fisheries. I do not on any account attempt to raise the slightest prejudice against that gentleman. I think he had a very difficult task to perform when he was sent down there to organize this service. There are aged men, who have spent a lifetime at that occupation, and who, not unnaturally, felt that their services entitled them to some consideration, and probably felt that the appointment ought to have gone their way. I do not question at all the propriety of the appointment that has been made, and I am quite ready to admit that this superintendent has acted with good judgment and organized the service very well. He started running his boats immediately after the *Northern Light* was, as I have explained just now, sent to Souris; and the people of Prince Edward Island, and especially of Charlottetown,

found that their mails were delivered with great punctuality, aided by one of the branch lines on the island, and one on the opposite shore, which now reaches half the distance that used to be covered by sleighs. It is found that the mails from all parts of the Dominion and foreign mails often arrive at Charlottetown by three in the afternoon, a great advantage. I felt the improvement myself, and I hope that the other parts of the service were equally well managed. Certainly, a fortnight ago yesterday I went down to the Capes well disposed to be pleased and satisfied with everything I found there. I hoped to find the rest of the service as well organized as the delivery of the mails. I met with some old hands about there, who used their eloquence to induce me to go with them across the Straits, hoping that old associations would prevail. I said "no it is my duty to go by the Government boats and see for myself how the service is managed." Accordingly, the next day I made Mr. McElhinney's acquaintance at breakfast at the hotel, and congratulated him on the success which had attended his efforts. I fully intended to have crossed the Straits with him. I proceeded down to the boat-house to make some inquiries as to what the fares and what the regulations were, and found to my surprise that they were altogether so extraordinary that I for one would not submit to them. In the first place, every passenger was called upon to subscribe to a document which would release the Government from all responsibility for damages in case of loss or damage to his luggage or injury to his person. That alone seemed to be a most arbitrary proceeding on the part of the Government. In this case they stood in the position of a powerful monopoly and the traveller in the position of one with little means of taking care of himself, having no option but to take their offer. I raised strong objections to that; but when I found in addition that the charge which would be made for the privilege of occupying a seat in one of those boats would be \$7, and that for every pound of luggage which I possessed over 30 pounds I should be required to pay three cents a pound, I felt that it was something to which I could not submit, and I turned to one of the old experienced hands whom I had been accustomed to

travel with in other times, and asked what he would take me for; he said \$2. That is the price that we used to pay. I do not wish to argue this as a personal question. I would rather a good deal, instead of stating my own experience, give the case of an ordinary traveller—not an imaginary one, but a real one—which occurred this day fortnight past. Take the case of a gentleman who had been connected with the press of Charlottetown and who was leaving the Island to assume a position in another place. He was, I suppose, getting near middle age and had been accustomed to sedentary pursuits, and was not very able to take a strap on his shoulder and run over the ice, rough and smooth, as I sometimes do myself; but the rate would be the same for him, \$7, for the passage, and the privilege of using the strap, and \$3 per 100 pounds of luggage in excess of 30 pounds—a very heavy charge. We are not now considering the case of wealthy men who can afford to spread their dollars broadcast amongst the crew, but of people in ordinary circumstances, such as the great mass of those who have to cross the Straits in winter. Those are the cases in which real hardship occurs. The result in this case was that this gentleman, like myself, refused to go with the Government boats. In taking this step we did the very thing which it was always sought to prevent if possible. The local Government, 17 years ago, having to re-let that contract, abstained from putting it up to public tender, simply for the reason that they did not regard it as a service which ought to be subjected to tender, but as one which required great care and experience, and in order to insure the safety and efficiency of the service renewed the old contract. I remember the fact well from this circumstance, that one of my colleagues on that occasion lost the support of the settlement where it was hoped the contract would go. The voters of that settlement pretty generally went against him and he lost his election. The same disposition was manifested in the Commons committee—the safety of the mails and the Queen's subjects was the most important question to be considered, the pecuniary results were of secondary importance. Now to compare the charges made a fortnight ago in some cases and actually

paid, and demanded in others and refused, with those formerly demanded and paid under the old *regime*, will just show how extravagant the demands of the Government are in this case. Formerly, on the last two occasions when I came over with the old contractors, I was handed a ticket in the form of a railway ticket at Cape Traverse for which I was charged \$5; for this amount I could have an inside seat in the boat if I was not disposed to walk, or have a strap outside if I wished to warm myself up by the exercise. Any reasonable quantity of ordinary luggage was taken by the contractors for the same sum, and after all that you were carried a distance of 38 miles in sleighs to the junction of the Intercolonial Railway at Amherst. You had all this for less money than the Government charged a fortnight ago for an inside seat in a boat. Now look on this picture and on that and tell me which is the one that ought to continue?

And further with regard to that demand made by the Government for indemnity against any claim of a passenger for loss or damage to his luggage or to his person, I say that that is a thing which really ought to be abandoned. I believe that it has been the custom in framing Acts of Parliament, where the interests of powerful monopolies stand on one side, and the interests of comparatively feeble individuals on the other, that Parliament in the Old Country has stepped in and decided that the feeble man shall be protected against the monopolist, and any demand made upon him to sign away his rights shall be null and void, and of no effect. That, if my memory serves me, was a condition of the Land Act of 1882 in Ireland, where it was feared that the benefit of the Act might be signed away owing to the power and wealth of the proprietor and the feebleness of the tenant. Here we have people, not precisely in the same condition, but people who must accept the Government conditions or stay at home, and that certainly is not desirable. I found, myself, an outside irresponsible boatman and crew, willing to take me across for the old rates. That is true; but it is equally true that I might come some day and not find him there. He might be on the other side, or might not find it to his advantage to carry on this

unprofitable trade owing to the competition of the Government, because the Government take away a great deal of his business, and my only alternative would be to accept the Government conditions or return home. I ask any impartial gentleman in this House if that is a state of things to be tolerated and rendered permanent as between the Island Province and the mainland? I would also call attention to the fact that this is not a question belonging exclusively to my province. For every man that writes a letter from there or sends a newspaper, there must be some other man outside to receive it or transact business connected with it. It is the same with passengers. Some of them are Prince Edward Islanders, and some are from all parts of the world; and the question interests them as much as us. This is so true that we, who saw the importance of improved means of communication in winter, before coming into Confederation, suggested terms, which we hoped would remedy the evils we experienced, by combining the power and resources of the Dominion to grapple with difficulties hitherto beyond our powers. It may be urged that such charges as are made are justifiable on the ground that the service is an expensive and a dangerous one, and that the rates paid are in conformity with the service. I have to say, in reply, that the Government have this advantage: Their superintendent is at the place; if there appears any probability of danger, he has the alternative of keeping the boats from going out. He can say, "This is not safe weather to go out in; you will remain at home," and he can recommend the passengers to wait until the weather changes; so that as a matter of fact the dangers are less in reality than they may appear to some. Just in the same way with the *Northern Light*. The fares on the *Northern Light* are very high indeed, as compared with the services performed. A cabin passage in the *Northern Light* costs \$3, though the distance is under fifty miles, and is often performed to and fro in one day. It is obvious to those who are accustomed to travel by steamer that this is an extraordinary charge. I may be told that that service is one of extreme danger, and requires a specially constructed vessel, and a crew of more than ordinary capacity and

skill. I answer that would be true if you really did what it was at first intended should be done, and what really was done during the earlier years in which the *Northern Light* was on the service; but I am in a position to show that for the last three years that vessel has always been withdrawn when the period of hard ice came on, so that in point of fact the danger she incurs is really no greater than any strongly built screw steamer could fairly encounter with success and safety. I have here the Senate Debates, containing a report of a discussion which took place last year on this subject. It will be in the recollection of the House that I once called the attention of the Government to what I consider a danger in connection with that service. The decks of the *Northern Light*, in the spring of the year, were crowded with passengers, and a collision with hard ice, which might be expected, would naturally throw the passengers standing on her decks off their feet. What is the consequence of an accident of that sort? We know the danger there is when a vessel's cargo shifts and when it is a human cargo the danger is greater than if it were wheat or salt, because human beings become scared, and cling to each other, and fall over to leeward, and the vessel is apt to go on her beam ends immediately. I warned the government of that, but it was not seen in that light. A statement in reply to my motion was brought down showing the number of days that the *Northern Light* had been stopped for 6 years past. According to that statement, which no doubt is literally correct, I find that during the first three years of her service she was only laid up in port for 91 days during which she could not run; and that in the three succeeding years, which comprised 1881, 1882 and 1883, she was stopped for 202 days. The only conclusion we can draw from that is that as soon as there came to be any real difficulty or danger in the gulf, the vessel was withdrawn; so that nothing can be made from the argument that the service being a dangerous one, the fares of the passengers ought to be higher; it amounts to nothing. The danger is not real, for as soon as danger is anticipated, the vessel during those three latter years is sent into Georgetown until it is



over. I have heard it stated that all this cry about extra fares is a mistake—that the high charges arise out of some unhappy misunderstanding, and that refunds have been made to passengers in some instances. If that is the case I am very glad to hear that it is only the result of a mistake and not of deliberation. If the Government intended it, I should be sorry to think that they know so little of the service they had undertaken to control. If it is a mistake, I can only say that it is a very unbecoming one, and does not lead to the conclusion that the management of the service is in a very good position. I hope that the Government will take the subject into consideration, and order a tariff of fares to be established there that will be in the interests of the ordinary and the poor travellers—the men who cannot afford to spend more money than is actually necessary. Last year I took occasion to tell the hon. gentlemen opposite that many of the passengers who came across that season in the *Northern Light* were exceedingly poor, men of the laboring class, and some of them had been actually obliged to find jobs in Pictou to provide means of living until the *Northern Light* made her appearance in the harbor. To allow such fares as those recently demanded to be collected from poor men is equivalent to compelling them to stay at home. I can point to evidence in the report of the Commons Committee to show that the ordinary charge made by the old contractors was two dollars, and for that sum a passenger was allowed to take a seat inside the boat if he chose, and that many poor persons were carried across free, being unable to pay their fares. I hold this up as an instance of liberality on the part of the old contractors, and I say to the Government, “Go and do likewise.”

HON. MR. MONTGOMERY—This is a question which has been brought before the House every session for a number of years, and it appears to be an annual grievance. We all have our annual grievances. The hon. gentleman from De-Lanauidiere has his; the Prince Edward Island representatives have theirs, in the difficulties attending the crossing of the Straits of Northumberland. As far as that service is concerned, I think this year it is

greatly improved. The Government have taken upon themselves the service previously performed by contractors, and I think the business is very well managed there at present. The only cause of complaint that I have heard is that the charges are rather more than we have hitherto been in the habit of paying. I have crossed there myself frequently, and I never was asked by the contractors for more than \$2 for crossing the Straits, and if I chose to be taken over in the boat without assisting the crew, the contractors made no charge, though I always considered that I was bound to pay the men who performed the labor which I should have done. In coming across this time I was asked if I desired to be hauled over. I said that I did, as I am getting up in years now, and am not as active to take hold of the strap as I was 50 years ago. When I asked how much the charge would be, they told me it would be \$7 for myself and so much for my luggage, in all \$8.50, which I paid. I may say that the service now is very different from what it was three years ago. When I left home three years ago to come here, I went to Georgetown and was detained there five days. Then I had to return to the Cape and was detained there several days before I could get across. The hon. gentleman beside me left Paris the day after I left home, and I found on my arrival here that he had reached here before me. When I went down on the board ice on that occasion and inquired for the boats, I could see none. A person pointed out to me what I supposed were two snow drifts, but which I found were the ice-boats covered up with snow. Hon. gentlemen can imagine the comfort of getting into one of those boats after the snow and ice were shovelled out, and sitting there for six hours while crossing the Straits. We have now got a good boat-house, and when I came down this year the boats were there quite dry. The passenger is provided with a good seat—in fact I felt as comfortable, with the exception of the jolting from the roughness of the ice, as if I were seated in a chair in my own parlor. The crew had everything comfortable, and there was a capital fur robe to throw around me. I did not begrudge the payment of a little more for the additional comfort I had in crossing. The *Northern Light* was laid up, I think, some

time sooner than she ought to have been this season. The Straits remained open, in fact, until I left home, and she might have been plying every day up to that time. She did very good service while she was running. She made a trip every day backwards and forwards. The mails this winter, since they have been sent by Cape Tormentine, have been very regular. The morning I left there, the mail arrived before I started—that was about 10 o'clock—and I think the people generally are very well satisfied with the present arrangement at the Cape, with the exception of the charges, concerning which there is a little complaint, but I believe that the management there have made some mistake, and charged a little more than the authorized rates. I am in hopes that the time of crossing the Straits on the ice will soon disappear. When we obtain a sub-way—that is being agitated for by my hon. friend from Alberton—I hope in a few years that instead of crossing over the ice we will be able to cross beneath it with greater speed and safety. I would like to say, with reference to the old contractors, that Captain Muttart has been a long time in the service, and has been very inadequately paid. He was very kind to passengers, and every person who had much to do with him thought very highly of him. If the Government could see their way to do it, I think the country will be very much pleased if some little remuneration is granted to him and to Captain Irving in recognition of their services. Captain Irving is a much younger man than Captain Muttart, and neither of them has been adequately paid for the work they have done. Sometimes after crossing the Straits, they have been detained for several days, unable to return, and could not save one cent for themselves after paying their own expenses and those of their men. The crossing on the ice-boats now in use is very much improved. When a passenger gets there he finds a warm room to wait in; the boats are thoroughly dry when taken out, and the service is prompt and well performed. I have never crossed the Straits with as great comfort as I did this time. We had a heavy snow storm for an hour and a half or two hours after we started, and when it cleared off we found that we were going as straight for our

landing as if we had seen it all the time ahead of us. As far as I can learn, every one that has crossed under the new system has been perfectly satisfied, so far as the comfort and convenience of crossing are concerned.

HON. MR. ALMON—How many men does it require to man an ice-boat?

HON. MR. HAYTHORNE—Five men.

HON. MR. ALEXANDER—What is the usual charge in summer for crossing the Straits?

HON. MR. MONTGOMERY—Two dollars.

HON. SIR ALEX. CAMPBELL—The first complaint which my hon. friend made was not with reference to anything which is referred to in his notice of motion, but related to the withdrawal of the special train between Georgetown and Charlottetown, which used to leave Georgetown on the arrival of the *Northern Light* from Pictou, a grievance which he afterwards, before two minutes had elapsed, admitted to have been redressed. I think my hon. friend might have saved himself the trouble of making that complaint. But he asked why the mail train was withdrawn. The special train was withdrawn because of the great expense of running it. The special train only carried the mail to Charlottetown a few hours, I believe, in advance of the ordinary train, which leaves Georgetown once a day for Charlottetown. But the *Northern Light* does not arrive there immediately before the departure of the ordinary train, therefore a special train was put on, and it was some convenience to the Province. Complaint having been made that its withdrawal was an inconvenience to the public, I was glad to restore it. But my hon. friend must bear in mind that there should be some proportion between the expenditure and the receipts connected with this service. There was nothing in the facts that would justify the government in putting on and continuing this special train. It would not have been done in any other part of the Dominion. With the exception of the special train which leaves Halifax or

Rimouski with the English mails, I do not think in the Dominion there is another instance of a special train leaving on the arrival of a steamer with mails, or going so short a distance as from Georgetown to Charlottetown, and my hon. friend from Marshfield will be surprised to learn that that special train service cost from \$9,000 to \$10,000.

HON. MR. HAYTHORNE—It only runs for a few weeks.

HON. SIR ALEX. CAMPBELL—Yes, but during that time the cost is from six to eight thousand dollars, which is a considerable item for a mail service not bringing in much revenue. There was a good deal of feeling excited about the withdrawal of the train; and as the railway was a public railway and we were anxious to meet the wishes of the people of Prince Edward Island as far as possible, so as to prevent any complaint or give any cause for grievance on the part of the population of the Island, and feeling that the population, though small, were entitled to everything we could do in reason to make the mail service efficient, we replaced the train, although it involved considerable expense, and it is now running again. My hon. friend should bear in mind what the government has done for the purpose of increasing and improving the facilities for crossing between the island and the mainland. We have spent for the purpose of connecting Cape Traverse with the Island Railway, \$156,000, and for the purpose of connecting Cape Tormentine with the Intercolonial Railway, we have guaranteed to a private company, who are now constructing the branch, the sum of \$113,000. These are large items in the public expenditure, made for the very purpose of increasing and improving the connection between Prince Edward Island and the mainland. In addition to this, if he adds the large sums paid for the *Northern Light*, the money expended annually for that vessel and for the new service between the Capes and for the summer service, and the additional sums which have been from time to time expended in endeavoring to improve the facilities upon the Island, and also the loss on running the Island Railway, my hon. friend will see that the postal revenue

from the Island bears no proportion at all to the amount of money expended for improving the facilities for transport and mail service. We expend the money there, because the duty is imposed upon us by the terms of the Union, and with a sincere desire to carry out those terms, and from no expectation of obtaining a revenue from it. If the hon. gentleman had looked seriously into the matter he would have seen that the Government have done a great deal towards meeting the wishes of the people of the Island. We have done a great deal latterly by subsidizing the branch on the mainland; we have done a great deal by constructing the branch on the Island, and we have done a great deal by taking the ice-boat service between those two points into our own hands. At first it was in the hands of the Post Office Department, and then it was placed in the hands of the Marine Department; everything in reason has been done, and I must say more than could have been expected at the hands of the Government for increasing and improving the service between the Island and the mainland. My hon. friend suggests that we have done very little.

HON. MR. HAYTHORNE—No, I give you credit for all you have done; but I say you mar it all by the rates you charge.

HON. SIR ALEX. CAMPBELL—My hon. friend referred on a previous occasion to the report of the Special Committee of the other branch of the Legislature on this subject. That report recommended that instead of being let by contract to private individuals, the service at the Capes should in future be a Government service. We did that. We took it out of private hands, and made it a Government service. The second recommendation was that a larger number of boats and an increased number of men be employed, sufficient to enable daily trips to be made in both directions whenever crossing is practicable. We have done that. There is a larger service, there are more boats and more boatmen, and we have made it a daily service. The third recommendation was that boat-houses be constructed on both sides of the Straits for protecting and repairing the boats and for accommo-

dating the men. Boat-houses have been constructed—my hon. friend near me (Mr. Montgomery) says comfortable houses—and facilities for keeping the boats dry, and making the crews and passengers as comfortable as can be. The fourth recommendation was that stations for observation and signal service be adopted for the guidance of the boats while crossing. I do not know whether that has been done or not, but an officer was sent down there for the purpose of seeing that everything was done that was practicable to make the crossing safe. The fifth recommendation was that good sized row boats be provided to assist or relieve the ice-boats in open water stretches. The officer in command is charged to do everything in his judgment necessary to meet any difficulty or danger, and I dare say he has done that. The sixth recommendation was that a small screw steamer should be used during a considerable portion of the winter in connection with the ice-boats, and could be safely docked in the bord ice when not at work. That has not been done, but that will follow if it is found to be necessary and useful for the security of life. The seventh recommendation is “In reference to the summer communication, that in connection with the railway to Cape Traverse and the branch now in course of construction on the main land, piers should be constructed at both Capes, and a steam ferry established for the conveyance of the mail and passengers in the summer season, in accordance with the report of Mr. McLeod, Civil Engineer.” The railway on the mainland has not yet got down to the water; it is within two or three miles of it, and when it gets down it will be time to consider the matter. So that my hon. friend will see that out of seven recommendations made by the Committee of the Lower House one is not yet possible, and of the other six we have complied with five of those recommended, and endorsed by my hon. friend. That is doing a good deal towards meeting the views of the people of Prince Edward Island. Then my hon. friend says his complaint is with reference to the tariff of charges. The tariff of charges may be too high. I am not in a position to pronounce on that, but it is a tariff capable of being revised at any time and made reasonable.

But what the hon. gentleman says was demanded of him for crossing does not seem to me to be a large sum for the service. Looking back to the time when Parliament sat at Quebec, and when we had to cross the St. Lawrence, less than a mile (whereas the crossing between the Straits is eight miles) I, and many hon. gentlemen round me, constantly paid from \$4 to \$5 for being crossed in a canoe over the floating ice. We had four or five men pulling a wooden canoe, with great labor, requiring considerable dexterity and a good knowledge of the navigation to keep us away from or to cross the floes of ice, and I do not know that any member of Parliament thought four or five dollars too large a sum for the service. If there are many poor people who cross the Straits of Northumberland in the winter season, perhaps the tariff should be revised. The memorandum which has been handed to me in reference to this matter is as follows:—

“The Winter Mail Service between Prince Edward Island and the Mainland is under the control of the Marine Department.

“The steamer *Northern Light* runs between Georgetown and Pictou, when the condition of the ice in the Straits of Northumberland permit her doing so.

“The Passenger tariff by this route is \$3.00 each; Berth, \$1 each; Breakfast, 40 cents; Dinner, 50 cents; Supper, 40 cents.

“When it is found impossible to keep up continual communication by the *Northern Light*, the Mails are transported by ice-boats from Cape Traverse, in Prince Edward Island, to Cape Tormentine, in New Brunswick, and *vice versa*.

“The charge for Passengers crossing by this route is \$2 each, when they have a strap and travel outside the boats. When passengers desire to be hauled in one of the *three usual* mail boats the charge is \$4 for each passenger; *but* if *extra* boats are hired for the purpose of hauling passengers, *then* the charge is \$7 each. The cost of hiring an extra boat and crew for the round trip is \$25.

“Passenger Tariff by the Steamer *Northern Light*, plying between Georgetown, in Prince Edward Island, and Pictou, Nova Scotia, and by Ice-Boats between Cape Traverse, in Prince Edward Island, and Cape Tormentine in New Brunswick:—

<i>S.S. Northern Light.</i>	
Passengers, each .....	\$3 00
Berth, each, per voyage ....	1 00
Breakfast.....	40
Dinner .....	50
Supper .....	40

*Ice-Boats.*

Passengers, each, when taking a Strap.	\$2 00
" " when hauled in regular Mail Boats	4 00
" " when hauled in extra boats hired for that purpose	7 00
Twenty-five pounds of baggage with each passenger	FREE.
(When the baggage exceeds 25 lbs. in weight 3 cents per lb. extra is charged.)	

“Twenty-five pounds baggage is allowed to be taken by each passenger free of charge; when it exceeds that weight three cents per pound extra is exacted.

“Reference might be made to the Hon. Senators Montgomery and Carvell, who crossed recently in the Government boats as to the efficiency of the service.

“The Department of Marine learns that when the ice-boat service was under contract the cost of transporting passengers, including gratuities to the crews, was more than under the present arrangement. The men now receive good wages for their services, and gratuities are not allowed, and if passengers pay the crews anything additional for hauling beyond the regular fares, such payments are made without the knowledge of the Department.

“The tariff by the ice-boats has not been published. Printed handbills showing the passenger and freight tariff of the *Northern Light* were issued in December last. A copy is herewith attached.

“NOTICE is hereby given that the following will be the Passenger and Freight Tariff by the Steamer *Northern Light*, plying between Prince Edward Island and the Mainland during the Winter Season of 1885-85, viz:—

Passengers, each	\$3 00
Berth, each, per voyage	1 00
Breakfast, each	40
Dinner, each	50
Supper	40

“Not more than thirty passengers will be taken on any trip, and a Register Book of Passengers will be kept at Pictou and Georgetown, in which each passenger is required to register his name and address.

Double First-class Goods, per 100 lbs.,	32 cts
First-class do do	16 cts
Second-class do do	12 cts
Third-class do do	10 cts
Fourth-class do do	9 cts
Flour, per barrel	15 cts

(These rates to be upon goods delivered alongside the vessel, whether at the wharf or on the ice, and all expenses incurred by the Government in conveying goods from the vessel to the wharf, or *vice versa*, will be an extra charge on the freighter.)

“Hides and Pelts to be packed in casks or barrels, and properly marked. If in bundles these goods will not be taken.

WM. SMITH,  
Deputy of the Minister of  
Marine and Fisheries.

“Department of Marine and Fisheries,  
Ottawa, 1st December, 1885.”

HON. SIR. ALEX. CAMPBELL.

The following extract, from a letter from Mr. Richard Sloggett Lloyds, Surveyor, Charlottetown, Prince Edward Island, dated 22nd February, 1886, to Mr. Smith, Deputy Minister of Marine, relative to the ice-boat service, will show his opinion of the manner in which that service has been conducted between Cape Tormentine and Cape Traverse:—

“I have very much pleasure in stating that your representative down here, Captain McElhinney, is doing his work admirably. The mails arrive almost daily, and generally early in the day. The arrangements are excellent, and I hear every person speak in the highest terms of the Captain. I have not been up myself, but many of my friends have paid a visit to the Capes to see and inspect for themselves, and have heard only one opinion expressed.”

I think, hon. gentlemen, we have done a good deal, the expenditure and the revenue considered, and persons who are reasonable about those things will believe that a very efficient service has been established by the Government, and that we are endeavouring in every way in our power to fulfil and carry out the terms on which Prince Edward Island entered the Union. I have omitted to mention the large expenditure on the Island where we had to purchase a pier from a private party, so that my hon. friend, if he would only be reasonable about it—he is generally reasonable and I beg his pardon for thinking that he is not so now—would see that we have expended a good deal of money, and have done everything that the experience of the representatives from the Island has suggested to make this service effective and complete; and I hope and believe, even in the face of loss from the Island railway, and in face of the difficulties that exist in making connection with the mainland, that my hon. friend will always find the present Government, and, I hope, any future Government, ready and anxious to do everything in their power, in reason, to carry out the terms of Union, and make effective the service between the Island and the mainland. My hon. friend from Park Corner speaks of Captain Muttart who has been long in the service. He must mean that he was long a contractor; he has never been in the public service. I would be very glad indeed if anything could be suggested that would meet my hon. friend's wishes in that respect; but

I am afraid I cannot hold out any promise. If Captain Muttart has had bad times, he is like all of us who are in the pursuit of private business and private gains. I am afraid the Government can hardly do anything for him.

HON. MR. HAYTHORNE—The hon. gentleman has not mentioned the conditions which the Government imposes upon passengers crossing in the ice boats. Surely he will not undertake to defend that?

HON. SIR ALEX. CAMPBELL—I regret that I do not know anything about it. I will undertake to enquire about it; I never heard of it before. I do not know what conditions are imposed or by what authority, but I will inquire and take another occasion to refer to the matter.

HON. MR. CARVELL—Reference having been made in the papers read by the leader of the Government to myself, gives me an opportunity of following him, which perhaps I would not have had the courage to do but for that reference. I feel that a few remarks from me are necessary, from the fact that recently I have been forced to publish a letter in connection with this question. I crossed the Straits about a week, I think, before my hon. friend from Marshfield, and shortly afterwards I observed in a Montreal newspaper, an editorial attacking the arrangements for this season rather severely, and giving as authority for it my hon. friend from Marshfield, my hon friend from Park Corner, and myself sandwiched between the two, and as the views sought to be conveyed by that article were entirely at variance with that version of it, I thought it was due to myself, to say nothing of what is due to the Government, to contradict it over my own signature, which I did in the Montreal Herald. Since doing so, in talking with the hon. mover of this motion, he has endorsed all that was in that letter, the gist of which is that the condition of things between Cape Traverse and Cape Tormentine this winter is very much better than it ever was before; that the boat-houses are a very great boon; that the arrangements made by Captain McElhinney in securing the services of the

men, and his management of them is a very great improvement; that one of the greatest dangers of the whole crossing is removed by the fact of having a warm house into which the boats may be taken to be cleaned, and when they go out in the morning they are free from ice and water. It has happened to me on previous occasions, while crossing with a boat apparently tight when we started, that after being twenty minutes in the water a great hole could be found in it, this hole being closed up by ice which the water soon melted, and we had difficulty in keeping her afloat. I know that I have myself baled for hours while the men were working along with me. The men now have comfortable quarters in which to wait until the proper time has arrived for them to start. I may say that before leaving Cape Traverse I was in the boat-house for an hour mingling with the men, with nearly all of whom I am well acquainted, having crossed some forty times in the last five or six years. They were all satisfied with the arrangements, and said they were the best they had ever had. These men, instead of having to take the boat at the shore, or near it, and haul it to the bord ice, are put in comfortable sleighs and hauled out by teams as passengers, so that when they get to the bord ice they have not exhausted a portion of their strength in hauling the boat over a mile and a half of rough ice. On the other side, having crossed they are put into a sleigh and driven to another comfortable house where they get warmed and can change their clothes and sleep if they like until the return voyage commences. The boats are well equipped with oars and boat hooks. No intoxicating liquors are allowed around the place. I know that in former years when men have been detained for three or four days by adverse circumstances, when the time arrived that they could cross, they were not worth half as much because of the lives they led in the meantime. That is now a thing of the past. Capt. McElhinney has done wonders for the time he has been there; and so far there has been a very great improvement, all of which, I think, the mover of this motion will endorse publicly, as he has done to me privately. But hon. gentlemen, this is a very small

portion of the service. The hon. leader of the Government has said they have done a good deal, and so they have ; but we were a long time in the Union before we got these improvements. The boat-houses were talked about a good many years and I am glad that they have come at last. What we want now more than anything else is small steamers, one to be kept on either side, as auxiliaries ; sometimes they may not be used at all, and sometimes they may be indispensable. I have had a good deal of experience, waiting for an opportunity to cross. I was detained there one week, in weather as fine as to-day has been. The only difficulty was four or five miles of open water in the middle of the Strait, over which it would have been dangerous for small boats to pass. Now, if we had a couple of small steamers to run across these open spaces, not only would the time of the passage be shortened but the danger would be minimized. The last time I crossed, about three weeks ago, five-eighths of the voyage could have been completed in half an hour, and there would have been little or no danger or hardship. The leader of the Government in this House understands very well what my idea on this subject is. Further, we ought to have a boat with supplies of necessary and useful articles, in case of accidents like the one that occurred last winter.

HON. SIR ALEX. CAMPBELL—Do you mean a supply boat to go with the others ?

HON. MR. CARVELL—Yes ; there should never be less than three boats together at one time, and one of these should be a supply boat.

HON. MR. DICKEY—Not all going out together ?

HON. MR. CARVELL—Yes, all going out together ; that is the arrangement this winter. They never start with less than three boats. But they do not take supplies. Supposing these boats were overtaken in a storm and were kept out all night, as unfortunately happened last winter, the supplies required would readily suggest themselves—rubber covers, fuel, and food which could

be put in a condensed form—and should always be kept on hand. We who come from Prince Edward Island who are accustomed to cross the Straits might talk from now until doomsday and could not convey any idea of the uncertainty and often hardship of crossing the Straits in winter. No one can tell in starting how long he will be in the boats. I remember on one occasion I had to wait for five days for an opportunity to cross. I was urged by the boatmen to go with them one day, but refused. They told me I could get across in five hours, but I persisted in my refusal. I hired a horse and sleigh and drove home and I afterwards learned that the men were out thirteen hours and in the end were obliged to return to the place from which they had started. That occurred in the month of February. The hardship of crossing the Straits in winter is always great and there is more or less risk attending the passage. My hon. friend from Marshfield spoke of a suggestion having been made that the Northern Light should be put on the route from Souris to Cape George. If she succeeded in getting over, it might be said of the passengers that their last state was worse than the first ; fancy passengers landed at Cape George—they might almost as well be landed at Cape Breton ! It would be better for them to remain at home until they got a chance to cross than to be landed at Cape George. As to the document which passengers are required to sign, I have no hesitation in saying that if I were injured in crossing the Straits I would make a claim for compensation. Suppose my hon. friend, while pulling on the strap, should get his foot between two clumps of ice and break his leg I doubt if he would have a fair claim for damages against the Government. I do not approve of the system of requiring passengers to sign such a document, though my own opinion is they might as well sign it as not ; they are as likely to get paid one way as the other. I have a lot of claims against the Government and I cannot get any of them settled. Reference has been made to the old tariff. I am getting a little light on the subject and it appears to me that I have been a victim. My hon. friend tells me that for \$5 he could get a ticket which would entitle him to be taken across the

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Strait in one of the boats and conveyed to Amherst.

HON. MR. HAYTHORNE—Yes.

HON. MR. CARVELL—I crossed myself, as a strap man, for many years, but circumstances have prevented me from continuing it, and for some time past I have been obliged to take a cabin passage, for which, as I have said over my own signature in the press, I have never paid less than \$15—for which I have repeatedly paid \$16, and sometimes \$20. If my hon. friend has been carried over in that cheap way, I must have been a victim. I never, with one exception, hesitated to give the men—and there are five of them—a gratuity of \$1 each, and as my hon. friend from Sarnia is not present, I may add, a bottle of something to warm them on landing on the bord ice.

HON. MR. HAYTHORNE—Was the amount which the hon. gentleman mentioned paid to the contractors, or did it include the bonus which he paid to the men?

HON. MR. CARVELL—I never paid less than \$15 to the contractors I have repeatedly paid \$16 and sometimes \$20, and in addition I have paid the men \$1 each and given them a bottle of something to warm them on landing. I never grudged it, and I did not think it was too much. I was therefore agreeably surprised, on coming to Cape Traverse this year, to find that, including my luggage, the usual amount I carry, I was charged only \$10, and now I find that by a mistake in reading his instructions Capt. McElhinney charged me \$3 more than he was directed to demand. Under this tariff I paid \$7 instead of from \$15 to \$20. I have therefore no grievance on that score.

About the veterans, I think one of these men is entirely out of court. Mr. Irving made an arrangement with Capt. McElhinney and signed a contract, and the understanding was that not only should he give his services but also his best efforts and good-will in carrying out the service. He immediately went to the boatmen and said to them, "You stick to me and I will stick to you; and the first

time the mail comes we will get more money." This coming to McElhinney's ears, he immediately dismissed him, and very properly. As to the other, Muttart, a respectable man in every way, he was well satisfied with the change. I was round the boat-houses with him the other day, and he said the service was ever so much better than he had ever seen it before, and all he wanted was that Capt. McElhinney should purchase two of his boats. The Captain thought he would take one of them, and I hope he will. That is all that is wrong with Muttart. He is in comfortable circumstances, and only wants to get rid of his boats. He is perfectly satisfied, and so are most of the people in the neighborhood. Most of those who cross the Straits say that they were never so well treated before. At the same time, I admit that the *Northern Light* might be a good deal better than she is, and there are a great many other things that might be better done.

HON. MR. HOWLAN—I did not intend to take any part in this debate for reasons which I will shortly state. I thought that on another occasion an opportunity would be afforded me to speak on this question. But there is one statement which has fallen from the leader of the Government in this House which requires an explanation at my hands. It has been bandied about in the newspapers and stated in this House that Prince Edward Island contributes less revenue to the Dominion Treasury than she receives from it. To that statement I take particular exception.

HON. SIR ALEX. CAMPBELL—I did not make that statement. I said the Post Office revenue was smaller than the expenditure.

HON. MR. HOWLAN—I am very glad to hear the hon. member's explanation. It is continually dinned into the ears of the Prince Edward Islanders that the Dominion is giving us more than we pay. I say that is not a fact. I say it cannot be substantiated. You do not in the Public Accounts get at the revenue which is contributed by Prince Edward Island. When we were a separate colony, we had a direct tariff and a direct revenue, and it



could be seen at a glance what the amount of our revenue was. I assert, and I challenge contradiction, that 88 per cent of the importations into Prince Edward Island are bought directly from travellers who are the representatives of firms in London, Hamilton, Montreal, Quebec, Halifax and St. John. That is a fact which every business man who understands the question will substantiate. Therefore, when you take from the Public Accounts of this country the statement of revenue derived directly from Customs and Inland Revenue, I say it does not show the amount that Prince Edward Island contributes. I assert that Prince Edward Island pays more into the Treasury of the Dominion than she gets from it. However, that is beside the question. Whether we pay more or pay less has nothing to do with the question before the House. The Island is now a province of the Confederation. It was admitted on certain terms and conditions which have not been carried out. I say that Prince Edward Island has not been properly treated. We are told that changes have been made in the mail service ; that boat houses have been erected and that certain other things have been done and, as a consequence, that there is greater security to life and property and Her Majesty's mails. This is proof, if proof were needed, that until recently the service was neither safe nor satisfactory. It is the duty of the Government to make the mail service efficient because it is of extreme importance to the whole country that it should be so. The question has been asked—how many people cross the Straits in winter? Whatever the number may be, one thing is certain—no man crosses there unless he is compelled to do so ; but if you take the summer season, when there is open navigation, you will find that the travel between the Island and the mainland is as great as between any other two Provinces of the Dominion. I should be very glad if a record were kept of the number of persons crossing and the places to which they belong. I venture to say that it would be found that more people from Ontario and Quebec cross the Straits in the winter than from Nova Scotia and New Brunswick.

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HON. MR. CARVELL—Many times more.

HON. MR. HOWLAN—Therefore I say it is as important for Ontario and Quebec as for Nova Scotia and New Brunswick, that the improved means of communication which we seek should be furnished. The people of Prince Edward Island are dissatisfied with the existing state of affairs and are determined to have better means of communication with the main land. Hon. gentlemen who have not crossed the Straits can hardly realize the difficulties under which we labor. They can hardly understand what it is to be kept twelve or thirteen days at the Straits, waiting for an opportunity to cross, and during this time perhaps their bills are protested at the bank, while they have the money in their pockets ready to pay them. I say, as one of those who assisted in bringing about the Union of the Island with the Dominion, that one of the principal inducements to enter the Confederation was that we should have continuous communication winter and summer with the mainland. I say we have not been given that which was promised us at the time, and this is why we bring our grievances before the Parliament of the Dominion, the proper place to discuss them. We are told that the special mail train was stopped because it cost \$6,000 a year.

HON. SIR ALEX. CAMPBELL—More than that. I do not wish to speak rashly about it, but I think it was \$26,000 a year, and for the time that the train ran it cost \$6,000.

HON. MR. HOWLAN—Let me take issue with my hon. friend on that.

HON. SIR ALEX. CAMPBELL—Do not take issue with me, because I am not certain of the figures.

HON. MR. HOWLAN—I think my hon. friend is mistaken, because the railway staff is kept on continuously and the only extra expense would be the coal consumed and the wear and tear. It is very important to the whole Dominion that the mail service should be efficient, and it is absurd to expect that the postal revenue shall equal the expenditure. The

postal service of the Dominion does not pay—it is not looked upon as a source of revenue. It is maintained for the indirect benefit it confers on the country.

HON. SIR ALEX. CAMPBELL—We always expect the revenue to nearly equal the expenditure.

HON. MR. HOWLAN—Is that the case in the North-West and British Columbia?

HON. SIR ALEX. CAMPBELL—In the North-West it is pretty good.

HON. MR. HOWLAN—I think if you compare the returns for the North-West and Prince Edward Island you will find that I am not very wide of the mark when I say that the service in our Province pays better than theirs. With regard to Capt. Irving, he is one of the best boatmen that ever crossed the Gulf. I say so with a full knowledge of what I assert, having crossed the Gulf 32 times, and I am only sorry that he was not made head of the Department this year. I hope the cloud which is over him will pass away. I will not enter into any of the disagreements which some of my colleagues may have had with him; I only say I am sorry that circumstances prevented him being at the head. When a man has successfully conducted that service for 40 years, during which time he has never lost a life or a mail bag, his long services ought to be recognized. Though he was guilty of imprudence, the least that should have been done was to have considered his past record and thrown the mantle of silence over his conduct and not taken a harsh course. It is as well that we should look all the facts in the face. I do not wish to say one word against Capt. McElhinney. On the contrary, I think he acted with as much prudence as could have been expected from him under the circumstances. He was placed in a difficult position for a stranger, and I am only sorry that some one representing Prince Edward Island was not with him to give him advice at the time. The Department made an arrangement to hire a crew, paying \$45 a month to the men, \$50 to the coxswains, and \$60 to the masters. Those who were employed thought the remuneration was not sufficient, and I concur in their

opinion. I know I could not hire a crew to do the work for such wages. I believe the captains of the boats ought to receive \$100 each at least; that the coxswain should receive \$75, and the men \$60 each. It is a very arduous duty and one exceedingly difficult to perform successfully. So far there has been no loss of life, but without speaking disparagingly of Capt. McElhinney, I, for one, if I had to cross the Straits to-morrow, would prefer to go with the more experienced boatmen. Captain Irving and the crew talked the matter of their pay over, and thought the remuneration was not sufficient. The two captains of the boats, Irving and Muttart, came to the conclusion that they would take the wages for a time, and subsequently, when they found the Government in a difficult position, demand more. I admit that Captain Irving was guilty of an indiscretion, which I do not attempt to defend. After a while Capt. Muttart made known to the department what the arrangement was and Irving was dismissed and Muttart kept on. Now is Muttart in a better position than Irving? If he is I fail to see it. So far as Muttart, Sr., is concerned I do not think a better man could be found for the service. He has crossed the Straits for many years successfully; I have no doubt that he is a good judge of these matters, and that he is well satisfied with the arrangement. His son, a very good man, is in charge of one of the boats and he has other sons employed also, but it does seem hard that Capt. Irving should be overlooked and placed in a false position. Captain Irving's reputation as a boatman in Prince Edward Island is second to none in that country; all classes of the community speak of him in the highest terms. I am now 51, and I have known Captain Irving since I was 17 years old, and I know nothing whatever against his character.

HON. MR. CARVELL—I quite agree with the hon. gentleman on the subject of the remuneration which should be given those men. The service is of a difficult character. I think those who perform it are entitled to higher wages than they receive—\$90 or \$100 a month would not be too much for the leaders and \$60 for the men.

HON. MR. HAYTHORNE—I am just going to point out that I contested none of these points to which so much prominence has been given by the hon. leader of the Government, and my hon. friend from Charlottetown. I commenced what I had to say by admitting that great improvement had taken place; my complaint had reference to a different subject altogether. Admitting that Captain McElhinney had succeeded in organizing a new service under very difficult circumstances, and that the service, as far as I could judge now from present experience, was superior to what it used to be, that does not affect the charges made. The hon. gentleman opposite makes light of the charges, but I ask why on earth should they be so greatly in excess of what they were before? There can be no doubt about the figures. I know when I crossed on a former occasion I was handed, for \$5, a ticket which entitled me to a passage across the Straits, and thence to Amherst, 38 miles, by sleigh. Now we learn from what has fallen from my hon. friend from Park Corner, that he could not cross the other day for less than \$7, and an extra charge for luggage. The hon. Postmaster-General has instituted a comparison between the crossing of the St. Lawrence and the crossing of the Straits. The two are wholly different. In our case it is the sole means of communication between the two provinces; in the other the trip is one that could be taken or not at pleasure.

HON. SIR ALEX. CAMPBELL—The hon. gentleman is quite mistaken. I was describing no pleasure trip. I was describing the means by which members from this part of the country got down to Quebec when Parliament was sitting there. We had to cross the river in canoes.

HON. MR. HAYTHORNE—Parliament does not sit there now and there are other means of crossing the river besides boats.

HON. SIR ALEX. CAMPBELL—I mentioned that as an analogous case, and as to the tariff of fees of which my hon. friend complains, I showed that at Quebec, where we had to go every winter, we had to pay so much to cross the St. Lawrence where it is only three-quarters of a mile wide.

HON. MR. HAYTHORNE—I cannot see any analogy between the two cases any more than I could last year when the hon. gentleman spoke of boats on the Rhine, the Hudson and other rivers.

HON. SIR ALEX. CAMPBELL—That was with reference to another point.

HON. MR. HAYTHORNE—In this case it is certain that besides members of Parliament, whom I put out of the question altogether, there are many others, and your ordinary traveller has no surplus of dollars which he can squander away in paying for his passage now, three or four times as much as he had to pay formerly. Speaking of the charges for crossing the Straits, I refer to the actual amount paid to the contractors without making any allowance for gratuities which passengers might feel inclined to give to the crew. I find in the Appendix to the Report of the House of Commons Committee a statement by Mr. McLeod, who was sent down to the Straits to make enquiries and was furnished when he went with a series of questions prepared, I suppose, by the Department, 41 in all. One is, "what is the fare?" It was answered by five different witnesses, all of whom said that it was \$2. Therefore, there can be no doubt what the old charge was for a passage, and Muttart and Irving add that they frequently put men across free when they saw that they were not in a position to pay anything. Contrast that with the case mentioned by my hon. friend the other day. Let us take the case of a poor man unable or unwilling to run the risk of broken limbs or getting himself wet to the middle; if he is unable to run those risks he must take a seat inside the boat and for that he is charged \$5 extra. My hon. friend says there was a mistake made about this, but I would just point to the invidious position of the Government service if one of the numerous strangers who, my hon. friend says, form the majority of the passengers, should be charged more than the regular rate. He would come to the conclusion that the Dominion Government was not above making extortionate charges. Let us have the tariff of charges.

HON. SIR ALEX. CAMPBELL—I have put it on the table now.

HON. MR. HAYTHORNE—Let the public see what the charges are now and contrast them with the old rates. I quite admit the improvement of the service and it would be nothing less than shameful if there were not improvements. Have we not year after year contended for the building of these boat-houses? How often have we been promised them, and how often have those promises been broken? How many years have elapsed since we became a part of the Dominion without the terms on which we entered the Confederation being fulfilled—how few *bona fide* attempts have been made to fulfil them? This I say with feeling, because I was one of those who helped to bring about the union. I listened with pleasure to the remarks of my hon. friend from Alberton? He is master of the financial aspect of the question and quite prepared to deal with those groundless assertions that Prince Edward Island contributes but little to the Dominion treasury. The fact of the matter is the public accounts are kept in such a way that it is impossible for anybody to form a correct estimate of what our province contributes to the public revenue, or what quantity of dutiable goods is consumed by each individual of our province. The subject which I have brought before the House this evening is not one of general interest to hon. gentlemen, but I felt urged by a sense of duty to my people, having myself refused to submit to what I could not choose but regard as an extortionate charge, to bring this matter before the House. Contrary to his usual custom my hon. friend, with all his urbanity has not given a satisfactory answer to the complaint I have made.

HON. SIR ALEX. CAMPBELL—I did not understand what the hon. gentleman meant by terms. I thought he meant the tariff and I have brought down the tariff. I did not understand, until he explained it, that passengers were obliged to sign a document, but I will take care that a copy of it is laid upon the table.

HON. MR. CARVELL—I hope the amount of luggage which each passenger is allowed to take without charge will be increased. I consider the amount altogether too small.

HON. SIR ALEX. CAMPBELL—Of course I will mention it to the proper department. We want to make the service effective and the charges reasonable.

## THE STANDING COMMITTEES OF THE SENATE.

### THE LIBRARY.

HON. SIR ALEX. CAMPBELL moved

That the Hon. Messrs. Alexander, Almon, Baillargeon, Bellerose, DeBoucherville, Gowan, Haythorne, Lacoste, Odell, Plumb, Poirier, Power, Ryan, Scott, Sullivan, Trudel, and Wark, be appointed a committee to assist His Honor the Speaker in the direction of the Library of Parliament, so far as the interests of this House are concerned, and to act on behalf of this House as members of a Joint Committee of both Houses on the Library.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved

That the Hon. Messrs. Dever, Girard, Gowan, Guévremont, Haythorne, Kaulback, McClelan, McKindsey, McMillan, Macfarlane, Ogilvie, Pelletier, Read, Sullivan, Turner, Vidal, and Wark, be appointed a committee to superintend the Printing of this House during the present session, and be instructed to act on behalf of this House with the Committee of the House of Commons, as a Joint Committee of both Houses on the subject of Printing.

The motion was agreed to.

### BANKING AND COMMERCE.

HON. SIR ALEX. CAMPBELL moved

That the Hon. Messrs. Allan, Archibald, Bellerose, Botsford, Boyd, Carvell, Chaffers, Clemow, Cochrane, Ferrier, Hamilton, Lacoste, Lewin, MacInnes (Burlington), McMaster, Odell, Pâquet, Plumb, Ross, Ryan, Smith, Thibaudeau, Trudel, Turner, and Wark, be appointed a committee on Banking and Commerce for the present session, to whom shall be referred all Bills on these subjects.

The motion was agreed to.

## RAILWAYS, TELEGRAPHS AND HARBORS.

HON. SIR ALEX. CAMPBELL moved

That the Hon. Messrs. Alexander, Allan, DeBoucherville, Sir Alexander Campbell, Carvell, Cochrane, Dickey, Ferguson, Ferrier, Hamilton, Kaulbach, Leonard, McClelan, McDonald, McKay, McKindsey, Macdonald, MacInnes (Burlington), Montgomery, Nelson, O'Donohoe, Ogilvie, Plumb, Power, Robitaille, Ryan, Schultz, Scott, Smith, Stevens, Sutherland, Turner, and Vidal, be appointed a committee on Railways, Telegraphs and Harbors for the present session, to whom shall be referred all Bills on these subjects.

The motion was agreed to.

## CONTINGENT ACCOUNTS.

HON. SIR ALEX. CAMPBELL moved

That the Hon. Messrs. Alexander, Archibald, Armand, Botsford, Sir Alexander Campbell, Chaffers, Cormier, DeBlois, Dickey, Ferrier, Flint, Girard, Grant, Hamilton, Howlan, Leonard, McClellan, McDonald (Cape Breton), McInnes (B.C.), McKay, McKindsey, McMaster, McMillan, Macfarlane, Nelson, Odell, O'Donohue, Pelletier, Power, Read, Robitaille, Ryan, Scott, Smith, and Vidal, be appointed a Committee to examine and report upon the Contingent Accounts of the Senate for the present Session.

The motion was agreed to.

## STANDING ORDERS AND PRIVATE BILLS.

HON. SIR ALEX. CAMPBELL moved

That the Hon. Messrs. Almon, Archibald, Armand, Bellerose, Bolduc, Botsford, Sir Alexander Campbell, Carvell, DeBlois, Dever, Ferrier, Flint, Gerard, Glasier, Gowan, Grant, Guévremont, Haythorne, Howlan, Lacoste, McInnes (B.C.), McKay, McMillan, McFarlane, Montgomery, Nelson, O'Donohue, Ogilvie, Pâquet, Pelletier, Poirier, Power, Read, Reesor, Schultz, Scott, Sullivan, Sutherland, and Trudel, be appointed a Committee on Standing Orders and Private Bills, with power to examine and enquire into all such matters and things as may be referred to the said Committee, to report from time to time their observations and opinions thereon,

and to send for persons, papers and records.

The motion was agreed to.

## REPORTING THE DEBATES.

HON. SIR ALEX. CAMPBELL moved

That the Hon. Messrs. Bolduc, DeBoucherville, Haythorne, Howlan, Macfarlane, Plumb, Schultz, Scott, Thibeaudeau, Trudel, and Vidal, be appointed a Committee to enquire into the best means to be adopted to obtain correct Reports of the Debates and Proceedings of the Senate, and for the publication of the same, and to report from time to time their views to the House.

## THE SENATE DEBATES.

HON. MR. ALEXANDER called attention to the fact that only 40 copies of the daily issue of the Senate's debates were sent to the public journals throughout the country. There were many of the counties in the different Provinces in which the official reports of the debates were never seen. He considered that they certainly should be circulated more widely than they are to be of any benefit to the country. He hoped that the Committee on the reporting of the debates would look into this matter.

The motion was agreed to.

The Senate adjourned at 5:30 p.m.

## THE SENATE.

*Ottawa, Friday, March 5th, 1886.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## PRIVATE BILLS.

THE TIME FOR RECEIVING PETITIONS EXTENDED.

SIR ALEX. CAMPBELL moved that the time limited for receiving petitions for private bills be extended to the 25th inst.

HON. MR. POWER—I understand that a resolution similar to this has been presented in the other House by the Committee on Standing Orders, and that in their report they embody a recommendation that instead of allowing the time to be extended again this Session, they propose that there shall be no extension after the 25th of March. If that is the case, I hope the hon. Postmaster-General will let us understand here that the 25th of March is to be positively the last day for receiving Petitions for Private Bills.

HON. SIR ALEX. CAMPBELL—I thought it better that I should not embody that in the motion—that the recommendation should come from the Committee, and, as they have not assembled yet, I have merely moved that the time be extended to the 25th instant.

The motion was agreed to.

The Senate adjourned at 3 25 p.m.

THE SENATE.

Ottawa, Monday, March 8th, 1886.

The SPEAKER took the Chair at Three o'clock.

Prayers and Routine proceedings.

CONTINGENT ACCOUNTS COMMITTEE.

FIRST REPORT.

HON. MR. HOWLAN, from the Committee on the Contingent Account of the Senate, presented their first report.

HON. MR. SCOTT—I was not present at the meeting of the Committee, not expecting that any other subject would be taken up than that of reducing the quorum, and the selection of the Chairman; but I understood last year that we made some promise to a lad to be placed on the list of pages—one named Wilson.

HON. MR. HOWLAN—There were three names before the Committee. Those

three names were ballotted for, and Fitzgerald was the lucky boy.

The Report was agreed to.

BILL INTRODUCED.

Bill (E), "An Act to amend the several Acts relating to the Board of Trade of the City of Toronto." (Mr. Allan.)

INTERPRETATION ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the 2nd reading of Bill (C), "An Act further to amend the Interpretation Act." He said:—In the vicissitudes of Government it occasionally happens that a member of the Government is asked to do duty for his colleagues who may be absent, and it is also sometimes the case that an office of the Government is not filled up, and then some other member of the Cabinet discharges the duties of that office until an appointment is made. Attention was drawn to the possible irregularity of this proceeding in the other House sometime ago, and it was resolved by the Government that a Bill should be introduced this Session to remedy whatever irregularity there was. This Bill enacts that hereafter any member of the Cabinet may discharge the duty of another member during his absence and also ratifies acts done perhaps irregularly in the past. The enacting clause is that

"Words directing or empowering a Minister of the Crown to do any act or thing, or otherwise applying to him by his name of office, shall include a Minister acting for, or, if the office is vacant, in the place of such Minister, and also his successors in such office, and his or their lawful deputy; and any other words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, include his successors in such office, and his or their lawful deputy."

That was in before; it is just to remedy a doubt which has arisen in reference to actions done, under the circumstances I have mentioned, on behalf of those gentlemen who may have been absent, or possibly before an appointment is made.

The motion was agreed to and the Bill was read the 2nd time.

POST OFFICE ACT AMENDMENT  
BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the 2nd reading of Bill (D), "An Act further to amend the Post Office Act, 1875." He said:—The Post Office Act of 1875, drawn at a time when the Dominion was not quite so large as it is now, enacted that the deposit book should be sent here to headquarters to be verified within ten days after the deposit was made. In view of the extension of the Post Office Savings Bank system to British Columbia it has been found necessary to make that period longer, and this Bill proposes to extend it to eighteen days.

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

The Senate adjourned at 3:40 p. m.

THE SENATE.

*Ottawa, Tuesday, March 9th, 1886.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RAILWAY SURVEYS IN CAPE  
BRETON.

MOTION.

HON. MR. McDONALD (Cape Breton) moved:—

That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, copies of the reports and plans of the surveys, made by Engineers under the direction of the Government, of lines of Railway in the Island of Cape Breton, from Port Hawkesbury to Sydney and Louisburg, together with a statement of the distance in miles of each route surveyed, and the estimated cost of each line; also, a statement of the height of summit level and the average grade, per mile of each route.

He said:—Perhaps some honorable gentlemen will remember that in 1883

a subsidy was voted by Parliament for a railway from Oxford, Nova Scotia, to Louisburg in Cape Breton. That vote was supplemented by Parliament in 1884, but for some reason or other the road was not proceeded with, and that vote is yet unexpended. Last year, however, Parliament voted a further sum of money to make surveys in Cape Breton on Government account. A survey was made last year and my motion covers the reports of the engineers on that survey. Now that the Government have undertaken to make surveys for railways in the Island of Cape Breton the expectations of the people have been raised, and they fully hope and expect that the Government will follow up that survey and build the road as a public work, and as an extension of the Intercolonial Railway to Louisburg. They have been for a great many years contributing towards the construction of railways and other works in all parts of the Dominion, yet no expenditure has been made to this day for a railway on the Island, although it is one of the oldest settled portions of the Dominion. I may say also to hon. gentlemen that Cape Breton contains about one-fiftieth of the population of the whole Dominion. It was stated a few days ago by the Minister of Finance in the other House that the gross debt of the Dominion amounts to-day to \$281,000,000 yet there is no railway or other public work in Cape Breton representing that debt with the exception of St. Peter's Canal, and that only amounts to some half a million of dollars. An equitable distribution of this \$281,000,000 of public debt would give to the Island of Cape Breton a sum representing \$5,600,000 in public works. Hon. gentlemen will see from this the justice of the claim of the people of Cape Breton on the Government to build this railway through the Island to Louisburg as a Government work. As to the advantages which Louisburg would be to the railway system of Canada as an ocean port, the nearest in the Dominion to Europe, I will say nothing. Enough has been said on that question before in this House and in the other House by hon. members and by the gentleman who now presides with so much ability over the Senate. I may say to the leader of the Government in this House, and also to the leader of the Government in the

other House that there is great discontent in the Island of Cape Breton on this subject. Although I am sure they may rely upon the Government to do what is right on the question, I may say candidly that the discontent in Cape Breton is deep and universal, and the opinion throughout the Island is that the Government should without delay build that railway through the Island as a portion of the Intercolonial Railway. With these few observations, I trust that the papers will be laid on the table of the House at as early a period in the session as possible, and that the Government will take such step as are necessary to meet the wishes of the people of the Island of Cape Breton.

HON. SIR ALEX. CAMPBELL—There is no objection to the address passing, but I learn from the Department of Railways, and I mention it for the information of the hon. member from Cape Breton, that the plans, profiles and reports of the several routes are not yet completed, the staff in the field not having yet reported to Ottawa, but the moment they arrive here they will be presented to the House. I desire also to express my sympathy with the hon. gentleman in the remarks he has made as to the non-completion of the railway extension under the circumstances he has mentioned. I am not prepared to say anything about the railway as I did not think that the hon. gentleman would expect any observations from a member of the Government on the subject now; but I assure him of my sympathy. I feel that the claims of the Island of Cape Breton are very strong indeed. As soon as the papers come down my hon. friend will have the opportunity of examining them at his leisure.

HON. MR. PLUMB—I wish at the very outset of the Session to call the attention of the House to a statement which is injurious to the credit of this country. The hon. member says that the debt of the Dominion is \$281,000,000; it has been stated all over the country by the Opposition press that we have a ruinous debt of \$300,000,000. It has always been customary, ever since I have had anything to do with Parliamentary proceedings, in stating the debt of the country, to reduce it by the amount of the

assets in hand. Now, there are in the hands of the Government \$72,000,000, every dollar of which will be paid, which reduces the debt to \$209,000,000. It is well to state those figures, and also that the cash on hand bears an interest of nearly 4 per cent. Therefore the assets themselves bear as large a proportionate interest as the public debt.

HON. MR. DICKEY—I rise to a point of order. I wish to ask what is the question before the House.

THE SPEAKER—I think the hon. gentleman is quite in order, considering the remarks which have fallen from the hon. member from Cape Breton.

HON. MR. PLUMB—The assets consist very largely of a sinking fund of some \$15,000,000 or \$16,000,000; harbor bonds and securities held by the Government to the amount of \$20,000,000; \$8,000,000 or \$9,000,000 in deposits, and a portion of the debt of the Canadian Pacific Railway Company, \$20,000,000, which is secured by bonds which are saleable in the European markets at five per cent par. This must all be taken in mitigation of the debt, and it should be the interest of everybody who has any regard for the credit of the country to take pains not to exaggerate the public burden. We all feel that we ought to sustain our public credit, and I take the first opportunity that presents itself of correcting a statement which has already done us injury, and which will do us more injury if it is allowed to pass unchallenged and uncontradicted. I know my hon. friend never intended, in making that statement, to create a wrong impression, but it has been circulated industriously throughout the country during the recess of Parliament, and I intended to take the very first opportunity that occurred to correct an erroneous impression. I have not the exact figures before me now, but those which I have given are correct. We have \$72,000,000 of assets, all as good as the public debt itself, and all of which will fall due before the public debt matures. This should all be deducted and we should then have the net debt, which is always the way it has been stated. The Finance Minister of the late administration



never stated the public debt without deducting the assets from it. In the United States the same course is pursued; they take out the moneys they have on hand, and securities, which go to pay the public debt, and in that way they reduce it by some four or five hundred millions of dollars. What would be thought of a member of Congress who would attempt to show the debt of the United States as the gross debt without deducting from it the funds which are applicable to its payment?

HON. MR. ALEXANDER—I have no desire to waste the time of the Senate discussing a question on which, as we all know, there are so many conflicting opinions. With regard to the statement of the hon. member from Cape Breton, I believe he is much nearer the truth than the hon. senator from Niagara. We all know that in addition to the total debt there are subsidies guaranteed by the Dominion Government to different railways, and with regard to the repayment of loans by the Canadian Pacific Railway, we have no right to assume that the debt which they owe is as good as cash, or will ever be repaid. I am surprised that the hon. gentleman should have wasted our time in discussing a question which is not relevant to the subject before the House.

HON. MR. POWER—I do not think the hon. member from Cape Breton was open to the criticism which has just been made by the hon. member from Niagara. He did not undertake to deal with the assets; he was simply pointing out how much money had been expended by this country, and he quoted as his authority a statement made by the present Finance Minister in his place in the other Chamber. It is perhaps to be regretted that another gentleman than the one who now occupies the position was not made Finance Minister, but still the best authority on the subject is the official representative of the Government—the existing Finance Minister—and his statement of the debt is as has been stated by the hon. member from Cape Breton. The point made by my hon. friend is that while there has been expended in this country some \$281,000,000, the island of Cape Breton, which was entitled to one-

fiftieth of that amount, has got something less than one-five-hundredth, and I thought the point was well taken. I am glad to learn, from what the Postmaster-General has stated, that there is some hope that this injustice to Cape Breton will be remedied in the near future. I trust, however, that we shall have something more than mere expressions of good will from the Postmaster-General; because, if my memory serves me, we have had these expressions of good-will for many years, and it is to be hoped that something more substantial will come later on. I would respectfully suggest to the hon. member from Cape Breton that he should urge the Minister, when laying the papers which have been asked for before the House, to state the intention of the Government as to what they will do, and not merely what they are prepared to promise.

HON. MR. KAULBACH—I think the hon. member for Cape Breton has rather lessened the force of his argument by basing it on the public debt, because that is not the way in which these matters should be determined. The county from which I come has large claims also, if you consider the amount of revenue contributed, and the amount of the public debt; but that is not the ground on which to base it. This is a matter of a public nature, of importance to the whole Dominion. I believe the town of Louisburg must be reached and must become the terminus on the Atlantic of the Intercolonial Railway system, but when my hon. friend bases the claims of that Island on the amount of the public debt, and the proportion of it incurred for improvements in Cape Breton, I think he is entirely wrong. An argument of that kind should not be brought up in this House. It seems to be sectional and invidious. We in Lunenburg would have as good a right to demand a subsidy large enough to finish the Nictaux and Atlantic Railway. I am fully with my hon. friend from Cape Breton and have always been so, even before the confederation of the provinces. I favor very strongly the project which he advocates as a matter affecting the whole Dominion. I believe we should have the railway extended to Louisburg, but I am sorry that the hon. gentleman should base

the claims of that Island on the amount of the public debt of the Dominion.

The motion was agreed to.

## THE HARBOR OF TRACADIE.

### INQUIRY.

HON. MR. HAYTHORNE rose to

Call the attention of the House to the silting up of Tracadie Harbor, in Prince Edward Island, and ask the Leader of this House, whether any attempt will be made during the ensuing summer to restore its former usefulness?

He said:—It will be in the recollection of hon. members that I called for a statement on the subject of this motion a year ago. The terms of the motion which is to-day on the paper differ a little from those of the former one. I now ask whether any attempt will be made during the coming summer to restore the harbor of Tracadie to its former usefulness. My reason for adopting a different phraseography on the present occasion is that I am to-day possessed of more complete information as to the former position and usefulness of the harbor than I was a year ago. I was then aware that the harbor had greatly deteriorated from its former usefulness, but I was not possessed of the specific information which I have to-day. Some six weeks ago I attended a meeting of the inhabitants where this subject was brought prominently forward and if the House will allow me to read some of the minutes of the discussion of that meeting it may tend to put them in possession of the facts which I wish to bring forward more clearly and succinctly than I could by word of mouth. The meeting was held at a point the most convenient to the place concerning which the discussion arose. From notes taken at a meeting of the inhabitants of the district surrounding Tracadie Harbor and others, I find that Mr. Hugh Campbell stated that their harbor, naturally a good one, had been ruined by accumulations of sand settling in the entrance, thus forming a bar and rendering the harbor inaccessible to vessels of such draught as formerly frequented it. Formerly there was a depth of twelve feet of water at the entrance, and Mr. Campbell, confirmed by others present, had seen during the period of reciprocity seventy

sail of United States fishing schooners in harbor at one time. Now it is often difficult to pass in or out of the harbor with good sized boats; moreover the difficulty was generally greatest during "good fishing weather"—that is with fresh northwest winds. The inhabitants had noticed that in seasons when heavy ice lay grounded in certain positions, an outward scour was produced, especially during the spring freshets, with the effect of adding materially to the depth of water on the bar for the following season. This naturally suggested that the favorable position for producing an outward scour occasionally occupied by ice, should be permanently occupied by a suitable breakwater. Plans and estimates had been prepared—one by Engineer McLaughlin—which seemed to meet general approval, and had, so it was stated, once been intialled for adoption by the Deputy Minister of Finance, Mr. Courtney. As to the former importance and utility of Tracadie harbor it was said in addition to the facts stated as to the American fishing vessels, that in years preceding reciprocity—about 1850—Her Majesty's gunboats, employed in the protection of the fisheries, had coal depots there, and entered for supplies of coal, etc., at short intervals; also at the time of a great storm, when few vessels embayed between the north and east capes escaped destruction, involving also the loss of many lives, one American vessel happening to have some Tracadie men amongst her crew, rap for that harbor and was saved. Such a feat would be impossible now, because there was barely sufficient water to float the boat. Mr. Campbell further stated that he had known a vessel to clear for Boston with 688 barrels of mackerel, worth possibly from twelve to sixteen dollars per barrel. Another vessel, it was stated, had cleared with 811 barrels aboard. I do not wish it to be understood that this large amount of mackerel was the fruit of the successful efforts of the fishermen of that harbor. That would be a misapprehension. These vessels had come in partially loaded, and had completed their cargo there, because their owners were aware that the harbor at that time had a deeper and better entrance and outlet than either of the adjoining ones, although that harbor is now silted up so that there is not sufficient

channel to float a vessel with a full cargo. Some other speakers said that re-opening the harbor would undoubtedly lead to general imports, and especially to the introduction of limestone and coal. The two latter were much needed. Limestone was requisite for building purposes and as a fertilizer; coal was fast becoming a necessary in consequence of the scarcity of firewood fit for fuel.

I shall make but very few remarks in addition to those I have read to the House. I may say, as regards expense, that the people of Tracadie district naturally consider that expense ought not to be considered as a great obstacle in the way of improving their port, for the reason that the excellence of their fisheries—the mackerel fisheries of the north shore of Prince Edward Island—contributed very largely to the success of the Halifax convention by which five and a-half millions of dollars were awarded to the British Government for their share of the colonial fisheries; and I, myself, have always held from the day that that award was made public, the doctrine that the fisheries having gained that amount for the Dominion the fisheries ought to be the principal industry to benefit by it. This is quite apart from any special claim that my Province might have on that award; I think it is a sound general principle that the fisheries having gained that amount, the fisheries ought to reap the principal advantage of it. The people of my Province engaged in that industry, are pretty much of that opinion, and that the money could be well and properly expended in the improvement of their harbours and increasing the facilities for carrying on the fishing industry. There are one or two other remarks I might make, in which I am pretty sure the Minister opposite will concur. There can be no doubt, I think, after the statement I have made to the House, which may be confirmed from other sources, that this harbor was formerly one of very great importance. The adjoining settlements are very old. Even before the final struggle, which resulted in the taking of Quebec, these very settlers along the north shore of Prince Edward Island had been accustomed to sell their produce, their beef and their fish, to assist the French garrison of Quebec, and the hon. minis-

ter may see, by reference to the map which I have placed in his hands that the surrounding country is densely populated, and every facility is there for the conducting of a prosperous and useful fishery—every advantage but one. That one was formerly enjoyed, and may be enjoyed again, if a small and judicious outlay of money is made in deepening the outlet for this harbor. I have alluded to the fact that the people of Prince Edward Island have their own ideas as to how this difficulty should be treated. Let me inform the House that these very men, before we entered Confederation, were in the habit of dealing with such questions as this and their plan was to open a subscription list; men would engage to subscribe so many days' work in the winter of themselves and their teams, and somebody would of course be appointed as general manager. This force would collect immense amounts of brush, whole trees with their branches on; others brought large loads of stone or other weighty substances for ballast to be placed on these vast mounds of brush, and in that way they diverted currents to an extent that has actually astonished engineers who have had an opportunity of seeing them. It is just such work as their experience teaches them to do that is required at the mouth of this harbor. It is not a very expensive one, but it is one that will produce an outward scour such as is made by the ice. They say, "Let us construct a work that will produce an effect of the same kind, and then the former utility of our harbor will be restored to us." I think these are very good grounds to induce the Government to take up this question; but I have one or two other grounds, and they are that the harbors on either side of this particular one have been improved by the Government. Those works have been successful, and I ask why should the inhabitants of this particular settlement be subjected to inconveniences and disadvantages to which the neighboring settlements are not exposed? This is obviously an injustice when it can be remedied at a comparatively small expense. The inhabitants were very much disappointed last year that their expectations were not fulfilled with regard to this proposed work; and I may say that it would afford me the greatest pleasure if I

were able to assure them that their case would be taken candidly into consideration this year, and that if their representations were well grounded the Government would order the improvements which were so often called for, and which they allege were once almost promised them, before another season would be allowed to pass.

HON. SIR ALEX. CAMPBELL—I am sorry that I cannot give my hon. friend the complete satisfaction which he desires, and which I would like to give him if it were possible to do so. I am quite prepared to believe that Tracadie harbor was once of considerable importance; but I understand that of late years it has been less frequented. Perhaps that is attributable partially to the harbor being filled up with sand, but I understand that even if the sand were removed from the channel, there is no sufficient prospective business to pay for the expense of removing it and making the harbor as it once was. Mr. Perley, the engineer of the Public Works Department, was sent down at one time to examine and report upon this harbor as to what it would cost to restore it to its former condition; and he reported to the Government that it would cost \$40,000 to make it such a harbor as my hon. friend has just described. This amount is so large, in view of the prospective business of the harbor, that the Government did not feel justified in undertaking the expenditure. I am very sorry to have to inform my hon. friend that the Government has not any present intention of expending this sum of money for the purpose of restoring this harbor to its former position. If the work could be accomplished for a small sum it might be done; but the Government are not prepared to expend the amount of money which the engineer says it would require.

HON. MR. HAYTHORNE—I think the estimate which the hon. gentleman has mentioned is perhaps unnecessarily large. I know that the opinion of the inhabitants is that the estimate of engineer McLaughlin, \$7,000, which they say was once initialled by the Deputy Minister of Finance (Mr. Courtney) is well suited to the necessities of the case. But I wish the hon. gentlemen would bear in mind

that this passing generation received a naturally good harbor with its twelve feet of water. It is now, by neglect and mismanagement, almost useless; in a few years, if the same state of things continues, it will become perfectly closed. Will not that be a great reproach upon the enterprise of the Dominion Government, and upon the present generation when they have passed over to the great majority, that their successors may upbraid their memories that they had allowed what they, as young men, found to be a good and useful harbor to become useless—because when the entrance of Tracadie Harbor becomes silted up the harbor itself will become a stagnant unwholesome lake instead of what it was in our younger days, a useful and profitable harbor where vessels could lie in safety, where Her Majesty's vessels have coaled, and where cargoes have been loaded to the extent which I described before I sat down.

## THE ADJOURNMENT.

### MOTION.

HON. MR. BOLDOC moved—

That when the House adjourns this day, it do stand adjourned until Tuesday, the 23rd of March instant, at 8 o'clock, p.m.

I have proposed an adjournment for two weeks, because those gentlemen who wish to visit their homes, and who live at a distance from here, have asked that the adjournment should be for a fortnight. There is not much on the Order Paper, and I do not think the adjournment for the time proposed will lengthen the session.

HON. MR. ALEXANDER—I strongly object to this adjournment. This motion is introduced by a senator for whom we have great respect and regard: one of the most recently appointed members of this august body. But when we are aware of that and other circumstances which have transpired to-day, it is too self-evident from what quarter the inspiration has come. The House will not require me to express my opinion. I would ask hon. members is it seemly or proper that we should permit the great objects for which the parliament of a free people has been convened to be frustrated by such adjourn-

ments continued on until the end of a session? I ask this House, which I do with great respect, are there no great questions connected with the past and future of this rising country that we should at this moment discuss? I ask this House, have we not other business to transact beyond the little peddling legislation of an Interpretation Act, or Post Office Amendment Act? Is it possible that the leader of the House could possibly be a party to this adjournment. This is a grave matter. The public affairs of the Dominion at this moment demand the most careful attention of Parliament. I may ask the House is it not our duty to endeavor by patient investigation to find what cause or provocation led 300 half-breed families last year to take up arms and occasion so much bloodshed—the loss of so many of our young citizen soldiers, bringing, as I need not say, sorrow to a hundred families throughout the Dominion and causing an expenditure of upwards of four millions of the public money. A further evil result must be the checking of the natural influx of population into our North-West Territory. Secondly is it not our duty to ascertain how those \$4,000,000 have been spent, and what portion thereof has been wasted among partisan followers of the Government?

Thirdly, is it not obligatory upon us to make a most searching inquiry how the \$1,000,000 voted annually for the support of the Indian tribes is actually spent? The public journals contain so many rumors of improper food, bad pork and other things instead of wholesome food, being given to these Indian tribes—such arising from the appointment of improper persons in the shape of partisan followers by the present administration, simply to reward them for past political services.

Fourthly, should we not investigate by committees of the House what steps should be taken respecting the timber limits improperly given away, without advertising for tenders, to political partisans in the disputed territory which now, under the ruling of the Privy Council, is a part and portion of the province of Ontario. How dreadful to think of the First Minister, while the question was unsettled, giving away to his followers timber limits and other leases of great value, which will now bring a complication of interests.

Fifthly, should we not make the most searching inquiry respecting certain timber limits and coal land leases which, it is charged, were stealthily given away in the same manner for work done at the elections? I may safely say that two or three millions' worth of the country's assets have been most unscrupulously distributed among partisan followers.

Sixthly, what an important subject for profitable discussion, with advantage to the state, is the question how we can build up in the Maritime provinces that great interest of our sea coast fisheries. We ought to discuss how such are to be fostered and the fishermen aided by bounties or other means to extend that important trade of the export of our fish to foreign countries.

Seventhly, could we not render important service to the country by investigating by a committee of the House the many wasteful expenditures of this prodigal Government, the numerous grants of public money made for unworthy objects, and thereby stop and prevent a continuation of such practices?

Eighthly, should we not discuss the propriety of approaching the Imperial Government upon the subject of widening the provisions of the Extradition Treaty with the United States so as to embrace breaches of trust?

Ninthly, are there not many experiences of the present Customs tariff which would make it necessary for us to ascertain whether we have not brought excessive competition and ruin upon some of our most enterprising citizens, such as the Hall's, of Oshawa, by a tariff extending to thirty and thirty-five per cent? It is surely dreadful to think that the leader of the House, with all those questions before us, could be a party to this adjournment and could have inspired it. From my standpoint I can only regard an adjournment at this moment as an act that cannot be justified, which will damage the reputation of the Senate still more and more in public estimation. But it is only a continuation of the ways and methods which the party in power have used since 1878 in the government of this Chamber. I conclude by referring, which I do very reluctantly, to some recent utterances of the leader of the House which certainly do not raise him in public estimation.

He observed that it was absurd for an humble member like myself to criticise the policy and acts of Sir John Macdonald. I should like to know why my conduct was absurd?

HON. SIR ALEX. CAMPBELL—I rise to a point of order. The hon. gentleman has been out of order ever since he commenced to address the House. This is not a motion to adjourn. It is a motion that when the House adjourns for a certain time it stand adjourned for a number of days. I did not call him to order sooner because it is less trouble to listen than to interrupt him. He is now, however, referring to a former debate.

THE SPEAKER—The hon. gentleman from Woodstock cannot refer to a previous debate.

HON. MR. READ—The hon. member from Woodstock remarked in the commencement of his speech that the gentlemen who moved and seconded this motion are of recent appointment. There are many of us here who have been members of this House a long time, and our experience teaches us that in the early part of the Session we have very little to do. If the public service would be at all injured by the proposed adjournment I would not support the motion; but I do not consider that any of our adjournments has ever been detrimental to the public interests. Some of us go home and learn the views of the people we represent on public questions. It is a decided benefit to many of us to be able to go home for a few days, and we are not all like the hon. gentleman from Woodstock, who covers his home with his hat. The hon. gentleman says that the public money has been wasted during the last year: well, money is generally wasted where there are war expenditures. We cannot guard such expenditures as carefully as is desirable. I wish to say, though I risk being called to order by the House, that I entirely deny the hon. member's statement with regard to the treatment of the Indians by the Government. I have looked into that matter a great deal, and I am quite prepared to say that there are thousands of poor people in this country who are not as well fed and taken care of

as our Indians. We have only to look at the public accounts to see how the moneys voted by Parliament have been expended, and how much more we have given them than we ever agreed to give. I have before me what was said at the making of the treaties at Fort Carleton and Fort Pitt, a quotation from which may be of some interest to the House:—

“A spokesman, the Poundmaker then addressed me, and asked assistance when they settled on the land, and further help as they advanced in civilization.

“I replied that they had their own means of living, and that we could not feed the Indians, but only assist them to settle down. The Badger, Sob-ah-moos, and several other Indians, all asked help when they settled, and also in case of troubles unforeseen in the future. I explained that we could not assume the charge of their every day life, but in a time of great national calamity, they could trust to the generosity of the Queen.

“The Hon. James McKay also addressed them, saying that their demands would be understood by a white man as asking for daily food, and could not be granted, and explained our objects, speaking with effect in the Cree tongue.

“At length the Indians informed me that they did not wish to be fed every day, but to be helped when they commenced to settle because of their ignorance how to commence, and also in case of general famine; Ah-tuk-uk-koop winding up the debate by stating that they wanted food in the spring when they commenced to farm, and proportionate help as they advanced in civilization, and then asking for a further adjournment to consider our offers.”

Now, we have been feeding those people every day, and still continue to feed them, and I am satisfied that we are treating them in a most liberal and Christian-like manner. If it were otherwise, I should be very sorry to rise in my place and defend any government that would be guilty of treating unjustly those who should be regarded as children rather than as people able to take care of themselves. If the hon. member from Woodstock, instead of making broad statements to the House, formulated some specific charge, I for one would assist him in obtaining an investigation; but when he makes nothing but general charges of corruption and extravagance, I cannot support him. As to whether the country is well governed or not, the people will decide at the next elections. I have great pleasure in sustaining the motion before the House.

HON. MR. HAYTHORNE—I have always been opposed to these adjournments, and I am opposed to this one for very clear and easily-understood reasons, quite apart from general politics. It seems to me that an inequitable spirit prevails in attempting to carry a resolution which favors those hon. gentlemen who reside within an easy distance of Ottawa, and is perfectly useless to those who reside at a distance. For instance, I myself, if I wanted to take advantage of this adjournment in the way that some hon. gentlemen no doubt will, by returning to my home for eight or ten days, would have to travel for a very long distance, and tempt the dangers of the formidable Straits which we heard of the other day, and I might be compelled to take passage in the Government boats, which I should not like to do. Although I might allow ample time to return to my duties here, I might find myself shut out after all. It is manifest that there is no equity in the motion. Some hon. gentlemen, on their way to the Capital at this time, may be detained by ill-health or other unavoidable causes. Those gentlemen might arrive here the day after the adjournment and find themselves unable to take their seats for ten or twelve days afterwards. That is not reasonable or equitable. I do not suppose the hon. gentleman who has proposed this motion had any unfair or unjust intention in his mind. Perhaps the question had never presented itself to him in the same light as it appears to me and to others. I am opposed to these adjournments for the reasons stated by the hon. member from Woodstock at the commencement of his speech—I think he said that it did not conduce to the dignity of the Senate to lead the public to suppose they had so little to do that they could take long adjournments of eleven or twelve days at a time. I am well aware that there is a season approaching which is sacred to most of us and on some of the days included in the period covered by this adjournment there would be no meeting of the House. That might be a reason for an adjournment till after the 17th March, which is a day regarded with some reverence by some members of this House, but of course these matters are very much in the hands of the leader of the Government, and the

House I am sure will be disposed to concur in whatever view he takes of it. I hope he will set his face against it.

HON. MR. VIDAL—We may form our individual opinions as to the business before us by a glance at the order paper; but we cannot say what the intentions of the Government may be within the next few days. Before we can come to an intelligent judgment on this question it would be desirable now if the Postmaster-General would state whether, in his opinion, the public interests will in the least degree suffer by this adjournment, because if they would I should decidedly oppose the motion. I quite concur with the hon. member from Quinte division that the public interest and convenience are first to be considered, and that our own personal convenience is a matter of secondary importance.

HON. SIR ALEX. CAMPBELL—I do not think the adjournment, as proposed even, would in the least interfere with the progress of the public business in this House. I should oppose it myself if I thought there was any reason to suppose that it would. Whether the adjournment should be to the 23rd or the 18th is in the hands of the House. I think it is a matter of indifference to the public interest whether it is to one date or the other. The hon. member from Prince Edward Island suggests that we should adjourn only until the 18th. I am told the objection is that the 18th is near the end of the week, and it is therefore better to adjourn over until the following week; but whether we meet on the 18th or 23rd I am satisfied we shall be able to dispose of all the business before us in time for the prorogation at the end of the session.

The motion was agreed to on a division.

#### THE BIRRELL DIVORCE CASE.

##### PETITION READ.

HON. MR. PLUMB presented the affidavit of service of notice on W. H. Birrell, and exemplification of judgment in the court, and moved that the petition of Flora Bell praying for the passage of an Act to dissolve her marriage with William Henry Birrell, be now read and received.

**HON. MR. TRUDEL**—I think it is usual that all those motions if carried, are considered carried on a division.

The motion was agreed to, and the petition was read and received on a division.

**PAWNBROKERS BILL.**

SECOND READING POSTPONED.

The Order of the Day having been called for the 2nd reading of Bill (B), "An Act to make further provision respecting Pawnbrokers."

**HON. MR. GOWAN** said: This Bill was introduced by me with the intention that it should be pressed only on certain contingencies which I hope will not arise. I would therefore move that the Order of the Day be discharged, and that the 2nd reading of the Bill be postponed until Monday the 19th April.

The motion was agreed to, and the Order of the Day was discharged.

**INTERPRETATION ACT AMENDMENT BILL.**

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (C), "An Act further to amend the Interpretation Act."

In the Committee; on the 2nd clause,

**HON. MR. POWER** said he thought the language of the clause was too sweeping. The House did not know what acts they might be ratifying if they sanctioned all acts done by Ministers for other Ministers. He thought it would be sufficient to ratify only such acts as were legally done.

**HON. SIR ALEX. CAMPBELL**—We can say "all lawful acts."

**HON. MR. POWER** said if they were already lawful, there was no necessity to legalize them.

**HON. SIR ALEX. CAMPBELL** explained the object of the clause by giving an illustration. Certain contracts with

the Department of Railways and Canals require to be executed by the Minister. Sir Charles Tupper, the Minister, is not there, and Mr. Pope, who is acting for him, signs the contract. Now, that is irregular; it is not legally signed. It was intended by this clause to provide that all such contracts should be considered properly signed. Why should not such acts be confirmed? The only object of the amendment was to make these acts bindings on the Crown, for the protection of subjects who may be affected by them.

**HON. MR. POWER** suggested that the third reading of the Bill might be allowed to stand over for further consideration.

**HON. MR. HAYTHORNE**, from the Committee, reported the bill without amendment.

**POST OFFICE ACT AMENDMENT BILL.**

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (D) "An Act further to amend the Post Office Act, 1875."

In the Committee,

**HON. MR. POWER** asked what evidence there was of a demand being made by the depositor?

**HON. SIR ALEX. CAMPBELL** explained that the course of proceeding was this: a man goes to an office, say in the North-West, and deposits his money. The receipt of that money is entered in his book. That is good evidence for 18 days; at the end of 18 days, unless there is a letter from Ottawa saying it is all right, he could not withdraw his money; and he can get the time enlarged if there is any necessity for it.

**HON. MR. POWER**—I quite understand that, but I am now asking the hon. Minister what is the value of his demand within the 10 or 18 days respectively. It does not seem that there is any entry to be made of his demand.



HON. SIR ALEX. CAMPBELL — Yes, the entry is the letter from Ottawa, saying that the book had been transmitted and it is conclusive evidence against the Crown that the money has been received.

HON. MR. POWER—The hon. Minister will see at line 40 of the 1st page of the Bill that the depositor has to get in addition to the entry made in the book, an acknowledgement from the Postmaster General at Ottawa; and as I understand this Bill, the object is to extend the period during which he can wait for this acknowledgement. It is extended to 18 days in British Columbia and the North-West Territories, which is a very proper thing; but then the Bill goes on if before or upon the expiring of these 18 days he has not got the acknowledgment, and he demands one, then the entry in his book shall be conclusive evidence of title during another term of 10 or 18 days. The hon. Minister must see that there must be some way by which the fact that the depositor has made a demand is evidenced. I presume the way that he would make the demand is to go to the Post Office where he had deposited the money, and ask if the book had come.

HON. SIR ALEX. CAMPBELL — The intention is that he should rather address himself to the Postmaster General, that there could be no doubt or difficulty in it; and if he does not get his acknowledgment within the 18 days, he ought to be on the *qui vive*, and endeavor to find out what is the cause of the delay in not getting the book. He would, therefore write to the Postmaster General.

HON. MR. GIRARD, from the Committee, reported the Bill without any amendment.

The Senate adjourned at 5 p.m.

#### THE SENATE.

*Ottawa, Tuesday, March 23rd, 1886.*

THE SPEAKER took the chair at 8 o'clock p.m.

Prayers and routine proceedings.

#### BILL INTRODUCED.

Bill (F) "An Act respecting the London and Ontario Investment Co., limited." (Mr. McKindsey).

The Senate adjourned at 8.15 p.m.

#### THE SENATE,

*Ottawa, Wednesday, March 24th, 1886.*

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

#### PRIVATE BILLS.

HON. MR. LACOSTE, from the Committee on Standing Orders and Private Bills, presented their Fifth Report, recommending that the time for the introduction of Private Bills be extended to the 3rd of April next; and moved its adoption.

The motion was agreed to.

#### BILLS INTRODUCED

Bill (G), "An Act respecting Insurance." (Sir Alex. Campbell).

Bill (H), "An Act to consolidate the borrowing powers of the Canada Permanent Loan and Savings Company, and to authorize the said Company to issue debenture stock." (Mr. Plumb).

Bill (J), "An Act for the relief of Flora Birrell." (Mr. Plumb).

HON. MR. PLUMB moved,

That the said Bill be read a second time on Thursday, the eighth day of April next, and that notice thereof be affixed on the doors of this House, and the Senators summoned; and that the said Flora Birrell may be heard by her counsel at the second reading to make out the truth of the allegations of the said Bill, and that William Henry Birrell may have a copy of the said Bill, and that notice be given to him of the said second reading, or sufficient proof adduced of the impossibility of so doing, and that he be at liberty to be heard by counsel what he may have to offer against the said Bill, at the same time; that the said Flora Birrell do

attend this House on the said eighth day of April next 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 her husband to obtain such separation, or whether there be any collusion, directly or indirectly, between her and her husband, or any other person or persons, touching the said Bill of Divorce, or touching any action at law which may have been brought by her against any person for criminal conversation with him, the said husband of the said Flora Birrell, 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 she was, at the time of such adultery, cohabiting with him as her husband.

The motion was agreed to.

### GRAZING RANCHES, COAL LANDS AND TIMBER LIMITS IN THE NORTH-WEST.

#### MOTION.

HON. MR. ALEXANDER 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 list of all the parties to whom grazing ranches have been leased, and coal lands and timber limits have been sold or leased in our North-West Territory, up to the 1st January, 1886, setting forth the terms upon which such leases or limits have been accorded.

This House will perhaps permit me to preface the remarks which I shall make upon this motion, by observing that there is no duty more distasteful to a public man, who like myself desires to live in cordial amity with all my colleagues I say no duty more distasteful, than to have to criticize the public acts of any Government of a questionable character. The House knows that for many sessions past while endeavoring to do my duty, I have shown the greatest forbearance, when interrupted as I am constantly, in an unseemly and unparliamentary manner by five or six troublesome members, who may be designated the band of patriots of the House. But notwithstanding all scenes and disturbance which they by their interruptions have created, I believe that I have to-day the honor and happiness to

possess the friendship and esteem of all our members, except those five. Of course our good nature must have a limit and must not prevent our discharging our duty as representatives of the people.

Upon our meeting this session we find a dark list of acts of the present administration sadly reprehensible,—acts of wrong doing which no man living can justify. But of all public wrongs which have been done,—of all the revelations which have yet been made, that showing the greatest depravity of purpose is the distribution which has taken place privately, without tenders, without the public knowing anything about it, amongst parties and supporters in Parliament and out of Parliament, of valuable timber limits, and coal land leases in our North-West Territory, at small nominal considerations. It has never been denied up to this moment that one partizan supporter re-sold a timber limit thus obtained pocketing the clear gain of \$80,000. And probably limits to the amount of \$2,000,000 have gone in the same direction. Do I require to remind you who are well versed in British history, that for conduct much less censurable, Sir Robert Walpole was impeached, —expelled the Commons and imprisoned in the Tower during the pleasure of the House in 1715 in the reign of George II.

HON. MR. PLUMB—In 1815 he had been dead 70 years.

HON. MR. ALEXANDER—The hon. gentleman has no right to interrupt me in that boorish manner. We do not want American boors to come here and interrupt members of this House. We do not want to be interrupted by men who have been rejected by the people of this country, and who have been appointed here because they could not be elected—

HON. GENTLEMEN—Order! Order!

HON. SIR ALEX. CAMPBELL—The hon. gentleman is out of order, and should resume his seat.

THE SPEAKER—I certainly think that the hon. member from Woodstock has been grossly out of order in using the language which he has just now applied to the hon. gentleman from Niagara.

HON. MR. ALEXANDER—If the House and the country understood this subject of disposing of such limits in its entirety they would hold my opinion that nothing could be more censurable than the Government selling any of those timber limits at all. Let me illustrate. The head of a family takes up 1,000 acres in the North-West, and discovers after he has made his improvements that the timber on his land does not belong to him,—that third parties will come under those timber licenses and claim all the timber which should properly belong to him. What right has the Government to sell that timber? Could anything be more calculated to create discontent and lead people, who have sought homes in the North-West Territories to abandon a country whose Government is capable of such acts? The Government do it to bribe members of the House of Commons and corrupt the majority of Parliament.

HON. GENTLEMEN—Order! Order!

HON. SIR ALEX. CAMPBELL—I rise to a question of order. The hon. gentleman has no right to make charges against the House of Commons. He says that those timber limits have been used to bribe members of the House of Commons, and his language is calculated to disturb the harmony between the Senate and the other House.

THE SPEAKER—It is equally out of order with the remark which the hon. member made and for which I called him to order.

HON. MR. ALEXANDER—I was quite aware that I was out of order.

HON. SIR ALEX. CAMPBELL—I think this is a case in which the House should take decided action. The hon. member says he knew that he was out of order. He has done that which he knew he ought not to have done, and which is very reprehensible on the part of any member of the House.

HON. MR. ALEXANDER—Could there be any act of the Government more calculated to lead to disaffection a breach

of the law and even insurrection in those distant parts. Let me now refer to the irresponsible act of the Conservative chieftain having actually given away or sold timber limits on the disputed territory, which every good constitutional lawyer has all along known, belong to the Province of Ontario. And we all know that the Privy Council have made that decision. How unscrupulous and reckless must be a Minister who could thus dispose of property not appertaining to the Dominion. Supposing any one of you sold a farm which did not belong to you, would you not be said to be wanting in common honor and honesty? Perhaps the hon. Postmaster-General will be good enough in his reply to state whether it is true that his own brother, Mr. C. J. Campbell, obtained one of such limits and whether Mr. J. S. Aikins, son of the present Governor of Manitoba, as well as Mr. John Shields and others, also got such limits. Is it not dreadful to think how the Conservative chieftain, Sir John Macdonald, and his faithful follower, the Postmaster-General, have sunk the standards of truth and honor in their public life. I can only, in conclusion, say, hon. gentlemen, that if this Government is permitted to go on much longer we must not be surprised at the disaffection which their acts will certainly create, leading perhaps to the disturbance of our federated Union.

HON. SIR ALEX. CAMPBELL—I am obliged to ask the House to negative this motion. The hon. member asks for a return of all parties to whom grazing ranches have been leased and coal lands and timber limits have been sold. A return of coal lands and timber limits which have been sold has already been made, in reply to an address of the House of Commons, and has been laid upon the table in that House. A list of the grazing ranches which have been leased has been asked for by a member of the House of Commons, and is being prepared. The list of coal lands and timber limits is one which it takes some time to prepare, and involves a good deal of expense. There is no object in having a second copy of the return prepared for this House, when one has already been laid before the House of Commons.

All the papers asked for have either been sent down or are being prepared for transmission to the House of Commons, and will be distributed in both Houses at the same time.

HON. MR. POWER—I think it only right to explain my position on this matter. I had a sort of impression that the information asked for by the hon. member from Woodstock had already been called for in the House of Commons, but I was not sure about it, and if a seconder was necessary I thought, as the information asked for was of a kind which ought to be laid before Parliament, I was only doing my duty as a member of the Senate in having the matter properly brought before the House. After the explanation of the Postmaster General, I think the wisest course for my hon. friend from Woodstock to pursue is to ask leave to withdraw his motion. There is no object in calling for another copy of a return which has already been laid before the House of Commons.

HON. MR. HAYTHORNE—Did I understand the Minister to say that the list of names will be included?

HON. SIR ALEX. CAMPBELL—The first return about limits and coal lands has been sent down already, and the other about grazing ranches is being prepared.

HON. MR. HAYTHORNE—Then it will come before the Joint Committee on Printing?

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. ALEXANDER—Of course if the information is to be furnished to the House of Commons I do not wish to have duplicate copies prepared. Perhaps the House will allow the motion to stand for a few days.

HON. GENTLEMEN—Withdraw!

The motion was withdrawn.

## REBELLION LOSSES.

### INQUIRY.

HON. MR. ALEXANDER inquired

What is the total amount of the claims which have been already acknowledged by the Government, for losses sustained by the Hudson Bay Company and private parties, arising out of the North-West Rebellion up to 1st March, 1886, giving the names and amounts?

HON. SIR ALEX. CAMPBELL—This is an extraordinary question which I think no member of the Senate except the hon. member from Woodstock would have asked. The names and amounts would occupy a number of pages—probably quires of paper, for anything I know, and I am not here for the purpose of charging myself with the duty of memorizing a long list of names and amounts.

HON. MR. ALEXANDER—That is an extraordinary answer.

HON. MR. POWER—I suppose—

HON. SIR ALEX. CAMPBELL—Order! there is nothing before the House.

HON. MR. POWER—I am prepared to discuss the question of order. In the House of Commons no discussion is allowed on an inquiry, but I am within the judgment and recollection of the House if we have not had debates, extending over a considerable time, on questions. The rule is never enforced so rigorously here as in the House of Commons. As a member of the Senate I have to express my regret at the answer given by the Postmaster General.

THE SPEAKER—With regard to the rule, the hon. member from Halifax is perfectly right in alleging that more free and ample discussion is allowed on these inquiries in the Senate than in the House of Commons, but the objection made was to the hon. member from Woodstock speaking a second time on what was not even a regular motion.

HON. SIR ALEX. CAMPBELL—I desire to answer the remark made by the hon. member from Halifax. I could not charge my memory with giving the names and amounts of all the persons paid since the rebellion. How could I? If the hon. member from Woodstock had asked

the total amount I could probably have found it out, but to ask a member of the Government to mention the names and amounts, where the list is so long as to cover quires of paper, is asking what is impossible.

HON. MR. ALEXANDER—When a notice of motion is given, a member of the Government has three days in which to obtain the information in writing from the proper department, and members of the Government in the other House always come prepared to answer inquiries of this kind.

HON. SIR ALEX. CAMPBELL—I will not attempt to charge my memory with such detailed information.

HON. MR. ALEXANDER—It is a ridiculous reply.

#### THE EXTRADITION TREATY.

##### INQUIRY.

HON. MR. ALEXANDER inquired

Whether any and what steps have been taken to induce the Imperial Government to negotiate an extension of the provisions of the Extradition Treaty now existing with the United States, so as to embrace breaches of trust?

HON. SIR ALEX. CAMPBELL—Since 1882 we have been doing all we could to get an Extradition Treaty covering a large list of offences, but we have never discussed the details, except in respect of a draft treaty which was sent out to us confidentially from the Colonial Office.

#### THE FISHERIES.

##### INQUIRY.

HON. MR. ALEXANDER inquired

Whether any and what steps have been taken to prevent at once any foreign fisherman trespassing within the limits of our fishing grounds on the coast of the Dominion.

HON. SIR ALEX. CAMPBELL—It will be in the recollection of the House.—I dare say the hon. member does not know it—that \$50,000 was voted last

session for the purpose of protecting the fisheries. Tenders for the charter of six swift sailing schooners have been called for by the Government to be received up to Thursday next (to-morrow); which vessels it is proposed to use in conjunction with Government steamers as Marine Police for the purpose of enforcing the articles of the Convention of 1818 as regards fishing by foreign vessels on the coasts of the Dominion of Canada. The steamer *Lansdowne* has already been equipped for this service, and sailed from St. John on the 20th instant, under command of Captain P. A. Scott, R. N., to cruise in the Bay of Fundy and the adjacent waters.

HON. MR. HAYTHORNE—Perhaps the hon. minister may be in a position to add to the information already given to the House, something with respect to the limits. I understand that the contention of the Government of the United States is that the limits comprise only three miles from the shore, measured by the straightest line; but that the contention of the British Government, with reference to the treaty of 1818, has always been that the three mile lines should be measured from headland to headland, and it makes a very important difference to those who prosecute the fisheries, as to which contention the Government intend to support. I know not whether the Minister is in a position to inform the House on that point at present.

HON. SIR ALEX. CAMPBELL—I am not in a position to inform the House. The question is too delicate to discuss without great care. It might involve us in disputes with the United States, but the instructions will be to enforce the treaty of 1818; what construction would be placed on that treaty it would not be convenient, I think, for me to state to the House.

HON. MR. POWER—I think the answer of the Minister is not a satisfactory one, because he says he does not propose to put a construction on the treaty; apparently he proposes to allow the commanders of those schooners and steamers to construe the treaty themselves.

HON. SIR ALEX. CAMPBELL.

HON. SIR ALEX. CAMPBELL—No, I do not say that. The instructions may be brought down, but I do not know what they are.

HON. MR. POWER—I may say on that point, while agreeing with the hon. member from Marshfield as to the importance of the question, that during the sittings of the Fisheries Commission I understood that the question was practically settled in favor of our contention; there is no doubt that the United States Government have always held that the large bays on the coast of the United States were within the territorial limits of the Republic, and in a very recent case decided by the Supreme Court of the United States the same things has been held. I hope that the Government of this country has taken care to put the matter forcibly before the Imperial Government so as to ensure the due protection of our rights in those waters.

HON. SIR ALEX. CAMPBELL—I can only assure my hon. friend that the Government has not given up anything, and has not lost sight of anything.

HON. MR. POWER—I am very glad to hear it.

## SALE OF GOVERNMENT PROPERTY IN SOREL.

### MOTION.

HON. MR. GUÉVREMONT 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 Correspondence, Petitions and Addresses to the Government relating to the sale of Government property in the Seigniori of Sorel.

He said (in French):—I take the liberty of saying a few words on the subject of this motion in order to explain my motive for calling for these papers. I do so because I am desirous of justifying my conduct and preserving the honor of the body to which I belong and of myself as a representative of the people. Certain charges of a malicious character have been made against me—charges which, if true, would unfit me to occupy a seat in an

honorable body like this. The charges are of such a character that I am obliged to occupy your time to-day in referring to them, in order that the facts may be placed before the members of this House, and my constituents. *Le Monde*, of Montreal, of the 25th of February last, published the following:—

“The Army of the ‘Salut National’ will make its triumphal entry into the Capital to-day, with banners waving in the wind and to the noise of resounding drums and trumpets. It is known that the army moves now under the command of General Bellerose since the desertion of the able commanders Mercier and Laurier. But it appears that the responsibility of the campaign begins to frighten General Bellerose, who proposes to relieve himself of it by passing over the command to Lieut. Guevremont. If this should happen it is quite probable that the general, “little Baptiste,” will evacuate the capital, which he will leave to be pillaged by Conservatives, and that he will take up his winter quarters at Ile Ronde, at the entrance of Lake St. Peter. That island occupies an important military position, of which “little Baptiste” wishes to take advantage, to mask his batteries. Trumpets of Jericho sound! Armée du Salut, advance.”

The *Monde* of the following day, the 26th February, contains the following:—

“Are the organs of the army in a position to declare the name of the commander-in-chief of the National Armée du Salut? Is it Mr. Blake, or Mr. Bellerose, or Mr. Guevremont who is the defender of the French language in the Senate? We await explanation on the subject.”

There are two assertions in the articles which I have quoted. The object of one of them is to throw ridicule on me; to that I merely reply that if the author of the article has qualities which I do not possess, on the other hand at the first election he may find that I have courage enough to meet him in the field. But the other charge is more important, because it attacks my reputation as a public man, and it is desirable that the House may know all the facts connected with the case. To show you that this is not the first time that this accusation has been made in the locality where I reside, I may read a petition which was presented by certain persons there, amongst whom is the brother of the author of the articles which I have quoted, Mr. Vanasse, the editor of *Le Monde*, the member for Yamaska. The petition is as follows:—

"The humble petition of the undersigned inhabitants of the town of Sorel and its neighborhood respectfully sheweth to your Excellency.

"That the Dominion of Canada possesses several lands and properties in the town of Sorel and several islands in the neighborhood of Lake St. Peter, among others Ile Ronde, Ile au Cochons, and the eastern and western ends of the Ile de Grâce.

"That these several properties are unoccupied, unprofitable and in a state of complete deterioration.

"That in the interests of agriculture, commerce and industry, it would be most advantageous to derive from these different properties all the revenue that they can produce, which can only be done by granting and selling them to parties who will cultivate them.

"That the amount realized by the sale of these properties should form a permanent fund the interest of which would serve to maintain lighthouses and jetties which the Government possess in this part of the St. Lawrence river.

"That the undersigned inhabitants of the town of Sorel and neighborhood respectfully pray your Excellency and your Hon. Council to grant and sell by public auction these different properties on such conditions as it may please your Excellency and your Hon. Council to establish."

This petition is signed by a number of persons, and the first name on the list is that of Mr. P. X. Vanasse, brother of the member for Yamaska. In this petition they ask the Government to sell this property either by auction or private sale. If the prayer of that petition had been granted it would have afforded private parties an opportunity to speculate in these lands. I, on the contrary, asked that the properties be sold in such a manner that everyone would be placed on an equal footing. I explained the position of affairs to the Government, particularly to the Postmaster General, when he was Minister of Justice. He told me that he was convinced, on referring to documents in the Department, that different persons held, under the Government, leases of those lands. Ile Ronde had been leased by officers of the British Government for about forty years. A man named Thériault, had occupied the Island for some time and had disappeared. My brother ascertained that the property had been held under lease by this man Thériault, who was unable to pay the rent, and there were arrears due to the Government amounting to about \$400. Mr.

Coffin, having arrived in Sorel early one morning, and finding that the tenant had disappeared, regarded him as an irresponsible party, and offered my brother the Island. To my personal knowledge, Mr. Coffin asked my brother if he would accept the place and occupy it at the price and on the conditions mentioned in the lease to Thériault. This is the position of the matter, and these are the circumstances under which my brother became possessed of the Island. He continued to occupy it for ten years; he cultivates it, and I am in a position to say that under his management the property has been greatly improved and increased in value. Ile aux Cochons was rented to me by the Government, and I have been in possession of it for 25 years. I know it has been a good deal sought after by the present member for Berthier, Mr. Cuthbert, because it is greatly frequented by duck and is a capital place for shooting. Ile de Grâce has been occupied by me since it was abandoned by Thériault. Mr. Coffin offered it to me on the same terms that Thériault had agreed to pay. I took it, but I have never occupied it nor cultivated it for the reason that I have had too much land in the same position, and it is used more by others than by myself. Last year, for the second time, the Government decided to sell the property in question, and had it valued by one of their agents. Ile de Grace, a portion of which I owned, and Ile Ronde, which my brother owns to this day, were valued at \$16 per acre. The brother of Mr. Vanasse, to whom I have referred, bought, and is now in possession of a portion of Ile de Grace adjoining that which I owned. The highest value that had ever been placed on these lands before was \$4 per acre; nevertheless my brother got his property at the value fixed, \$16 per acre. Then came a second opposition on the part of the hon. gentleman to whom I have referred. He said that the property had been sacrificed, and that he would have paid much more for it if he had been given a chance. I hope the hon. Minister of Justice recollects what I told him at the time. I said that I did not believe for an instant that the Government had fixed a lower price than could have been obtained for the property, but if they wished to sell it again they were at

liberty to do so. When I saw the opposition which Mr. Vanasse's brother made to my acquiring a portion of the Island, I at once abandoned my claim, believing that Mr. Vanasse had good reason to ask for it because it was better for him to own it, he being in possession of the neighboring property; and I can say that I have personally nothing to do with that property and never have had anything to do with it further than I have explained—that I have never asked a favor from the Government, either for myself or for my brother. The western part of Ile de Grace is occupied by a man named La Traverse. Although I gave up my claim to the portion of Ile de Grace to which I have alluded in order that Mr. Vanasse might acquire it at the price which I was willing to pay, he did not avail himself of the opportunity, and the land is to this day in possession of the Government, and unoccupied. This I affirm, and I call upon the leader of the House, who was then Minister of Justice, to say if the statement is not strictly correct. I used no influence to bring about the sale of those properties. My brother leased Ile Ronde at the rent fixed by the Government, \$141 per annum, whereas if he had bought it he would have been obliged to pay, at 6 per cent. interest on the purchase money, \$200 a year. This is sufficient to show that my brother has no object to gain by purchasing it, since he saves money by leasing it. I believe I have succeeded in proving that these assertions in the petition in question here, and in the articles I have quoted from *Le Monde*, are untrue, and I hope that this is the last of these accusations. I do not know why this attempt is made to destroy my character as a public man. In the first election which Mr. Vanasse contested in the County of Yamaska, I worked and voted for him; and I do not understand why he should now publish such attacks as those I quoted. Perhaps his object is to punish me for having refused to attend a meeting on the Riel question to help him. That meeting was called for the purpose of condemning the Government which Mr. Vanasse supported on the Riel question. I believe I have stated enough to convince my honorable colleagues, and I hope my constituents also, of the perfect disinterestedness of my conduct. These are not the only charges made; it has

been stated that I have been for some time attending public meetings with the hope of making something by speaking at them. I say the assertion is untrue. I have never accepted 25 cents from any person for working in elections. Some of you may recollect the famous contest which took place in the County of St. Hyacinthe, in 1863, I think. Mr. Sicotte having been made a judge, a new election took place during the session which was then being held at Quebec. I spent 13 days aiding my friends in that county, and I not only never accepted anything from those for whom I worked, but I lost a portion of my sessional indemnity. I doubt if Mr. Vanasse can say as much—I doubt if he can say that he has not drawn his indemnity of late years for times when he was absent from the House. I thought it proper to make these few remarks in asking for the papers referred to in my motion.

HON. SIR ALEX. CAMPBELL—There is no objection to the address being passed, but I think it due to my hon. friend, in view of my long acquaintance with him, that I should respond to his allusions to myself by stating, so far as I remember, the transactions that took place but with which I had no official connection. My hon. friend came to me on several occasions and related to me the facts which he has just mentioned about the islands in the St. Lawrence. The statement, I believe, is perfectly accurate, because it is the same that he has made to me several times. The islands to which he has referred formed part of the public domain. They were obtained from the Imperial Government, I think as part of the ordnance lands. The rule with reference to these ordnance lands is this: if they are occupied they can be sold to the occupants, at a valuation, by the officers of the department; but if they are not occupied they must be sold at public auction. The question was whether these properties were occupied or not. My hon. friend stated the circumstances to me and I came to the conclusion that all of them were occupied—both the islands and the land in Sorel. However a doubt might be raised, because, I believe, upon one or two of the islands no one lived. There were



three islands, on one of which there was a residence. There was none on either of the others, but still one can occupy land on which he does not reside and it was shown that the hon. gentleman's brother and his *auteur* had paid rent for a good many years for these islands, so there is no doubt in my mind that he was entitled to the privilege which the law gave, that the land should be sold to him and those mentioned at a valuation. I expressed that opinion to the Department of the Interior at the time. There was no reference to me officially, but I was, as I am now, on terms of intimate friendship with the hon. gentleman, and I was glad to assist in putting the matter right for him. I expected that my hon. friend would have been now the owner of the land to which he has alluded, and that he would have his patent. What difficulties arose afterwards I do not know. There were other parties who wished to get those islands who asserted that he and his *auteurs* had not been in possession. What merit there may have been in those assertions I do not know, but I do remember, and I have pleasure in saying, that at the interviews which my hon. friend and myself had, he did seem to me to establish that he and his *auteurs* had been in possession for a long time of those islands, and were entitled to the privilege of buying them at a valuation, and a valuation was made. What happened afterwards I do not know, but I take this occasion to bear my testimony to the accuracy of what my hon. friend has said. I have no doubt whatever as to its correctness.

The motion was agreed to.

#### INTERPRETATION ACT AMENDMENT BILL.

##### THIRD READING POSTPONED.

The order of the day having been called for the third reading of Bill (C) "An Act further to amend the Interpretation Act,"

HON. SIR ALEX. CAMPBELL said—It has been suggested to me by one of the law officers of the other House that opportunity might be taken, when this Bill was going through, to add another clause

to it with reference to the number of printed copies of a Private Bill which those interested in it should furnish for distribution. The Interpretation Act now says that the number shall be 150; he suggests that it should be altered to 500 in one language and 250 in the other. With a view to enabling the House to consider whether such an amendment should be made, I move that the order of the day be discharged and that this Bill be re-committed to a Committee of the Whole House on Monday next.

The motion was agreed to.

#### POST OFFICE AMENDMENT BILL.

##### THIRD READING.

The order of the day having been called for the third reading of Bill (D) "An Act further to amend the Post Office Act of 1875."

HON. SIR ALEX. CAMPBELL said: When this Bill was up for a second reading the honorable member from Halifax suggested that it did not appear in the second section of the 61st clause how the demand spoken of there should be made. The language of the Bill as presented to the House was, reading from the 40th line, "and before or upon the expiry thereof he demands such acknowledgment from the Postmaster General." It did not appear how he was to make the demand, whether by letter or not, or to whom. To meet my hon. friend's difficulty, which I acknowledge is one that ought to be met, I propose after the words "Postmaster General" to add "by registered letter addressed to him at Ottawa." That will make it beyond doubt to whom it is to go and how it is to be addressed. I move that the Bill be not now read the third time, but that it be amended in the manner I have described.

HON. MR. POWER—That removes my objection.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill as amended.

HON. SIR ALEX. CAMPBELL.

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

SUMMARY PROCEEDINGS BEFORE JUSTICES BILL.

SECOND READING.

HON. MR. GOWAN moved the second reading of Bill (A) "An Act to make further provision respecting summary proceedings before Justices and Magistrates." He said: A similar Bill to the one before you was submitted last session and met the approval of this hon. House in the form in which it is now presented. It was very fully debated at the time, but I may be pardoned if I briefly remind hon. gentlemen of its leading features and the principle upon which it is based. It proposes to deal with one branch of the Criminal Law—that in relation to Summary Jurisdiction—by giving the Judges of the Superior Courts in the several provinces ample powers to prevent a failure of justice in cases where guilt is established, but technical exactness is not found in the history, so to speak, of what has passed before the court of first instance. In a word, to confer upon these judges the like full powers they are now invested with in regard to more serious offences as well as in civil cases.

The authority to hear and determine summarily in respect to offences of a minor character has, of necessity, been delegated to convenient tribunals accessible to all, and is now very extensive, embracing a multitude of subjects, and is exercised by a very numerous class—the Justices of the Peace throughout the Dominion.

Their decisions are subject to review—first, upon the ordinary appeal to the Court of General Sessions of the Peace; second, upon appeal to the Judges of the Superior Courts before whom the proceedings may be brought by writ of *certiorari*; the former, the appeal to the Sessions, is not a matter of common right, but must be given by express enactment—the latter is not a qualified right, like the appeal to the Sessions, but lies of course, as a matter of common law unless expressly taken away by statute.

The general enactment respecting appeals to the sessions is found in the

Acts of 1869, cap. 31, sec. 65, and secs. 67 and 68 enable a decision on the merits notwithstanding some defect in the form of the conviction or order; and if the person charged or complained against is found guilty the conviction or order shall be affirmed, and the court shall amend the same if necessary, and any conviction or order so affirmed or affirmed and amended shall be enforced in the manner provided by law.

Thus local tribunals have very full power to prevent a failure of justice upon appeal lodged before them, but the judges of the superior courts have no such powers in respect to summary convictions, but are compelled to deal with the subject in a strictly technical way.

It is different when a case comes before them from an inferior court of record. Everything is presumed in favor of the regularity of the proceedings of a court of Record; the presumption is the other way in respect to proceedings before Justices of the Peace, and the only mode in which their proceedings can be reviewed by the superior courts is when brought up on a writ of *certiorari*.

Also in matters of civil concern the judges of the Superior Courts have power to amend an error or defect and give judgment according to the very right and justice of the case.

Moreover, in indictable offences the Dominion Procedure Act of 1869 makes full provision for curing defects in form.

Thus the anomaly exists that the Court of Sessions, an inferior court, has larger powers for preventing a miscarriage of justice in this particular than have the judges of the Superior Courts. That while not merely in civil cases but in the graver criminal—cases indictable offences—these judges are properly invested with extensive power to guard against a miscarriage of justice, such powers are denied then when they come to pass upon cases of summary conviction, cases where the power is more necessary, because the original proceeding is not before regularly trained men. Hon. gentleman will see in this an evil, and the object of this Bill is to bring this branch of administration more into harmony with modern ideas, here and at home, which aim at securing substantial justice, notwithstanding purely technical objections not touching the very merits of a case.

Every member of the legal profession who hears me will know that the defective power in respect to summary conviction when under review by the judge upon *certiorari*, is not over stated; but I may refer to a few of the cases to give some idea to others of the extreme exactness in form required under the law as it exists, and how the judges are crippled, handicapped, I may say, in their desire to prevent miscarriage of justice—to prevent the law being set at nought.

Some hon. gentlemen here may not be familiar with decisions which have been rendered from time to time. I have collected a few cases that may serve to illustrate the difficulty that I indicate. All the cases which comes before the courts are not published. Some of them are merely going over the same ground again, and involve no new principle; but a number of cases are reported, and from these, as they appear in the books, I have collected some which will show what extreme particularity is required. The first case which I will cite was one in which a conviction was had before a magistrate, and a fine of \$5.20 was imposed. The magistrate is required, after dealing with the case, to make a minute, which afterwards takes a shape of the conviction. In this case the guilt of the party offending was clearly established; the magistrates imposed the fine of \$5.20, but unfortunately when he came to formulate his conviction he made it \$5.27. So because it was seven cents too much the conviction was held to be bad, and was quashed, notwithstanding the guilt of the party had been clearly proved. Had the case been reversed, and the amount stated been seven cents too little, the result would have been the same. Another case, with which perhaps my hon. friend from the Quinte division (Mr. Read) who gave us some very interesting information last year with regard to cheese factories, may be familiar, occurred I think in his locality. After cheese factories had been running for some time in the country, it was found that a great many frauds were committed upon them, and milk was sold which was found to be impure. Though the parties could always be brought before the Superior Courts on indictment, it would involve very considerable trouble, and an Act was passed making it an

offence punishable by summary conviction. One of the customers of a cheese factory, who considered that he was not making enough at the price for which he sold, endeavored to increase his profits by skimming the milk. This was proved before a magistrate, and he was fined. But unfortunately the magistrate, in formulating the conviction, put it in a way that would not hold water, and the guilty party escaped. The charge was "Did on or about the month of June, 1880, and on various occasions, fraudulently sell to the proprietor of a cheese factory a large quantity of milk from which the cream had been removed." As every lawyer knows, that form of conviction was bad, because it technically charged two offenses, and it was so held. In another case a conviction was against the party for fraudulently removing goods to evade distress. Under an Imperial Act the Justice of the Peace is authorized to impose a penalty of double the value of the goods removed. In this case the value of the goods was \$100, and the justice imposed a penalty of \$100. The conviction was held to be bad on that ground, and also because the justice had failed to state in the conviction what the actual value was.

In another case a person was charged with being a frequenter of a house of ill-fame. The statute enacts that persons habitually frequenting such places shall be liable to a certain punishment, and the magistrate finding that it came fairly within the scope of the statute convicted him; but unfortunately in formulating his charge it was put that he was an unlawful frequenter, instead of an *habitual* frequenter. The conviction was held to be bad, and the judges were obliged to quash it.

In another case a man was convicted of unlawfully selling and disposing of intoxicating liquor to Indians. The justice of the peace, instead of saying that the defendant was convicted before him, stated that he was charged before him. The judge considered it so clear a case that it was useless to bring the proceedings up.

The bill is not intended nor does it confer any new or additional power upon justices of the peace. The new power is given to the judges of the Superior Courts and I am sure hon. gentlemen will agree with me that with them it may be safely reposed.

I believe that the measure if it becomes law will meet very general approval; since the bill before you was in print I have solicited the opinion of some leading jurists and I may read you some extracts from letters I received in reply.

Sir William Richards, whom all know as a consummate lawyer and learned jurist, who lately occupied the highest position in the judiciary of Ontario and afterwards in the like position in the Supreme Court of Canada "thinks the bill accords with the spirit of modern legislation viz., that technicalities shall not be allowed to interfere with the proper administration of justice."

Mr. Justice Taschereau, of the Supreme Court, has also kindly expressed an opinion of the bill; he says:—"I entirely and unhesitatingly agree with its provisions," and has for a long time "been of opinion that such a statute had become necessary," &c. "I wish I had time," he continues, "and could enlarge upon the merit of such a law. I really cannot do it now. I can only say that I hope the bill will become law."

I think hon. gentlemen will agree with me that this is strong testimony in favor of the measure, for the learned judge is known all over the Dominion for his accurate and critical knowledge of criminal jurisprudence, and his work on the criminal law is in the hands of every judge and every lawyer in Canada—a valuable *vade mecum* in the courts.

Mr. Justice Gwynne, well known in Ontario as a distinguished judge before his appointment to the Supreme Court, a man of broad and enlightened views, has also written me,—"I am glad," he is good enough to say, "that you are, as a legislator, utilizing the experience you have acquired in your long career by removing some of the obstructions which still remain to impede the course of the stream of justice. The bill is a move in the right direction as enabling the superior courts, in some measure to correct the evil consequences attending the carelessness or ignorance of inefficient or inexperienced magistrates."

Mr. Justice Cross, a distinguished judge of the Lower Canada bench, has been good enough also to examine the bill and to favor me with his views. He says:—"I hope it will pass the necessary ordeals.

Its object is one very desirable of accomplishment. Much good may, and I believe will, result from it, and it is at all events well worthy the experiment."

These are the opinions of very eminent men touching the principle of the Bill, and entitled to great weight both here and elsewhere, and, if I may so say, I venture to think that, knowing something of the subject, and with a longer experience than that of any judge of any court in the Dominion, my testimony in favor of the measure is not without some value. I think I have fairly made out a case for the second reading not to speak of the fact that the Bill was finally passed last session by the House.

What I have been speaking to relates to the first eight clauses in the Bill; the others are merely formal, intended to facilitate procedure and save needless expense, and some of the sections are to enlarge the time for making appeals; for it was found too short in some outlying districts. I shall have an opportunity to speak to the several clauses of the Bill when it is in committee. I may say generally that with the exception of two or three words, and the transposition of one clause, the Bill is in the identical shape in which it finally passed the Senate.

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

## TORONTO BOARD OF TRADE BILL.

### SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (E) "An Act to amend the several Acts relating to the Board of Trade of the City of Toronto." He said: This is a Bill to amend the several Acts relating to the Board of Trade of the City of Toronto in the particulars which have been set forth in the petition presented on behalf of that body to this House, and which are also stated in this Bill. One of the first is in relation to the Board of Examiners. At present, under the existing Act, members of the Board of Trade are not eligible to be examiners. In the judgment of the Board, the best men are likely to be found amongst themselves to

perform that duty, and they ask that that section of the Act may be repealed. The next clause is to enable the corporation to hold lands of greater value than they are now permitted to hold by the existing Act, and also to enable them to borrow money and to issue debentures. The most important clause, perhaps, is that which asks to empower them to pass by-laws to create a gratuity fund whereby provision may be made for assisting the representatives of a deceased member; and they ask for power to assess the members of the corporation from time to time for such sum as may be necessary to create and keep up such a gratuity fund. They ask also power to pass certain by-laws to regulate those assessments. Those are the principal features of the Bill. If the second reading is assented to, I propose to move that the Bill be referred to the Committee on Banking & Commerce.

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

The Senate adjourned at 5:05 p.m.

### THE SENATE.

*Ottawa, Friday, March 26th, 1886.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### BILL INTRODUCED.

Bill (K), "An Act relating to Druggists." (Mr. Macmillan).

### THE INSURRECTION IN THE NORTH-WEST.

#### MOTION.

HON. MR. ALEXANDER moved

That an humble Address be presented to His Excellency the Governor-General; praying that he will cause to be laid before this House, all reports which were rendered to any member of the Government or to any Department of the Government, by Lieutenant-Governor Edgar Dewdney, respecting alleged

grievances or disaffection of the settlers around Fort Carlton or elsewhere, between the 1st July, 1884, and the 1st March, 1885.

He said—If a member wishes to retain his influence in such a representative body as this, he will take care not to trespass too frequently upon their patient and kind indulgence. I try to make this my special study. The House knows, that notwithstanding the unseemly and unparliamentary interruptions of four or five members, I always endeavor to do my duty, and I never address the Chamber without having important questions of Dominion interest to discuss. I never trifle with the patience of the House, because I have always experienced at their hands the greatest kindness and courtesy, except from five hon. gentlemen. We all know, with regard to this resolution, what parties are chiefly chargeable, by their carelessness and inattention to the representations to those half-breed families, with causing the insurrection at Prince Albert; but the House will agree with me that while I do not recur to those causes, that after the more or less severe strictures of a certain portion of the press of the country concerning Lieutenant-Governor Dewdney, (who is a gentleman very much respected in the Dominion) we owe it to him, to Parliament, and to the country to investigate the subject, that we may form a correct judgment as to how far his conduct may be censurable. The Government say there was no cause for the insurrection, and I am sure they will, with the greatest possible pleasure, cause the report of Lieutenant-Governor Dewdney, that I now ask for to be laid on this table.

HON. SIR ALEX. CAMPBELL—I made special inquiry whether there were any such papers as those asked for in this motion, because if there had been any such papers I should have been very glad to let the address go, but I understand from the various Departments, dealing with matters relating to the North-West—and I have made it my business to inquire specially—that there are no letters from Lieutenant-Governor Edgar Dewdney respecting alleged grievances or disaffection amongst the settlers referred to in this motion, addressed to any Department of the Government. I must therefore oppose the passage of this address.

HON. MR. ALLAN.

HON. MR. ALEXANDER—I can only say that after an insurrection of such proportions as that which took place at Prince Albert, it is a most extraordinary circumstance that the Lieutenant-Governor of the North-West Territory should not have communicated what was occurring for months previous to that outbreak; but this statement of the Postmaster-General only corresponds with a statement made upon a previous occasion by another Minister with reference to reports sent by Bishop Grandin. He denied that any had been received, and two days afterwards he confessed that Bishop Grandin had made representations.

HON. SIR ALEX. CAMPBELL—Who confessed I should like to know?

HON. MR. ALEXANDER—The late Minister of the Interior.

HON. MR. PLUMB—He did no such thing.

HON. MR. ALEXANDER—I refer to the official report of the Debates.

HON. SIR ALEX. CAMPBELL—Sir David Macpherson may have made some statement which he afterwards found, on further investigation, to be incorrect, though I do not remember anything about it; but I have not to answer for the late Minister of the Interior. I answer for myself, and I say that there are no such dispatches as those mentioned in this paper.

The motion was declared lost.

The Senate adjourned at 3:40 p. m.

THE SENATE.

Ottawa, Monday, March 29th, 1886.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE SEA COAST FISHERIES OF THE DOMINION.

INQUIRY.

HON. MR. ALEXANDER rose

“To call the attention of the House to the importance of our now studying to foster the Sea Coast Fishery interests of the Dominion, as one of its most important industries, and ask what further steps the Government propose taking to accomplish that desirable object.”

He said—In rising to present this motion for the consideration of this hon. House, I desire to say that I am deeply conscious of my inability to deal with so important a subject. There is, perhaps, no public question at this moment demanding so urgently the best consideration of Parliament. I regret that I am not possessed of sufficiently full information to present it in its most important bearing. I simply profess by my motion to bring it to your consideration, trusting that the hon. gentlemen from the Maritime Provinces who have had long experience in this Chamber, and who are directly and specially more interested in that question than we can be, will treat the more important points of the subject. The prevailing opinion of the country is that this great and important interest has been most unworthily trifled with, and neglected, as have been many other subjects of public import, by the First Minister, whose time appears to be chiefly engrossed with other matters which I shall not name. It is a sad spectacle, a spectacle which we must all deplore, to witness the great public interests of such a country as this so evidently neglected. With regard to the Fishery Question, there is a great commercial depression in the Provinces of Nova Scotia and New Brunswick and along their coasts, where a busy activity and the employment of many more thousands might be effected if a wise and vigorous policy were adopted. Of course every one laments, as I do, the sad state into which the First Minister of the Crown has fallen. I fear that the right honorable gentleman has become incapacitated mentally and bodily for the important duties which he has to discharge.

HON. MR. READ—Not a bit of it.

HON. MR. ALEXANDER—It is unnecessary for me to remind the House that before the International Treaty expired on the 1st of July, 1885, a full and perfect understanding should have been arrived at between the two Governments, and it could have been easily accomplished if the leader of the political party which now rules the country had been alive to his duty. We all know that never at any previous period have such cordial feelings of amity existed between that great Republic to the south of us and the Dominion of Canada, of which we are all proud. So strong are the friendly relations between the two countries, that there is no danger of these being disturbed by any action on our part to establish our well understood legal rights. The Great Republic is second to no other country, regarding their general enlightenment and those graces of courtesy which adorn life. It is true that one member of the Senate at Washington, the Hon. Senator Fry, on the 18th January last, used language somewhat ambiguous to the world generally, but not ambiguous to me, and I have read his words most carefully. He prefaces his other remarks by the words "we desire to send no boats into their waters." Could words be more clear though the subsequent remarks which he made, might be a little alarming to us.

HON. MR. HOWLAN—What State is he from?

HON. MR. ALEXANDER—I think he is from Maine; I quote from the report of his speech in the *Congressional Record*, and I can only add, if Senator Fry's remarks on the 18th January, were made to convey a different meaning, that I know enough of the people of the New England States, of New York State, and the other parts of the Union, to assert here, that they do not reflect the sentiments of the higher cultured population of that country. If his views could be construed into having a different meaning from the interpretation which I put upon them, he would not be sustained by the population of the United States generally, who, I am sure, would with their present enlightenment and high principles, scorn to entertain such thoughts that because they are fifty millions of people to our four millions

and a half, that therefore they can infringe with impunity, upon our undoubted legal rights. I desire to refrain at this moment from any harsh criticism of the course pursued by our own government under the circumstances of Sir John Macdonald's bad health; but it has virtually given rise to the impression that our Government and people were afraid on the first of July last to assert their undoubted rights, and the conduct of our Government in this connection has almost fastened upon us the charge of pusillanimity that will be echoed and re-echoed by the press of the world—because a great Dominion such as we are, so powerful in numbers and intelligence, with our railway extending from the Atlantic to the Pacific, should never have allowed a whole season to pass and permit American fishermen to come into our waters and catch as much of our fish as they choose, while the American Government collected duty on all Canadian fish going into the American markets. Now the first consideration which governs the Imperial Parliament and the British people, is to uphold the honor and dignity of the country; and such ought to be the first consideration with our Parliament and Government. But alas, with Sir John's general idiosyncracies and policy of delay,—policy of "to-morrow" in everything, is bringing disaster after disaster upon the country. I dwell upon this, because all this mal-administration arises from this idol worship of the first Minister. The majority of Parliament appear to have surrendered their judgment to him upon everything, and thus, I may add, to one bodily and mentally incapacitated to deal with certain questions. His late speeches breathe more of romance than practical public life. They are almost ludicrous. The standards of honor and truth have unfortunately been sunk. I appeal to the Senate of this rising country. Let us bring together all right thinking men to raise once more those standards of right and truth within those walls. Let me now proceed to state in my imperfect way what course the Government should pursue, according to my judgment, in order to do justice to this great interest so as to bring prosperity to the Maritime Provinces.

Firstly—We ought to increase the force of the Marine Police. There ought to be

at least three or four steamers with seven fast schooners.

Secondly—We ought during the present Session to pass a Statute to prevent our fishermen selling bait to the American fishing class. Every means should be concentrated and adopted to build up our own fishery interests.

Thirdly—As regarding the bounties they should at once be increased to at least the interest of the five million five hundred thousand dollars which we obtained under the Arbitration. The gentlemen from the Maritime Provinces will add to those suggestions a number of others calculated to accomplish the object in view. The Governments of Great Britain and France attach great importance to their sea-coast fisheries, not merely for the sustenance of a large fishing population and the wealth that such a large industry will create, but they attach a special value to their training up of a large fleet of seiners,—namely, a strong Maritime fishing population which from year to year they find indispensable to man naval armaments of their two respective kingdoms. I have only now in conclusion to express my thanks to hon. members for the indulgent hearing which they have given me, while I have endeavored to bring this important subject before the House.

HON. MR. HOWLAN—I thought from the notice on the paper that we would have been treated this afternoon to a very able exposition upon the cultivation of our sea coast fisheries. Knowing the ability of the hon. gentleman who has just sat down, I thought he would have added some information of an important character to the history of our fisheries, but he does not seem to know the first thing about those of our own sea coast. He does not even seem to know the value of them. He says they have a value, but what it is he has not deigned to inform us, and I doubt if he has deigned to inform himself. I doubt if he knows to-day the value of the export of fish of the Dominion. I am led to that conclusion from the course of his remarks and the line of his argument. He accused the Government of neglecting to protect the fisheries of the Maritime Provinces. If he would ask the Marine and Fisheries Department for a

copy of the laws regarding our fisheries, he would find in them ample food for reflection, and he would see how closely and with what great attention our Government have fostered and encouraged our sea coast fisheries. Had he read those laws carefully before coming here to-day he would not have ventured to assert that the Government have been derelict in their duty in watching over our fisheries. He says the prevailing opinion of this country is that the fisheries have been neglected. I take issue with him on that point. I do not think that his opinion will be endorsed by public men from the Maritime Provinces, on either side of politics, in this House or out of it. He stated also that the great depression which prevails in the fishing industry of the Maritime Provinces has in some way been due to the neglect of the Government. Any one conversant with the fishing industry of the Maritime Provinces knows that so far from the catch of fish being small, there is no year in the history of the Maritime Provinces when so many fish of the different kinds that congregate on our coasts have been taken as during the last year. If he would take the trouble to look further into the question he would find that the depression which exists in the fishing industry is not due to want of fish, but to want of markets. The fish usually sent to the Mediterranean have been shut out owing to contagious diseases prevailing in that part of the world, and that is why depression exists in certain branches of the fishing industry. He has also stated that the Government have not done their duty in their dealings with the United States. He contends that they should have had some understanding with the Washington Government before the treaty expired. He did not tell us how, or why, or by what means such an arrangement was to be made with the Government of the United States. He is, as a learned gentleman, no doubt, conversant with the constitution of the United States, and knows the powers which the different branches of the Government of that country possess with regard to the making of treaties. Yet the hon. gentleman has not stated, in a way that any member of this House could draw an intelligent opinion from, how our Government have been derelict in their duty. We could



not take the Government of the United States by the throat and force them to make a treaty. We know that certain political changes have taken place in the United States, and that the party which governed that country since 1860 has recently lost power; we know another party is now in office, and while those changes were taking place the fisheries clauses of the treaty expired. It was impossible for our Government to do more than they did do—bring the matter to the notice of the United States Government through the British Minister at Washington. We have been on good terms with our neighbors for the last ten years under the Washington Treaty. During that time the intercourse between the two countries, commercial and otherwise, has been very pleasant. But it happens that there is a disturbance in the political family at Washington just now, and we were willing to let them have the use of our fisheries until the meeting of Congress, when they would be able to decide whether the Treaty should be renewed or not. The Government had good reason to believe that due consideration would be given to the question, but it so happens that while the House of representatives is Democratic the Senate is Republican, and it would be impossible, even though the House favored a renewal of the Treaty, to have it sanctioned by the Senate. I was in Washington about six weeks ago and visited both Houses very frequently, and I know the difficulty of the situation. Our Government did all that they could; they exercised the best wisdom they possessed until they found negotiations unavailing, and now they have concluded to protect our fisheries. As soon as it became apparent that the Treaty would not be renewed, they are fitting out six sailing vessels and one steamer. Now let me enlighten my hon. friend from Woodstock with regard to the use of steamers for the protection of our fisheries. If the hon. gentleman was at all well informed on the subject he would not assert that steamers should be used for the purpose. Fishermen are wary fellows and can see the smoke of a steamer a long way off, whereas schooners of their own style cannot be so easily watched. Therefore, while it is well to have one steamer for important purposes, the best class of vessels to serve

as Marine Police is the kind advertised for by the Government—schooners of about 90 tons. The hon. gentleman seems to think that we should be in a position to make a Treaty whether the American Government like it or not, and he quotes the views, ideas and opinions of Senator Fry, but he does not know whether Senator Fry is from Maine or New Hampshire; however, it makes very little difference, so far as renewing the Treaty is concerned. I have reason to believe that the United States' Government would be willing to consider this question on its merits if they saw any course open to them to meet the views of the Canadian Government, but that being impossible, we have to protect our fisheries, and I have no doubt that the Government are taking proper steps for that purpose. But the hon. gentleman says that we ought to pass a special Act to prevent to sale of bait to the United States' fishermen. We have already an Act on that subject. The Treaty of 1818 prevents American fishing vessels from entering our harbors except for wood and water.

HON. MR. KAULBACH—And refuge.

HON. MR. HOWLAN—And then they can only remain for 24 hours. Having had something to do with this industry in Prince Edward Island I have some practical knowledge on the subject. The hon. gentleman says that the sums paid for the protection of the fisheries, and the amounts given from time to time to our fishermen in the way of bonuses and premiums, have been lost. If the hon. gentleman would go down to the County of Lunenburg he would find there as fine a class of fishing vessels as can be found on salt water, the result of the assistance given by this Government to the fishing industry.

HON. MR. POWER—No, no.

HON. MR. HOWLAN—I venture to make this statement, and I think I am as good a judge of that class of vessels as my hon. friend from Halifax. I had occasion to pass through the Straits of Canso within the last two years and I was quite surprised to see, lying side by side with the finest class of vessels from Gloucester, our own vessels from Lunen-

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burg equally good. They are really a credit to the Dominion, and to the Port of Lunenburg from which they come. I say more, that the assistance given by this Government to the fisheries of the Maritime Provinces has produced excellent results, and if we wish to find what they are in a monetary way we have only to take the exports of the different classes of fish from the Maritime Province and thus reach a very intelligent conclusion. My hon. friend, usually well informed as he is on public questions, has not given proper attention to this subject. Coming as I do from a Province largely interested in the fisheries, and having some experience of the industry myself, I am in a position to say that the Government have fully and ably done their duty. I do not think they can be accused of having in any way failed to protect and assist, either the deep sea or the in-shore fisheries, and that is the opinion expressed by a majority of the fishermen of the Maritime Provinces.

HON. MR. POWER—I hardly expected to say anything on this subject, but two or three remarks have fallen from the hon. member from Alberton which seem to call for notice. I was surprised to hear him state broadly that the present condition of the Lunenburg fishing fleet was due to the protection and assistance afforded them by this Government. The hon. gentleman could not go down to Lunenburg and make such a statement as that in any place where fishermen are assembled, because everyone knows that the statement is altogether unfounded.

HON. MR. HOWLAN—It is quite correct.

HON. MR. POWER—I do not know as much about fishing probably as the hon. gentleman from Alberton, but still I happen to know a little about it in a non-professional way, and so far from the statement which he made about the Lunenburg fleet being well founded, I know that 20 years ago and more the firm of which my father was a member fitted out about 100 sail of Lunenburg vessels for the fisheries. That was before Confederation.

HON. MR. HOWLAN—What was the size of those vessels?

HON. MR. POWER—They were a good size.

HON. MR. HOWLAN—One of these modern vessels is as large as three of them.

HON. MR. POWER—My hon. friend no doubt knows a good deal, but he does not know everything, and I can tell him that we had a fishing fleet in Nova Scotia before the adoption of this policy of protection in 1882, just before the election took place. If the hon. gentleman says that the paltry bounty given at that time—given almost purely for electioneering purposes—has had anything to do with the substantial increase of the fishing fleet, I say it is absurd. Any merchant or any man who professes to understand the subject practically, would hardly undertake to make such a statement as that in the fishing districts. I am proud to to say that the vessels of the County of Lunenburg have been able for many years to hold their own both in the way of catching fish and fast sailing with those of Gloucester. The industry, the energy, and the native talent of Lunenburg, are not to be repressed even by the sort of legislation and administration that we have now. The hon. gentleman talked in general terms of what the Government here has done for the fisheries, but he did not go on to tell us in detail what they had done. He spoke of the lamentable ignorance displayed by the hon. member from Woodstock, but he did not himself enlighten us any more. Now, if a gentleman who knows so much about the fisheries as the hon. member from Alberton does, was unable to point out what the Government had done, the natural presumption is that they had done nothing, and that is really about the fact, beyond this petty fishing bounty which they have given. There was a good deal of force in what was said by the hon. member from Woodstock as to the line that the Government should have adopted. In the first place, there was a great deal of force in what he said as to the impropriety and the unwisdom of the Government's giving over to the Americans a whole season's fishing gratis. The natural effect of that was that the American people would suppose one of two things—either that the privileges which they enjoyed under the

Fisheries Clauses of the Washington Treaty were of comparatively little value when they were given away for nothing, or that the Canadian Government and the Imperial authorities were afraid to maintain their rights in the fishing grounds.

HON. MR. ALMON—Hear, hear.

HON. MR. POWER—The hon. gentlemen may laugh, but that is the construction which has actually been put upon it.

HON. GENTLEMEN—No, no!

HON. MR. POWER—I beg the hon. gentlemen's pardon, that statement has been made on behalf of the Gloucester fishermen in the United States, and the construction is a very natural one. The Government did what they should not have done; they gave away a season's fishing for nothing, with the result which I have indicated. What they should have done they neglected to do; they should have done as their predecessors did when preparations were being made for the meeting of the commission which sat at Halifax in 1877. They should have taken, after they got notice that the fisheries' clauses of the treaty were to terminate, the necessary steps to collect statistics relative to the fisheries:

HON. MR. HOWLAN—How do you know that they have not done so?

HON. MR. POWER—They do not say so, and as a general rule when the Government do anything that they should do, they let us know about it. The statistics have not appeared at any rate. The Government should have set their officers at work to collect statistics. I believe the effect of those statistics would have been the same as in the case of the Fisheries Commission; they would have established that the Fisheries Treaty was at least as beneficial to the people of the United States as it was to the people of Canada. That was the point. An impression prevails very largely throughout the United States that the Fisheries clauses of that Treaty were almost of no benefit to the United States and that they were of very great benefit to Canada. If our Government had done their duty, the friends of

the Treaty would have been in a position to make it clear that the benefits of the Treaty were not at all one-sided, but extended to the United States as much as to Canada. The fact has been this, that while the Gloucester fishermen, represented by Mr. Frye and other persons, have been able to produce statistics which, on the face of them, seem to show that the Treaty was of comparatively little benefit or value to the United States; the merchants of Boston and other places who take the opposite view have not had the statistics at command which they should have possessed, and which should have been supplied by this Government. I think in that respect the Government have failed seriously in their duty.

HON. MR. HOWLAN—If you had seen the report of the Boston Fisheries Bureau, you would not say so.

HON. MR. POWER—I have not seen the report of which my hon. friend speaks. This anxiety that the Government showed for a continuation of the Treaty, and this anxiety not to give offence is the more striking, because the leader of the Government has declared upon a great many occasions, both in Parliament and out of Parliament, when it has been suggested that the Government should take some steps towards a renewal of the Reciprocity Treaty, that it was unwise, because it would not do for us to show our anxiety to have the Treaty renewed. Now how could that anxiety be more shown than by giving away for nothing a season's fishing? The conduct of the Government has been self-contradictory in the extreme. There is one point on which I think there is still room for action on the part of the Government. They ought now as a matter of course to do the things which they neglected in the way of collecting information. It will be remembered by hon. gentlemen that when the duties on flour and corn meal were imposed some years ago, it was declared that the object was to give our own market to our own people—that Canadian farmers or millers were to supply the home demand for corn meal and flour, and that the foreign articles were to be shut out. Now what is shown by the Trade Returns? It is shown that instead of the result having been what was anti-

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pated at that time, it has been just the reverse—that the importations of corn meal and flour have very largely increased. Those importations have been chiefly into the Maritime Provinces. And there is no class of our population which has consumed more United States flour and corn meal than our fishermen. The consequence has been that these poor people, whose business is in a very bad condition just now, while they see a duty put on their fish going into the United States, which largely interferes with their profits, are at the same time obliged to pay enormous sums into the Dominion Treasury on the absolute necessities of life. Now I think that one of the steps that the Government should take, seeing that the practical working of this duty on bread stuffs has not been what they expected, and that the fishermen, almost the poorest class of our population, are paying a very heavy tax on the necessities of life, is to remove now the duty on bread stuffs.

HON. MR. HOWLAN—How much corn meal do the fishermen use?

HON. SIR ALEX. CAMPBELL—It seems that the fishermen do not use corn meal.

HON. MR. ALMON—Hear, hear.

HON. MR. POWER—But they do use corn meal.

HON. MR. ALMON—I should like you to go down to the fishermen and try to persuade them to eat corn meal.

HON. MR. POWER—Well, there is no doubt that corn meal is largely used in the Lower Provinces. I do not say that it is used exclusively by the fishermen there.

HON. MR. ALMON—Hear, hear.

HON. MR. POWER—I have not alleged that they use a larger proportion than other classes of the population, but they do use a considerable quantity.

HON. MR. KAULBACH—They use it for feeding cattle.

HON. MR. POWER—My hon. friend has just called to my mind the fact that the fishermen of his county, who farm as well as fish, use it for feeding their cattle; and if you put a tax on the food of their cattle it is just as burdensome as if you put it on their own food.

HON. MR. ALMON—How many cattle do fishermen have?

HON. MR. POWER—As to that question I will refer my hon. friend to the hon. member for Lunenburg for an answer. I know in the County of Lunenburg they accomplish what is rarely done anywhere else—that is, they combine farming and fishing, and do both well.

I may say this with respect to the speech from the hon. member from Woodstock, that I think it is to be regretted that in a speech in which there was so much good sense, he should have interpolated certain personal references which tend to hinder other members of the House from giving to his speech that fair and unbiassed hearing which it would otherwise deserve. I think the personal references to the Premier would have been left out with advantage to the speech itself, and that it would then have received greater attention. I notice that my hon. friend from Woodstock also spoke of the great interest that the British Government showed in our fisheries, and the paternal care with which they foster them. I am afraid that I cannot altogether agree with my hon. friend; our fisheries are English fisheries, and one of the most important, and probably one of the most difficult duties that the Government will have to discharge will be to induce the Imperial authorities to be as energetic in protecting the fisheries as they ought to be.

As I said before, in the debate on the Address, I think that the Government of this country would be perfectly justified in pressing upon the Imperial Government as a reason why they should protect our fisheries, the fact that we have spent so many millions of dollars in building a railway which will be used largely for Imperial purposes. I believe that this is an argument that the Imperial Government would find it difficult to get over. If Canada has spent so many millions of dollars to make an Imperial highway across

this continent, surely the British Government would be only doing its duty in protecting our fisheries. Then, as to the question of selling bait, I notice that the matter has been brought before the Minister of Justice, and I suppose that the Government will come to a decision on the matter at an early date. I quite recognize that there may be strong objections to selling bait to Americans in our harbors ; but I can hardly see how the Government of Canada can forbid our fishermen from taking bait beyond our three mile limit and selling it as they might sell it in Gloucester or any other American port. Probably some difficulty will be found in preventing that, though the Government may have power to do it. I regret that I did not prepare myself to address the House on this subject, which is one of very great consequence ; and I should not have troubled this House at all only for the turn which the debate has taken.

HON. MR. KAULBACH—I may say, with my hon. friend who has just taken his seat, that I am not prepared at this moment to show the marvellous progress of our mighty and wealthy heritage, our great cod, mackerel and herring fishing industries, to which the advancement of the wealth and commerce of the Maritime Provinces is mainly due. Had I observed the notice of motion on the order paper sooner, I should probably come better prepared, and the remarks which I now make are only prompted by the statements of my hon. friend. When I read the notice that the hon. gentlemen from Woodstock would call the attention of the House to the importance of our now studying to foster the seacoast fishery interests of the Dominion, as one of its most important industries, I felt delighted that in the far west, thousands of miles from the sea coast and fisheries, we had an hon. gentleman in this House who felt the vast importance of that industry, though one who is not supposed to know very much about it ; I felt therefore the greater curiosity to know what he would propose—I suppose he hardly knows a codfish from a hake. At the same time the hon. gentleman might have suggested to us something which would have been of some benefit to the fisheries. I must

say, however, that I listened to him with great attention, hoping that some new light would be thrown on the subject, that our fishermen would be more largely encouraged by the remarks of an hon. gentleman from the west ; but in that he has failed he trifled with the subject, because it was patent throughout his remarks that his object was merely to attack the Government or members of the Government without much apparent ability or desire to benefit the great fisheries industry. I do not know anything that my hon. friend has said, that is particularly worthy of remark : he did not apply the light of science to the treasures of our sea shores. He talks about a vigorous policy on the part of the Government, but all he suggests to my mind is that instead of six schooners we ought to have seven, and instead of one or two steamers we should have three to protect our fishermen. I presume that if the Government finds it necessary to have a larger police force on the coast, the number will be increased ; but I feel, with my hon. friend from Prince Edward Island, that steamers, except in catching vessels, are less desirable police on the coast, for the reasons my hon. friend has given. The hon. gentleman from Woodstock has said that the Americans are not desirous of sending their boats into our waters ; that they are not desirous of interfering with our fisheries ; that Senator Fry has said they have but little interest in them—that the field is not of sufficient importance to poach upon. Yet we know that already this spring the American fishermen have been trespassers, poaching on our waters, and have been doing acts inconsistent with the Treaty of 1818 even to the extent of coming into our ports and endeavoring to take our fishermen to man their fishing fleets. Already they have shown a desire to take not only our fish but our fishermen also. The people of the Maritime Provinces, those who are largely interested in the fisheries, and the men themselves who catch the fish, although they have suffered materially by having to pay duty on their fish going to the United States, believe that the action of the Government on the termination of the treaty was a wise and farseeing policy. Had the Government not continued the provisions of the treaty, but put on a pro-

protective police on our coast and routed the Americans, which would have been the natural consequence of it, we would occupy no better position than we are in now—no free fish and no free markets. It would have been said that instead of agreeing to come to terms by granting concessions to the United States, we had renounced all such overtures from the other side, and we had brought upon ourselves that which has happened—not only the loss of our fish, but the loss of the market in the United States. No doubt the question of bait is one of great importance. Whether we can protect it from the encroachments of the American fishermen is a matter to which the Government, no doubt, has given great consideration. I hope we can protect our bait, without which the Americans cannot efficiently pursue their calling on our coasts, and I hope, notwithstanding the remarks of the hon. gentleman from Halifax, that we will be able to find means to prevent even our own fishermen from taking and disposing to the Americans of bait outside of the three mile limit. I hear from different fishing districts, that notwithstanding the fact that our men know the direct profit there is in selling bait to the Americans, they have combined together and say "It is to our own interest that our bait should be protected. That we must retain it for our own use. That the quantity as well as the quality of our fish depends on the food supply—the bait on our coasts; if the bait is exhausted, our fisheries are destroyed; if we supply bait to the Americans, it will not only increase their catch and injure our fisheries, but will lower the demand and consequently the value of our fish in the American market." I hope the Government will go to the extremity of the law in their endeavor to protect our bait, which is the entire support of our fisheries. My hon. friend from Woodstock suggests that the bounties should be increased. Coming, as I do, from Lunenburg, a county which catches more fish than the whole of the rest of the province—I say I should be very glad, in the interest of our plucky and enterprising fishermen, if the bounties could be increased; but my hon. friend from Halifax says it is a wretched system, that

it is a wretched bounty, and that it has had no effect upon the fishing industry.

HON. MR. POWER—No material effect.

HON. MR. KAULBACH—I should like to see the bounties increased. My friend is opposed to bounties, and would do away with them altogether. The fisheries have been benefited in a marked degree, in more ways than one, by the bounties. There is a bounty not only on the fish, but on the tonnage, to supplies in the fisheries, and to every yard of canvas, every line and twine used in the fisheries, and the salt to cure the fish.

HON. MR. HOWLAN—Lines and twines are free.

HON. MR. KAULBACH—Yes; there is scarcely anything that is used in and for fisheries that is not free. I am deeply interested in this matter, and I say there is no industry in the Dominion of Canada that has been so well, so ably, so paternally protected and fostered as the fishing industry; and the people of the Maritime Provinces know it and acknowledge, notwithstanding the assertion of the hon. gentleman from Halifax, that all this protection these benefits and advantages, have had a beneficial effect on that industry. I tell the hon. gentleman he is mistaken, and but for the bounty given in the building of vessels, and the bounties on the fish caught and the exemption from duty, our fleet would not be half the size it is in the County of Lunenburg to-day.

HON. MR. POWER—Oh, yes.

HON. MR. KAULBACH—I know whereof I speak, and I know every branch of the fishing industry. The hon. gentleman talks of the fisheries of twenty-five years ago. The mackerel fishery was then a failure. Where did the vessels then engaged in the fisheries—some fifty in all—pursue their trade? Down along the coast of Labrador, and in the Gulf of St. Lawrence; they were fit for nothing else. True it is that at that time every vessel had to fit out with salt and provisions at Halifax. Now we fit out our own vessels;

we buy our supplies where we can get them cheapest, and equip our vessels in our own ports. That is what the Halifax merchants complain of; it is what has depressed the trade of Halifax, and as I said before the cause of that depression in Halifax means the prosperity of the whole of Nova Scotia. When the hon. gentleman talks about our vessels, he ought to know that this bounty, which he says was an electioneering kite for the year 1882, is a part of the National Policy. We know that the Opposition has been opposed to that bounty though it has proved of very great benefit to that important industry which is the wealth, the greatness, and bulwark of the Maritime Provinces. He would deprive our hardy fishermen, who pursue their calling on the roughest, the coldest and most dangerous coasts in the most inclement seasons, of what naturally and properly belongs to them—a bounty on their vessels, and the bounty on their fish. His prejudices against our Government has blinded him in our fishermen's rights. The hon. gentleman must come down to the county of Lunenburg to know something about fishermen and their wishes and aspirations, and if he does so—if he comes down and pays me a visit, I will convince him—we have the fish and fishermen to convince him, that he is entirely astray as to the fisheries, their rights and interests, and as to what he thinks is the general benefit of the fishermen. He talks about Government statistics. We have had statistics enough; there were cart-loads of statistics before the fishery Commission at Halifax, to show that the American catch in our territorial waters was worth from 20 to 25 millions of dollars a year.

HON. MR. BOTSFORD—And they are of record to this day.

HON. MR. KAULBACH—Yes, and yet we are told that the Americans do not know the value of our fisheries that we should have instructed them. They know it too well; their fishermen know so well the value of our fishing grounds and the great supply of fish we have there, that they have combined together, and through the United States Senators express their views on this question, but they say very little upon

this point, that it is necessary to keep Canadian fish out of the United States so as to increase the price of their own fish in the American market. Now as regards reciprocity with the United States, the Maritime Provinces have been and I believe still are desirous of renewing reciprocal trade relations with our neighbours, and the Government of this country are desirous of having every facility given to reciprocity.

HON. MR. POWER—No.

HON. MR. KAULBACH—I say yes, the hon. gentleman is mistaken; he shuts his eyes to that fact, but we have gone as far as we could possibly go, yes and even farther than we should have gone, to bring it about. Had we gone any further we would have placed ourselves in a false and abject position.

HON. MR. POWER—What have you done?

HON. MR. KAULBACH—Everything that honor and honesty to ourselves would permit. In adopting the National Policy, which has been a benefit to the whole country, we put on record at the same time a resolution that we were open to a reciprocity of trade in the natural products of the soil, and have held out that inducement year by year to the United States and standing offer for America to come in and meet us on that ground. What did the party of my hon. friend from Halifax do in 1874, when the late Senator Brown went over to Washington, and when, with all the influence he had at his back and the great temptations he offered, he could only get such a proposal as our own people would not and could not have accepted in the interests of Canada, and especially the Maritime Provinces, who were asked to yield up their best rights?—and yet even those terms were actually thrown out by the Americans themselves. They in effect told us that they were unwilling to negotiate on any terms—and we were left humiliated.

HON. MR. BOTSFORD—Treated with contempt by the United States Senate.

HON. MR. KAULBACH.

HON. MR. KAULBACH—Yes, and we have heard the then leader of the Government, Mr. Mackenzie, say it was the last effort we should make, his last overtures, to seek a treaty from the United States; that we had humiliated ourselves enough, and if any other overtures were necessary or to be made they should come from the other side of the border. Therefore the present Government, in adopting the National Policy, have unfurled their flag and said, "we are prepared to treat with you on fair terms, but we have adopted the policy of our predecessors this far, that we will never go begging to the United States again and ask for reciprocity. The hon. gentleman will ~~far~~ to convince this House and the country that the present Government is inimical and has been opposed to reciprocity. We have done everything we could do, in honor, to secure reciprocal trade, and it is impossible for us to go to the United States, and on our knees sue *in forma pauperis* for a reciprocity treaty, saying otherwise and without it we cannot exist as a nation. That is not the way to succeed; let us build up our industries in our own country, and let the Americans see that we can exist without their market, and that we can be independent of them so far as their trade is concerned. With regard to the Maritime Provinces the enterprise of our people down there has been remarkable. Notwithstanding the depression in the prices for fish, we find the people of Lunenburg continuing to-day building their vessels and equipping them more extensively than they ever did before. Every vessel of 100 tons we now equip with provisions on board, ready for the fisheries, is worth about \$10,000. We have at present nearly 200 vessels in the county of Lunenburg engaged in that industry.

HON. MR. HOWLAN — And fine vessels too.

HON. MR. KAULBACH—Yes, we can match the best of the American fleets. During the last three months 25 of our vessels have been sent off to foreign ports—the West Indies and even to the Mediterranean. The average of each vessel with its cargo is worth something like

\$20,000, and nine-tenths of the cargo is fish. By this you will perceive the value of our fishing industry, and I say that without the paternal care given to those fisheries by this Government, in direct opposition to the policy of the Grit Government and hon. gentlemen on that side of this House, who say the bounty system is a wretched thing and has a demoralizing effect on the fishermen—I say it has done wonders for our fisheries and is one of the fishermen's rights. France not only pays a bounty on the fish caught, but an export bounty on all fish exported, and in consequence of that and her commercial relations and treaties with Spain we cannot compete with the French in the Mediterranean and along the Spanish coast. Although there is a duty of \$2 a barrel on Canadian mackerel, Lunenburg is receiving that industry. We have three times as many vessels fitted out this spring in the county from which I come for the mackerel fishing as we had had before, because our fishermen have faith in the earnestness of the Government, and they believe that they have representatives in Parliament who will see that their rights are protected. The people are self-reliant and persevering, and they believe that with the fostering care of this Government the fishing industry must be successful, and I say sad will be the day to Canada when the fisheries are lost to the Maritime Provinces. They extend thousands of miles on the shores of the Atlantic, and the three mile limit, or three miles from headland to headland, is given by the convention of 1818, and the common law has decided that inside of these waters Americans cannot enter except for shelter, repairs, wood and water. These rights Canada has determined to maintain. What is outside the limits we can largely control by our bait supply and upon that the wealth of our fisheries mainly depends. The Americans must be the sufferers by refusing our offer of reciprocity in catch and sale of fish. We in the Maritime Provinces have some assurance that with our Government taking a firm hold and control of and fostering our fishing rights, those rights as well as our internal trade must go on developing and extending, and our foreign trade will be built up and a mighty marine through our hardy and



industrious fishermen who will always be ready not only to aid in maintaining their rights, but all Canada's rights on our coasts and fisheries. I regret that I am not prepared to meet this question with more statistics. I am much pleased, however, that the subject has been brought before the House, even though it is done by an hon. gentleman who is not familiar with the subject, who has never studied the matter as it should be studied, and does not know a codfish from a hake, and that it nevertheless is considered by the House of sufficient importance to discuss it.

HON. MR. POWER—My hon. friend on my left seems to think that I said there were only 100 sail of fishing vessels fitted out altogether in Halifax in one season; my statement was that one firm had fitted out some twenty-four years ago 100 sail from the County of Lunenburg alone.

HON. MR. KAULBACH—I venture to say that the time 24 years ago there was not 100 sail fitted out for the whole County of Lunenburg.

HON. MR. HAYTHORNE—I was somewhat reluctant to take any part in this debate, but as I am supposed to represent a district where large fisheries are established in my province, I might be considered remiss in my duty if I failed to do so. I may say that I think it was very desirable that this subject should be brought before this House and debated. I cannot for my part, however, agree with many of the propositions which have been brought forward. As a general rule, an industry such as the fisheries gets along best when it is least interfered with by the Government. What the Government's role is in such a case as this is to remove natural and artificial obstacles wherever they are found; improve the smaller harbors of our province, and remove all such duties and impositions as lay unnecessary burdens upon the individuals embarked in it. I freely admit that, as far as my province is concerned, much has been done for the improvement of the harbors, and I only regret that the Government held their hands a little too soon. Had they gone on, these observations of mine might not have been necessary, because I took

an opportunity not very long since to call special attention to a harbor which some of my constituents were keenly interested in, and it is not necessary for me to say anything further on that subject at present. I made representations, to the effect that I am now going to remark, years ago—before this Government came into power—that one essential thing for the progress and prosperity of the fisheries is that the natural history of the fish should be studied, and where close seasons are necessary, means should be taken to discover what those close seasons are, and order the regulations concerning them to be observed. It is pretty certain that under the existing system our fisheries show an increase. I have before me a statement which I took from the report of the Halifax Commission with regard to the fisheries, showing their progress during the period between 1869 and 1875, and it is a very remarkable one. During that period there was a steady annual increase in the value of the fisheries, up to 1875, when, from some cause with which I am not acquainted, there was a decrease again. Commencing with 1869, the value of the fisheries in Canada was \$6,186,323; in 1870 it increased to \$6,312,409. From that onward they increased in value a million of dollars or more annually until 1875.

Now I myself believe that that increase is, to a certain extent, owing to an improved method of keeping the statistics. We now take considerable pains to ascertain the value of all the fish taken, and consequently it is quite likely that the total value is somewhat inflated thereby. The whole value of the Canadian fisheries between 1869 and 1875, as stated by the Halifax Fisheries Commission, was \$58,568,014. It is certainly a very important branch, as the hon. member from Woodstock describes it, of our national industries. In some descriptions of our fisheries there is a very considerable fluctuation. That is especially the case with regard to the catch of mackerel. I have before me a pamphlet which has already been referred to in the course of this debate, the annual report of the Boston Fish Bureau. By that I see that during the years between 1861 and 1885 the value of mackerel fluctuated in the most extraordinary manner. The highest rate at which No-

1 mackerel was sold during that period was \$30. For two years it sold at \$23 a barrel for No. 1, and the lowest figure to which it ever fell during that time was \$8.25, in 1862. I suppose the demand does not fluctuate very considerably, but no doubt the supply does. In fact anyone who is at all conversant with the fisheries—the mackerel fishery especially—knows that it is very uncertain both as to the numbers of the fish and their quality. Some years No. 1 fish are very scarce; in other years there is abundance of No. 1 fish and comparative scarcity of inferior kinds. I think the best thing the Government could do with reference to the fisheries is to take pains to see that they are not injured by the taking of fish at improper periods, and the presence of an expert in this business in the Marine Department is very desirable. Allusion has been made to the existing relations between Canada and the United States with reference to the preservation of the Canadian fisheries and the protection of our rights to the exclusive use of the waters within the three mile line. I think it would be a thing very much to be regretted that the present good feeling between the United States and Great Britain and her colonies should be disturbed by any hasty act on our part. Of course it is our duty to see to it that our rights are carefully preserved, but at the same time I do hope that the Government will give such instructions to the commanders of their vessels as will show that while they are determined to preserve our rights they will also do it in a temperate and friendly manner. Such a course I think is more likely to produce a good effect on our powerful neighbors than any extreme acts which may be had recourse to in claiming and sustaining our rights. Something has been said with reference to the bounties paid to the fishermen. I do not think that these payments come under the usual category of bounties. They seem to be a somewhat late and reluctant admission that up to that time the fishermen of the Maritime provinces had been shabbily treated in withholding from them a sum of money which had been awarded by the Halifax Commission to the fisheries of Canada. It seems like a tardy and late admission that this money originally belonged to them and should

have been at once handed over to them for their use and benefit. I believe that that sum could have been most advantageously expended for the benefit of the fishermen without the intervention of the Government. It would have assisted to improve and connect the harbors with the interior means of communication, thereby incidentally improving the agricultural and other interests of the country by making the communications with their shores more perfect, opening up new branches of railway and such undertakings as that. It certainly seems to me that these so-called bounties are a too late recognition that the Government had laid violent hands on that sum of money which the fisheries had gained and which, it is clear, the fisheries ought to have retained. To claim credit for the Government in having allowed drawbacks to the fishing interest upon the canvas which they use for their sails, and on the twine which they use in their business, is a very far-fetched argument indeed. A paternal Government should not at first tax the articles essential to carrying on their business and then claim credit for the drawbacks when they see, perhaps a little late in the day, that a mistake had been made. The hon. gentleman from Lunenburg congratulated himself and his Province on the great increase of their mackerel fleet, I should be very proud to see the Lunenburg private signal flying on the vessels frequenting our shores. No doubt they would find it to their advantage to frequent our coast in pursuit of the mackerel, but I think there are other causes to account for that increase besides those mentioned by the hon. gentleman. He says that they have been increased by the bounty given by the Government, and on account of the liberal drawbacks offered. I am inclined to think that the increase has occurred in consequence of the unhappy decay of our maritime interests in other respects. No longer does it pay to equip and sail those fine vessels which formed a merchant marine not to be surpassed in any part of the world; no longer do our seamen, masters and mates find employment as they formerly did in navigating such vessels, and a large part of the capital and a large number of those who were formerly employed in building, equipping and sailing those splendid vessels have

taken refuge in the Port of Lunenburg. I have no doubt that he and his Province will give them a hearty reception there, and I do hope that their industry will be handsomely rewarded. As for my own Province we no doubt feel that we contributed much more largely towards the gaining of that award of the Halifax Commission, considering the extent of our seaboard and the numbers of our population engaged in the fisheries, than almost any other part of the Dominion, and for that reason if you talk to the Prince Edward Island fishermen they will undoubtedly tell you, and tell you truly, that they claim as their interest in that award at least \$1,000,000; and when you hand them over, dole out to them these broken fragments and call them bounties, they accept them certainly but they do not feel that their interests have been faithfully dealt with by the present Government of the Dominion.

HON. MR. PLUMB—I do not intend to take up the time of the House for more than four or five minutes, but I cannot refrain from saying a word or two on the subject before us. I am something in the condition of the hon. gentleman who moved this motion—that is to say, I am like the Oxford professor who was said to be perfectly capable of filling the position because he brought an entirely unbiased mind to it—he did not know anything about it. It is perfectly evident that the hon. member who makes this enquiry was only intent on attacking the Government in the manner which has distinguished his action in this House for several sessions, ever since I have had the honor of being a member of the Senate. He has evidently not studied this subject—not brought any knowledge to bear upon it—made no statement which has enlightened the House in any way, but he has made a series of assertions which might be mischievous if they were of any weight whatever in the House, or could have any effect upon the public mind. Fortunately they are of no weight here, and outside they probably have quite a little weight. Up to this time many members of this House have utterly refrained from answering him. They have refrained from a feeling of pity, rather than anything else, considering the mental condition which

he exhibits in the House. They have felt that it was hardly proper to take notice of his utterances or to answer them as if they came from a person who was fully responsible for his actions. Therefore, as far as his speech is concerned, the only point which I shall take notice of is this: He kindly assures us that the United States Government had no idea of interfering, and that the United States fishermen had no idea of interfering with the fishery rights of Canada, and at the same moment he asks that the Government shall increase the fleet which is employed for the protection of our fisheries. I want to know why he demands that the fleet be increased if he believes there is no danger of infringement upon our rights. He is not worth wasting words upon; but I was very sorry to hear a member of the Chamber of Commerce from the City of Halifax, who speaks here with a double responsibility, endeavoring to make a point against the Government in regard to its not having shut out the United States fishermen from our grounds on the 1st of July last. If the Government at that time had attempted to do so in the midst of the fishing season, irritation would have been created which probably would have prevented us from having any possible chance of renewing the Treaty, and then that hon. gentleman, I venture to say, would have been one of the very first in this House to propose a vote of censure on the Government for taking the course which he now recommends. It is well known that the Government of the United States was favorable to a renewal of the Treaty. But it is also well known that the power of treaty making, or even of negotiation, does not rest with the Executive. It was well known that Congress was not in session, and it was the part of wisdom and prudence, under those circumstances, for our Government to say, "We leave you in the enjoyment of your privileges until the time comes when we can meet and have an amicable negotiation;" and if any disposition had been shown to interfere with the fishermen of the United States at that moment, no one would have been quicker to censure the Government than the hon. gentleman himself and those with whom he acts. I think it is perfectly safe to say that the reception of his remarks in Halifax, if they

are reported there as they are spoken in this House, speaking of losing half a season's fishing by not interfering with the United States fishermen, will not be favorable—they will not be responded to by any cheers on the part of the commercial body of which he is a member.

HON. MR. POWER—I did make a similar statement in the Chamber of Commerce, and it was received with approval. We had a discussion on the subject there.

HON. MR. PLUMB—The hon. gentleman has several times referred to the position of the Government with regard to the reciprocity treaty. I do not intend to dwell upon it at any great length, but I will say this—an attempt was made in 1874 to negotiate a treaty, by which, in the anxiety of the gentleman who was a self-appointed Commissioner, everything was conceded to the United States except Canada itself. A draft treaty was made which was published in the *Globe* of 24th November, 1874. There the hon. gentleman will find the particulars of it, and he will see there that such concessions were made at that time as would not be tolerated for a moment now. It was proposed to surrender the fishery claims, to receive free of duty nearly every manufacture of the United States, whereas they had been heretofore charging us very high duties on everything we took to them; that it was intended to build the Caughnawaga Canal, to cost \$10,000,000, with 14 feet of water on the mitre sills, on the Lake Champlain route, and no way was provided for vessels to get through to New York when they reached the foot of the lake; we were to finish the St. Lawrence canals in a very short period, and other concessions were made which bound us over hand and foot to the United States, and after getting the hon. gentleman's best offer, the United States Government said "we will not make a treaty, but we will keep your offer." They have that offer yet before them. Does anyone suppose that we can go to the United States, when they have the offer of 1874, in their archives, and propose to negotiate a treaty on less favorable terms? If they want a treaty they will not hesitate to ask for it. They have in the Tariff Act of

1879 a recognition on our part of a desire to exchange the products of the soil whenever they are ready to meet us. We are handicapped, and have been since 1874, by the hon. gentleman's leader in former times, a commissioner that was appointed by himself and spent six months at Washington endeavoring to persuade Mr. Fish, the Secretary of State, to accede to his proposals. As far as the fisheries are concerned, I have no doubt the Government will protect our honor. They understand perfectly well what our rights are, but I think it is premature and always impolitic, if not improper, to force such discussions as this at a time when there is some hope and chance of arriving at an amicable settlement. The Government have not been remiss; everyone knows that prior to the last treaty our rights were vigorously enforced, that the contention that we possess a right to the three miles limit from headland to headland was constantly maintained. Hon. members know that nearly 100 ships were brought into our ports to be condemned for infringing the treaty. Our interests are safe in the hands of the Government and we may very well rest in that security, and trust delicate matters of negotiation like this to the executive, until we know the grounds on which the discussions have been had and until we understand perfectly well what the actual condition of the question is. I think it is safest to leave it in that position. The discussion which has been started here has resulted in eliciting useful information, but it was not started for that purpose, but simply for the purpose of making a covert attack on the Government.

HON. SIR ALEX. CAMPBELL—I thought I would take advantage of the opportunity afforded by this question to draw the attention of the Senate to some statistics relative to the growth of the fishing industry, tending to show that all proper steps have been taken by the Government, so far as they are concerned, to enable this growth to be accomplished. The total number of vessels engaged in the sea fisheries in 1870 was 639; the total number in 1885 was 1,120; the total value of the sea fisheries in 1869, was \$4,186,323, and in 1885, \$15,302,243, showing that the fisheries have

thriven. Certainly these figures furnish no evidence of neglect on the part of the Government. I agree with the hon. member from Prince Edward Island that perhaps the best thing to be done with the fisheries is to give them free scope and not to interfere with them in any way except so far as to protect them during the close season, which has been done, and the contribution which has been made by the fish hatcheries, which the Government keep up. All that has been attended to. When the Confederation took place the fisheries laws which existed in Canada proper placed the subject under the control of the Commissioner of Crown Lands, an office which I filled at that time, and had occupied for some years before. It was then, for the first time, that close attention was given to the fisheries, and hatcheries were established, and we stood in a better position in that respect in old Canada than the Maritime Provinces occupied. The system was extended to the Maritime Provinces shortly after Confederation and the legislation which has been attended with such good results was extended to the whole Dominion. Up to that time they had no such system, I believe, in the Lower Provinces. They had some legislation in Nova Scotia and New Brunswick and probably Prince Edward Island, but it was of a general character. It was haphazard; there was no systemized legislation and no system of protection such as could be given by the establishment of a fisheries department. The Department of Fisheries was created and a number of officers were employed to assist in the protection of the fisheries both in old Canada and in the lower provinces. The establishment of that department is some evidence of the care which was taken by the Government for the protection of the fisheries. The number of fishery officers employed in the Maritime Provinces in 1868 was 150, and in 1885 it was 427. The expenditure in connection with the protection of the sea-coast fisheries in 1869 was \$19,363, and in 1885 it was \$63,589. Showing not only by the number of vessels and the value of the fisheries from year to year, but by the creation of a department charged with the special duty of furthering this industry and by the extension of its operations, the number of

officers employed and the amount of expenditure incurred in all these respects, that the Government has from time to time, and in every way in its power, given attention to this industry, the value of which we all understand, and which the gentlemen from the Maritime Provinces, speaking with a knowledge which the hon. gentleman which started this inquiry might envy, and which he should strive to emulate and study before he ventures to make an explanation on the subject, have fully stated to the House. Then the hon. gentleman opposite (Mr. Haythorne) threw some discredit, as I thought, upon the exemption of the nets and seines and lines of fishermen from duties. I do not see why he should discredit that, or why he thinks it is a slight matter. It shows that the Government is desirous of removing all obstacles from the way of the fishermen in reference to duties on articles necessary for their calling. The hon. gentleman from Halifax tries to establish that we have imposed duties on articles that the fishermen use for food, but it turns out that those articles referred to are not used by the fishermen to any extent for food.

HON. MR. POWER—They use flour:

HON. SIR ALEX. CAMPBELL—So that in the way of legislation of a character to encourage the fisheries—by the establishment of fish hatcheries; by the opening up new markets as far as we could, and in every way, everything has been done that is possible to be done for the encouragement and prosperity of this great industry. I wish very much that this question had either not been presented at all, or, if presented, had been introduced by somebody who knows something about it.

#### TELEGRAPHIC COMMUNICATION WITH THE NORTH-WEST.

##### INQUIRY.

HON. MR. GIRARD rose to inquire

If any arrangement has been entered into between the Government and the Canadian Pacific Railway, by which Telegraph Messages may be transmitted from Manitoba and the North-West to any part of the Dominion at the same rate at present charged by the other Canadian line, and when the Canadian

HON. SIR ALEX. CAMPBELL.

Pacific Railway will be in a position to transmit public messages, as at present the people of Manitoba are dependent upon American lines, and extortionate charges.

He said—After the important debate which has just closed it would come with bad grace from me to detain the House with a long discussion. Nevertheless, I propose to make a few observations with regard to this enquiry. When, in 1870, for the first time we saw telegraphic communication established from St. Paul in the United States across our vast prairies to Winnipeg, by the Great Northwest Telegraph Company, it was naturally a cause of great joy to us all to have the means of sending our messages rapidly. At the same time, the telegraphic posts themselves were a source of consolation to travellers over the prairies during stormy nights, when there was nothing else to indicate where the road lay before them. Hitherto the telegraphic service has been performed by the Great Northwestern Company most satisfactorily, except in one particular, and that is our complaint to-day,—their tariff of charges is too high. The object of my inquiry is to ask the Government if it would not be possible, in some way or another, to give us cheaper telegraphic communication with the east. The rate was, at the beginning, \$2.50 for ten words—a charge of 25 cents a word. It was as high a rate as on cable messages sent from here to the Old Country. We have paid that rate rather than be without telegraphic communication; at the same time we consider that it is the duty of the Government to relieve us somewhat from such a heavy tariff. It seems to me that there is a certain identity between a message sent by telegraph, and a message sent by post. It is true that we receive our telegraphic messages through the United States, and I suppose it would not have been easy for the Government to assist us in any way except by paying the expense of the message from the United States. It seems to me, however, that if messages by post are sent on easy terms between the two countries, it would be equally possible to make a similar arrangement for telegraphic messages. In 1873 or 1874 the Government took power to establish telegraphic communication between this Province and the far west, but they did not succeed. There was a large

sum of money expended in that attempt, in places where, I am sorry to say, with many other expenditures made at the same time, it was of no profit to the Dominion.

HON. MR. DICKEY—In the muskets.

HON. MR. GIRARD—The telegraph poles that were set up could only remain standing during the winter; in the spring when the thaw came on they went down. There is now an opportunity for the Government to do something in our interest. The Pacific Railway Company have completed their organization; before long the railway will be in operation from ocean to ocean, as we have been proud of saying on many occasions, and will afford means of communication between the east and the west. At present the telegraphic communication is used only for the working of the road; the public has no access to it. However, so much of the public money has been expended under the agreement between the Dominion Government and the company, who are now the owners of the railway, that I think it would be easy for the Government to make some arrangement by which we could have telegraphic communication on as easy terms as the rest of the Dominion. The rate by the the Great North-Western of \$2.50 for ten words has been reduced to \$1; but one dollar is too much, when in other provinces of the Dominion the people have the same service for 25 cents. Under those circumstances my idea was to ask the hon. gentleman representing the Government in this House, if it would not be possible to put us in a better condition as regards telegraphic communication in the future.

HON. SIR ALEX. CAMPBELL—In reply to the question of my hon. friend, I wish very much I could say that we were about to put the North-West in a better position with regard to telegraphic communication. Of course it would be possible to do so, but it would be at a considerable expense. We have not yet made any arrangement with the Canadian Pacific Railway Company with regard to the transmission of messages over their line. Then my hon. friend asks in the second part of his enquiry, whether the Pacific Railway Company will soon be in a posi-

tion to transmit public messages without going through the United States. In reply to that part of the hon. gentleman's inquiry I beg to say that the Pacific Railway Company (so I am informed by their officers) will very shortly be in a position to send messages from Manitoba entirely through Canada proper to the rest of the world. The Government has not interfered in any way; the line will be a private line belonging to the Pacific Railway Company, and the messages from Manitoba will have to take the same chance as messages from any one part of Canada to another. No doubt they will make a reduction on present charges, because messages have now to go to the United States. They will soon be taken all the way over their own line, and they will be able to do it cheaper than it is now done; still it will be a matter of private arrangement between the people of Manitoba and the company. The Government do not propose to interfere in any way to make a special tariff for that province, or to interfere with the contract the company would make. It would not do for the government to interfere with such contracts, because my hon. friend will see that if we gave any subsidy to the company to send messages to Manitoba at a lower rate than they otherwise would, we would have to do the same for other provinces, and it is something that we could not undertake to do. The line will shortly be opened, and after it is opened the people of Manitoba will have to make their own bargain.

#### LONDON AND ONTARIO INVESTMENT COYS. BILL.

##### SECOND READING.

HON. MR. MCKINDSEY moved the second reading of Bill (F) "An Act respecting the London and Ontario Investment Company, limited."

He said—By this bill it is proposed to amend the Act incorporating the London and Ontario Investment Company. It is a loan company and a borrowing company as well, with its chief office in the city of Toronto. It has been found, for the issue of bonds, debentures and other securities, that they are principally sold and disposed of to capitalists and other parties in Great Britain. It has been

ascertained, in cases of transmission by will or by intestacy, that doubts have arisen as to the proof of the transfer of those shares sold in Great Britain; and it is proposed by this bill to establish an office in some central place in Great Britain for the purpose of issuing those bonds, and for the transfer of them also whenever it may become necessary under certain proofs. The bonds, as issued by the central office in Toronto, are under Canadian currency issue. These bonds in England are in a currency which is not generally understood by the people there and it is proposed also to amend this Act so as to enable an office in England to issue bonds in sterling currency, and to lift and exchange shares issued in currency of Canada for sterling currency, at the amount of value of £50 11s. sterling. This bill asks for powers, in the first place, to establish an office there for the purpose of keeping books for the transfer of shares which have been issued, and in the second place, for power to settle what proof may be necessary when shares will require to be transferred, excepting as to bearer.

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

#### INTERPRETATION ACT AMENDMENT BILL.

##### REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (C) "An Act further to amend the Interpretation Act."

In the Committee,

SIR ALEX. CAMPBELL proposed to add a new section as follows:

"3. Section 15 of the said Act is hereby repealed, and the following substituted therefor:

"15. Every person who obtains an Act of a private or personal character, shall pay to the Queen's Printer the cost of printing five hundred copies of such Act in the English language and two hundred and fifty copies in the French language."

He said that after those private bills became Acts of Parliament, 3,000 copies of these private Acts were printed, and it was to make each person who obtained a private Act contribute something towards the general cost of printing them. It was

a very small portion indeed of the total expense of the 3,000 copies that are published, because each individual only paid for 500 copies of his own private Act though there were 3,000 copies of it published.

The clause was adopted.

HON. MR. POWER said before the committee rose he wished to express his gratification that the Minister had seen fit to make certain amendments in the Bill, one or two of which had been suggested in this House. The meaning of the Bill was made more clear, and the Minister himself had an opportunity to introduce this new clause which was one of consequence. Some hon. gentlemen seem to think that any time taken in this House in discussing the wording of a Bill was time thrown away, but it was a mistaken view of the matter altogether. It was better that a Bill introduced in the Senate should be amended in the Senate rather than go down to the other House and be amended there.

An amendment there is a reflection on the capacity of the Senate for legislation, and further, the principal business of the Upper House is to look after legislation. The members of the Senate have the leisure and the disposition perhaps to do so to a great extent than the members of the Commons whose time is more occupied in things of a political character. He thought that it would be well to amend the clause in the 11th line so as to remove ambiguity. As it stood there was some doubt as to its meaning. The word "his" there applied to the word "Minister" at the beginning of the 10th line.

HON. SIR ALEX. CAMPBELL thought not, and did not consider any amendment necessary.

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

ST. VINCENT DE PAUL PENITENTIARY.

INQUIRY.

HON. MR. BELLEROSE—Before the House adjourns may I ask the hon. Post-

master-General if the protest of the Deputy Warden of St. Vincent de Paul Penitentiary against the reception of the evidence of Demers, asked for on the 21st inst., will be laid before the House. The Minister is, no doubt, aware that the document, or rather a copy of it, which could not be found when I brought the matter before the House, has since been discovered. As it is a very short document which could be copied in half an hour, I should like to have it laid before the House as soon as possible.

HON. SIR ALEX. CAMPBELL—The copy is ready and I intended to have brought it down to-day, but I forgot it.

The Senate adjourned at 5:30 p.m.

THE SENATE.

Ottawa, Tuesday, March 30th, 1886.

The SPEAKER took the Chair at Three o'clock.

Prayers and Routine proceedings.

THE PRINTING OF PARLIAMENT.

SECOND REPORT OF THE COMMITTEE.

HON. MR. READ, from the Joint Committee on the Printing of Parliament, presented their second report. He said: I beg to move that the report be now adopted. I may say that it is intended to take the same course in the other House, as the report shows that the money has been held for the tenders for some time.

The motion was agreed to.

INTERPRETATION ACT AMENDMENT BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (C) "An Act further to amend the Interpretation Act."

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



## CANADA PERMANENT LOAN AND SAVINGS COMPANY BILL.

## SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (H) "An Act to consolidate the borrowing powers of the Canada Permanent Loan and Savings Company, and to authorize the said company to issue debenture stock." He said: This Bill is to consolidate the borrowing powers of the company, and to authorize them to issue debenture stock. It is provided that the liabilities of the company shall never exceed double the paid up capital, and a further amount upon which not less than 20% has been paid; but in no case shall the total liabilities of the company to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital, or shares in such company, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the company, all loans or advances made to shareholders upon the security of their stock to be deducted. The company ask for an alteration in the Act under which they are created, by which they may be permitted to issue debentures of not less than \$100 each, subject to the above limitation, and they also ask to be permitted to issue debenture stock as part of the regular debenture debt, to rank equally with the debentures. They also provide that they shall not by any legislation contained in this bill be exempted from the effect of any alterations which may be made in the general acts respecting loan companies carrying on business in Ontario. The company is known to be a leading institution of that kind in this country and its stock is quoted at 115 premium. I do not think there is anything in the bill which is in any way objectionable.

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

## SUMMARY PROCEEDINGS BEFORE JUSTICES BILL.

## REPORTED FROM COMMITTEE

The House resolved itself into a committee of the whole on Bill (A) "An Act

to make further provisions respecting summary proceedings before Justices and other Magistrates."

In the committee, on the 1st clause,

HON. MR. GOWAN said: I wish to refer to a communication which I have received since the second reading of this Bill from a gentleman well known to many hon. members of this House, the Chief Justice of Manitoba. He writes to me, concerning the measure, as follows:—

"I am much pleased with it and feel that there is an actual necessity for it. Every practitioner has felt that necessity, and judges have been compelled to give effect to objections in which they felt there was little or no merit. Every one who has anything to do with the administration of law will feel thankful to you for your efforts to improve this branch of the law. I am afraid motions to quash are more frequently made upon something such as is and ought to be cured by your Bill than when merits are relied upon."

I missed seeing before the second reading of this Bill an article which appeared in a French newspaper published in Montreal, or I should have then referred to it. A single extract I will venture to read. It really goes to the essence of the measure and is expressed more clearly and pointedly than I was able to present it. The paragraph is as follows:—

"Car il est absurde de continuer à faire dépendre la validité des décisions des juges de paix de simples subtilités légales sur lesquelles se divisent les avocats d'expérience et même les juges, et qui, par conséquent, ne peuvent raisonnablement être de la compétence d'un simple juge de paix." (A laugh).

I do not see that I have done wrong in attempting to quote this extract in the language in which it is printed. I am anxious for the success of this measure and I desire that those gentlemen who do not understand English should at least hear one point of the opinion expressed by a leading journal of great ability. Whatever one may think of its politics, it is conducted by an able and skilful writer. The French language is spoken as of right in this House, and so long as that is the case I do not think that I am doing wrong in attempting to quote from a French newspaper, and to say a few words in the same language.

Hon. messieurs—Je vous exprime mon grand chagrin parce que je ne puis pas expliquer en français la raison d'être de cette mesure est en détail. Hélas, ce n'est pas possible pour moi à présent, mais je ne suis pas trop âgé pour apprendre la langue française, et je vive dans l'espérance de l'acquérir et de parler à quelque autre temps, toujours imparfaitement, je crains, mais parlant en français dans cette Chambre.

I beg to move the adoption of the first clause, the simple object of which is to include Police Magistrates and other officers.

HON. MR. DICKEY—It will be in the recollection of the House that I felt it to be my duty last session to take considerable exception to this Bill in reference to very many of its details. It was then most effectually threshed out, in every respect, and after making no less than seven amendments to the Bill in Committee, after its second reading, I feel that I ought to say to the House that the measure having been well considered last session, unless it contains some provision which has escaped my notice, the House should be disposed to let it pass. So far as I am concerned I shall make no further objection to it as it stands. I am prepared to let it go to another place where it will be subject to the investigation of the Minister of Justice and other gentlemen who may be disposed to consider the question more in detail. I trust that the House will allow my hon. friend to carry through his Bill, because I understand, from his explanation, and I have ascertained from comparing the Bill before us with the one which passed through the House last year, that it is to a large extent the same measure.

The 1st clause was adopted.

On the 2nd clause,

HON. MR. GOWAN said—In moving the adoption of the 2nd section I take the opportunity to thank my hon. friend opposite for the kind aid he has given me on this and on the former occasion. The only alteration that is made in the Bill is a transposition of one of the clauses, and some slight change in the language of sec-

tion 2. The words "upon affidavit" have been struck out. It was considered here and elsewhere that they might induce a certain laxity in the administration of justice on the part of magistrates, and therefore I thought it better to omit them.

The clause was adopted.

On the third clause,

HON. MR. POWER said: I think it would make this clause so clear that he who runs might read and understand it, if my hon. friend would insert "amongst others" after the word "matters." The impression made on me last year, and upon a first reading of the Bill this year was that the matters enumerated in the succeeding portion of the clause were the only matters to which the preceding sections applied. I know there is a proviso at the end of the paragraph 4, which removes the doubt, but I think it would be as well to insert the words which I have suggested.

HON. MR. GOWAN—I see no necessity for these words, but there is no harm in inserting them, and I have no objection to the amendment.

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

On the fifth clause,

HON. MR. MACDONALD called attention to the fifth line of the section which proposed to protect justices of the peace from actions for improper convictions. That would be offering a premium to Justices to make loose convictions. He knew a case in British Columbia, where a Justice of the Peace was being sued by some Indians for a false conviction, and it would be a great injustice to those Indians if they were subjected to expense for nothing.

HON. MR. GOWAN said that the whole matter was vested in the judges, and it would be only in very clear cases that they would make such an order. If the clause proposed to cure every conviction and disable parties from bringing an action, he would not for a moment have

proposed it, but the judges were merely given discretion to make such an order if they saw good reasons to do so.

HON. MR. MACDONALD did not like the clause, knowing that magistrates frequently make very loose and careless convictions. This clause would be likely to make them still more careless.

HON. MR. GOWAN did not think so. The language of the clause was not imperative; the judge must exercise his judicial discretion, and no judge in the Dominion would use that discretion to cure improper conduct on the part of a Justice of the Peace.

The clause was adopted.

On the 6th clause,

HON. MR. GOWAN said—My hon. friend from Halifax made a suggestion which I think may possibly be desirable; it is as to fixing the amount. He seems to think that as the language now reads it might be considered too arbitrary, and that might lead to a fixed sum being applied to all cases alike. The hon. gentleman has shown me an amendment which he proposes to make, and to which I can see no objection if he wishes to move it.

HON. MR. POWER—The clause provides that the party shall enter into a recognizance; that might be construed as limiting the power of the court to one sum for all cases, which would be manifestly unfair. The amendment which I propose, and which I submitted to the hon. introducer of the bill, was to strike out at the beginning of the line the words "sums to be fixed" and inserting at the end "such as may be prescribed"—giving the court power to fix a larger or smaller sum for the amount of the recognizance.

HON. MR. GOWAN—I agree to that amendment.

HON. MR. PLUMB—Is it intended that the judges shall fix a specific sum for all cases, or that they shall vary that sum in proportion to the magnitude or importance of each case?

HON. MR. GOWAN.

HON. MR. GOWAN—To vary the sum according to the magnitude and importance of the case. In a trifling case the sum would be merely nominal; in an important case the sum would be large. Under the existing Act the amount is £50 sterling in all cases.

HON. MR. VIDAL—You intend to cure that?

HON. MR. GOWAN—Yes. This clause alters the law in that particular and enables the Judge to fix the amount according to the importance of the case.

HON. MR. PLUMB—Then the amendment of the hon. member from Halifax is not necessary. It is a mere change of words which does not alter the meaning.

HON. MR. POIRIER—I believe the Judge has sufficient latitude under the clause as it stands; he can fix a greater or smaller sum at his discretion.

HON. MR. KAULBACH—It seems to me that the sum is fixed by a general order of the court; therefore I think it is necessary that discretion should be left with the Judge to fix the amount according to the nature of the offence and the ability of the parties to give security. These matters should be left to the discretion of the court in all cases; otherwise great injustice might be done. My impression is that the amendment proposed by the hon. member from Halifax will be necessary in order to give the Judge discretion to fix the amount of the security.

HON. MR. GOWAN—I do not at all object to it. I think perhaps it would make it more clear. At the same time I think that the clause, if fairly construed, is as he desires to have it.

HON. GENTLEMEN—Carried!

HON. MR. POWER—It is rather unusual, when a member who has given a bill a good deal of study proposes an amendment which is accepted by the mover and meets with the approval of the Law Clerk of the House, that it should be objected to by gentlemen who have not given much attention to the measure

and whose professional training has not led them to inquire into subjects of this kind. To say the least it is an unusual proceeding.

HON. MR. PLUMB—There are gentlemen here who have had a professional training who object to the amendment.

The amendment was declared lost on a division.

The clause was adopted.

HON. MR. BOTSFORD, from the Committee, reported the bill with an amendment which was concurred in.

HON. MR. GOWAN moved the 3rd reading of the bill.

HON. MR. POWER—I think as a general thing, in legislative bodies even less dignified than this, when one or two members at this stage of this session ask that a measure stand over for a day, it is not customary to refuse. I do not think I have ever known a request of that sort to be refused, and I regret that the usual courtesy is not extended in this case.

HON. MR. GOWAN—As there are objections to the Bill being read the third time to-day, I move that it be read the third time to-morrow.

The motion was agreed to.

The Senate adjourned at 4 p.m.

### THE SENATE.

*Ottawa, Wednesday, March 31st, 1886.*

The Speaker took the chair at 3 o'clock.

Prayers and routine proceedings.

### BILL INTRODUCED.

Bill ( ) "An Act to incorporate the Northumberland Straits Railway Company (Mr. Howlan).

## REPRESENTATION OF BRITISH COLUMBIA AND MANTOBA IN THE CABINET.

HON. MR. McINNES (B. C.) moved

That, in the opinion of this House, justice and expediency both demand that the Central or Prairie Section and the Western or Pacific Section of the Dominion should each be represented in the Queen's Privy Council of Canada.

He said—This is substantially the same motion of which I gave notice last July. I would have proceeded at that time to discuss the subject and ask an expression of opinion as to the desirability or feasibility of having each Province or rather each of the three great natural divisions of the Dominion represented in the Cabinet, were it not that the session was nearing its close. A large number of the members of this House had gone home, and those who remained were becoming somewhat restive, owing to the unusual length of the session. Consequently I feared that the subject would not receive that calm and deliberate consideration to which, in my humble judgment, its importance entitled it. I propose avoiding making a similar mistake this session, and shall, therefore, at once proceed with my resolution while the session is yet young and vigorous, and while there is a pretty full attendance from all the Provinces present. I shall proceed to discuss the resolution and ask the indulgence of the House while I, as briefly as possible, endeavor to make some practical suggestions and observations on this important subject of representation in the Cabinet of the three great natural sections into which this Dominion is divided. In establishing my position I will require to make a number of comparisons between the different Provinces as to their area, population and revenues, and in doing so I shall endeavor to make as fair and honest comparisons as possible under the circumstances. By so doing, I hope that I shall have the support of the majority in this House; and I confidently expect that the resolution will not only be received and discussed in a non-sectional and non-partizan spirit, but that it will be discussed with the sole object in view of furthering the best interests of our common country.

But before I attempt to speak to the re-

solution I feel that I owe it to this House and to myself to say that I have not and never have had any aspirations of becoming a Cabinet Minister. Had I ever entertained such an idea my strictures, my criticisms and my exposures of a few of what I conceive to be the wrong-doings of the Government during the last two or three years would have forever precluded or destroyed any such possibility, especially with a Government that had, and has still, such a very large majority at its back in both Houses. Consequently, in approaching the discussion of the subject I do so perfectly untrammelled and unbiased, having no ulterior object in view, save the best interests of my province and of the Dominion generally. I might say here, before proceeding further, that I am perfectly satisfied that the humblest and least qualified representative from British Columbia or Manitoba, in the House of Commons and the Senate, is fit to be taken into the Cabinet, and would be an improvement upon and serve the interests of those Provinces better than the ablest man that we could have from the Eastern Provinces. We want men who are identified with those great sections, who live there and have the confidence and sympathy of the people, and are not simply nominal representatives.

I find according to the census of 1881, that the population of the Dominion was 4,324,810, and according to the most reliable data I can procure, that population was very thinly spread over no less an area than 3,610,392 square miles. The mighty republic to the south of us has an area of 2,933,589 square miles, exclusive of Alaska. Even including Alaska with its 577,390 square miles we have yet nearly 100,000 square miles more than that great country. And if we include the island of Newfoundland, with her 37,000 square miles—and I think it is only reasonable to assume that ere long that colony will become a province of our Dominion—we have 136,404 square miles of territory more than the United States. Even the great continent of Europe with its 325,000,000 of population has only 153,000 square miles more than we possess in Canada. I find that of the 3,610,000 square miles in the Dominion, that only 805,140, or considerably less than one-fourth, is comprised in the seven

provinces. The remaining 2,665,254 square miles in the five North-West Territories, namely, Alberta, Assiniboia, Athabasca, Saskatchewan—and for convenience sake I will include Keewatin, although I believe Keewatin has been acknowledged recently to belong to the Province of Ontario—

HON. SIR ALEX. CAMPBELL—Only a small part of Keewatin.

HON. MR. MCINNES—That will only assist my argument by still maintaining it as one of the Territories. The Dominion is divided politically into seven provinces, and in order to show the great disparity and injustice territorially, numerically, and financially that has been done, and is being done to important sections of our country—sections that will, I believe, in the near future become the most prosperous and important of the Dominion, provided they are not misgoverned in the future as unfortunately they have been for a number of years past, and provided an enlightened, progressive and generous policy is followed in the future to this great North West and British Columbia, and that each of those two great natural divisions of our Dominion is represented in the Cabinet. I propose to prove my proposition by comparing the area, population and revenue of the different provinces; and that my comparisons may be fair and just in every sense of the word, I will omit the Territories, as their revenue is not given, and confine my observations almost exclusively to the provinces. I propose to deal with each province separately, and will begin in the extreme east, the birthplace of so much knowledge and wisdom, and take each province as it occurs westward until I reach the Pacific.

I find that the area of Prince Edward Island is 2,133 square miles, or less than 1/377th of the seven provinces. According to the census of 1881 she had in round numbers a population of 108,000 or one fortieth of the entire population of the Dominion. I also find from the official returns that during the last five years Prince Edward Island has contributed in customs duties to the Dominion Treasury, \$991,494, or the 1/98th part of the entire customs revenue of the Dominion.

ion. Two of her representatives have been honored with seats in the Cabinet, namely the Hon. David Laird, from 1873 to 1876 and the late lamented Mr. Pope from 1878 to 1882. It will, therefore, be seen that Prince Edward Island has been represented in the Cabinet seven out of the 14 years she has been a member of the Confederation, and I contend, ought to have a representative now, and doubtless will have one whenever the just and reasonable principle of having each province represented in the Cabinet is recognized and acknowledged; and I believe that the day is much nearer at hand than some members in this House are disposed to believe, when public sentiment will compel its recognition and enforcement.

I find that Nova Scotia has an area of 20,907 square miles, or a little under the thirty-ninth part of the seven provinces. In 1881 she had a population of 440,572, or a little over one-tenth of the entire population of the whole Dominion. During the last five years she has paid in customs duties \$8,218,084 or one-twelfth of the Dominion. Since Confederation she has been continuously represented by two members in the Cabinet.

I find that New Brunswick has a area of 27,174 square miles, or one twenty-ninth of the seven provinces. In 1881 she had a population of 321,233, or less than one-fifteenth part of the whole. During the last five years she has paid in customs duties \$6,458,663, or one-fifteenth of the whole customs revenue. Since Confederation she has been continuously represented in the Cabinet by two members.

I find that Quebec has an area of 188,688 square miles, or less than one-fourth the area of the seven provinces. In 1881 she had a population of 1,359,027, or a little more than one-third the population of the Dominion. During the last five years she has paid in customs duties \$40,598,535, or nearly one-half of the whole customs revenue. Since Confederation she has been continuously represented in the Cabinet by four ministers.

I find that Ontario, exclusive of Keewatin, or that portion of it that is now acknowledged to belong to her, has an area—(I may say that I have been unable to ascertain what the area of Keewatin

is, or that portion belonging to Ontario)—of 1,101,733 square miles, or about one-seventh of the total area of the seven provinces. In 1881 she had a population of 1,923,228, or about two-fifths of the total population of the Dominion. During the last five years she has paid in customs duties \$33,432,230, or a little over one-third of the entire customs revenue. Ever since Confederation she has been continuously represented in the Cabinet by four, and a portion of the time by five, members.

I find that Manitoba has an area of 123,200 square miles, or about one-sixteenth the area of the seven provinces. In 1881 she had a population of 65,954. In 1871 her population was only 18,995. It will therefore be seen that she increased in population in the ten years 46,959, or 247%. If she has increased in anything like the same ratio during the last five years, her present population must be, in round numbers, about 150,000, and for convenience sake I will take the population at 150,000. Indeed any one who has watched the rapid strides made in population and wealth in that country will readily agree with the estimate I have made. During the last five years I find that she has paid in customs duties \$4,218,789, or one twenty-third part of the whole customs revenue of the Dominion. She has no representatives in the Cabinet, and never had one, although a member of the Confederation for the last sixteen years. As I have already stated, she has paid into the Federal treasury during the last five years \$4,218,789, consequently, financially speaking, she is entitled to four Cabinet Ministers for every one to which Prince Edward Island is entitled; she is entitled to one for every two to which Nova Scotia is entitled. Nova Scotia has two representatives in the Cabinet.

HON. MR. PLUMB—Quebec would be entitled to ten representatives in the Cabinet on the same principle.

HON. MR. MCINNES—I am coming to that. Manitoba is entitled to two representatives for every three to which New Brunswick is entitled. New Brunswick has two; Manitoba has none. She is entitled to one, or a little more than

one for nine to which Quebec is entitled. Quebec has four. She is entitled to one for eight to which Ontario is entitled; Ontario has five, and she is a little more than entitled to one as compared with British Columbia. Territorially, Manitoba is entitled to 57 representatives in the Cabinet to one for Prince Edward Island, yet the island Province has had a representative in the Cabinet for one-half of the time during which she has been a member of the Confederation. Manitoba is entitled to five for every one to which Nova Scotia is entitled; to four for every one to which New Brunswick is entitled; and almost equally to one to which Quebec is entitled. She is entitled to one for every one to which Ontario is entitled, and to one for three to which British Columbia is entitled. Manitoba according to population is equally entitled to a Cabinet Minister with Prince Edward Island.

HON. MR. HOWLAN—Hear, hear.

HON. MR. MCINNES—My hon. friend from Alberton says "hear, hear." I have just stated the population she had in 1881, and I think I am giving a very low estimate of her present population, and not only is the population of Manitoba to be taken into consideration but also that of the North-West Territories, as any Cabinet Minister from Manitoba would be looked upon, and justly so, as the representative not only of that Province but of the four territories west of it; and I repeat, that Manitoba according to population is better entitled to a representative in the Cabinet than Prince Edward Island. If you take the population of the North-West Territories and Manitoba together I think you will find that it is quite beyond that of Prince Edward Island. I am only sorry that Prince Edward Island has not a larger population.

HON. MR. HOWLAN—It is the quality not the quantity we look at.

HON. MR. MCINNES—Manitoba, according to population, is entitled to one for three to which Nova Scotia is entitled. Nova Scotia has two. Manitoba is entitled to one for every two to which New Brunswick is entitled; New Brunswick has two.

HON. MR. MCINNES.

She is equally entitled to one for eight to which Quebec is entitled; Quebec has always had four. Manitoba is entitled to one for twelve to which Ontario is entitled; Ontario has had four and most of the time five representatives in the Cabinet. She is entitled to two for one to which British Columbia is entitled. British Columbia is in the same position as Manitoba—she has no representative, and never had one in the Cabinet.

HON. MR. POWER—Yes, she had one.

HON. MR. MCINNES—She never had one in the true sense of the word; it is true that Sir John Macdonald was a representative of British Columbia in the Cabinet for four years. He was elected for Victoria—I will not say how, or under what circumstances; hon. gentlemen all know. He was elected, and was nominally a representative of that province for four years. It is equally true that the late Sir Francis Hincks, after he was defeated for a constituency in Ontario, had to find a resting place in British Columbia. It is equally true that Sir Hector Langevin, the present Minister of Public Works, after he met with a downfall in Quebec, had to seek refuge in Manitoba. But that is not the sense in which I want to see a representative of British Columbia in the Cabinet. We want a member from the province who has identified himself with its interests, and who can be approached by our people; who enters into their feelings and interests, and is in the true sense of the term their representative. That is why I say that we have never had a Minister in the Cabinet from British Columbia or Manitoba. However, as far as Manitoba is concerned, I will leave the hon. gentleman who seconds this motion to speak for his own province. British Columbia has an area of 341,341 square miles, or considerably more than two-fifths of the whole area of the seven provinces. In 1881 its population was 49,458.

HON. MR. KAULBACH—White people?

HON. MR. MCINNES—No, they are not all white. They are of different shades.

of color, the same as they are to be found even in the Maritime Provinces in the east, and I think it is unfair for my hon. friend from Lunenburg and other members of the Senate, and more particularly the members in the other branch of Parliament, when they refer to our small population in British Columbia and the North-West Territories, always to add that only a certain percentage of that population is white.

HON. MR. KAULBACH—My hon. friend would exclude the Chinese, and surely he does not want them represented !

HON. MR. MCINNES—If you had a few of those Chinese down in Nova Scotia nobody would be more inclined to boast of the increase in population than the hon. member from Lunenburg. Whenever the population of any of the eastern provinces is given, no reference is made to the origin of the people of whom it is composed. When we divide up the people into different races in estimating the population, it will be time enough to draw such a distinction. I will show the hon. gentleman from Lunenburg and this House before I get through that although a very large percentage of our population consists of Chinese and Indians, we pay per capita three or four times as much taxes as any Province in the Dominion. I think that is a sufficient answer to the hon. gentleman who takes that view of the matter. Our Indian is different from the Indian of the east. He dons the clothing and adopts the habits of Europeans ; he is engaged in farming and other civilized pursuits. We employ Indians extensively in growing grain, in stock raising, in our sawmills, factories, dairies, etc., and they are large revenue producers ; so that it is not fair to class our Indians with the savages of the east, some of whom are now enfranchised. In 1871 our population was 36,247, and the increase during the following decade was 13,212, or more than 36 per cent.

HON. MR. POWER—Chiefly Chinese.

HON. MR. MCINNES—I will come to the Chinese presently. I find that the increase of population in the five eastern provinces during the same period was only

14 per cent. It was nearly three times as much in British Columbia as in the eastern provinces. Assuming that the increase during the last five years in British Columbia was at the same rate, it would give us a population at the present time of 60,000. But it is well known that owing to the building of the Canadian Pacific Railway and other public works the rate of increase has been twice as great. I will give one well authenticated case to prove the correctness of what I have just stated. I find in the census of 1881 that the entire Chinese population of the Dominion of Canada was only 4,383, principally in British Columbia. To-day, according to the best data obtainable, we have from eighteen to twenty thousand of that obnoxious and highly undesirable class of people in British Columbia. If it is true that the Chinese population has increased about 12,000 during those five years it is equally true that the white population has also increased. I am inclined to think that the increase of whites has been between fifty and seventy-five per cent. of the Chinese. While I state this about the Chinese, I have only to repeat what I said in the few remarks which I made in the debate on the Address in reply to the speech from the Throne—the people of British Columbia have reason to regret that the timely warnings given the Government by the hon. Mr. DeCosmos (who, certainly worked earnestly, faithfully and I believe conscientiously for his Province) to place some restriction on the immigration of Chinese into that country—I say if his advice and the advice of his colleagues had been taken before the Canadian Pacific Railway was begun in British Columbia, we would not now be burdened with the Chinese, and the white population would certainly have increased much faster than it has done. Taking that view of it, I think I am within the mark when I place the population of British Columbia to-day at 75,000. It will therefore be seen that, even according to population, British Columbia is nearly as much entitled to a representative in the Cabinet as Prince Edward Island ; that she is entitled to one for every five that Nova Scotia should have ; to one for every four of New Brunswick, one for eighteen of Quebec, one for twenty-six of



Ontario, and one for every two of Manitoba. The Prairie province like British Columbia, unfortunately, has no representative in the Cabinet.

I will now make a comparison of the amounts contributed by the several provinces to the public revenue, and I need not state that we are now living in an age when, to use a vulgar expression, the almighty dollar tells; it is a very substantial and powerful argument to use in more ways than one. During the last five years British Columbia has paid into the Dominion treasury in customs duties no less a sum than \$3,521,849, or one-thirtieth part of the whole, while Prince Edward Island during the same period paid but \$991,442.

HON. MR. HOWLAN—I do not want to interrupt my hon. friend, but I may as well say to him now that the figures taken from the Public Accounts showing the amount of revenue collected in Prince Edward Island, are not at all reliable, for the reason which I stated the other day.

HON. MR. MCINNES—Am I to understand that we are to pay no attention to the official returns?

HON. MR. HOWLAN—What I stated the other day was that the amount of customs duties collected in Prince Edward Island cannot be judged from the receipts at the customs house, inasmuch as 88% of the manufactured goods sold and used in Prince Edward Island are bought from wholesale merchants in Toronto, Hamilton, London, Montreal, Quebec, Halifax and St. John.

HON. MR. PLUMB—It is so with the custom duties in Ontario.

HON. MR. MCINNES—I quite agree with the hon. member from Prince Edward Island in what he has stated. I know that a large percentage of the duties is paid in Quebec, and that is why such an amount is credited to that Province; but is it not equally the case with Manitoba, that a very large percentage of the goods imported into that Province come from the east, where the duty on them has been collected? Is it not equally the case with British Columbia?

HON. MR. PLUMB—No, not with British Columbia, because they could not be taken across the continent yet.

HON. MR. MCINNES—I beg the hon. gentleman's pardon. I claim to know something of British Columbia and its affairs, and I know that a very large percentage of the goods shipped to British Columbia for the last five or six years, especially the last two years, since the opening of the Northern Pacific Railway, has come from Ontario and Quebec. I will satisfy the hon. gentleman; I will take British Columbia after a time and let its revenue stand singly and alone against the custom duties collected in all the other provinces east of the Rocky Mountains and he will find that we make a very good showing indeed. As I was saying when my hon. friend interjected his remarks, we have paid in the last five years in customs duties alone over \$3,521,000.

HON. MR. NELSON—More than that; a little over \$4,000,000

HON. MR. MCINNES—Perhaps my hon. friend has figures down to a later date. The years I have referred to are from 1880 to 1884 inclusive. I have not got the official report for 1885.

HON. MR. NELSON—You will find the figures in the Trade and Navigation Returns. The amount is a little over \$4,000,000 in the last five years.

HON. MR. MCINNES—So much the better. I am taking the figures that I find in the Public Accounts; perhaps my hon. friend includes excise duties?

HON. MR. NELSON—No, the customs duties alone.

HON. MR. MCINNES—Well, in round numbers, say \$4,000,000. Prince Edward Island in that time contributed less than \$1,000,000—less than one-fourth the amount contributed by British Columbia. Consequently, British Columbia should have, according to the amount of customs duties paid, four representatives for every one that Prince Edward Island is entitled to.

HON. MR. HOWLAN—Judging from that.

HON. MR. McINNES—Yes, judging from this. British Columbia is entitled to one representative for two from Nova Scotia, two for New Brunswick, eleven for Quebec, and nine for Ontario, and is entitled equally to one with Manitoba. I find according to area that British Columbia is entitled to 160 members in the Cabinet for every one that Prince Edward Island should have (hear, hear and laughter) a pretty large Cabinet, I admit, and a pretty hard one to control.

HON. MR. PLUMB—Entitled how?

HON. MR. McINNES—I am speaking of area now.

HON. MR. ALEXANDER—I rise to a question of order. I call the attention of the House to the inconvenience of the hon. member from Niagara interrupting my hon. friend as he has been doing.

HON. SIR ALEX. CAMPBELL—Order! There are two members standing.

HON. MR. ALEXANDER—The leader of the House should not interrupt me in that boorish manner. Would it not be more dignified to let the hon. member from British Columbia make his statement in the way it is done in the House of Lords, without interruption, but there are some members of the Senate, like the hon.

member from Niagara, who bring the House into ridicule by their conduct.

HON. MR. McINNES—I have no objection at all to being interrupted by any member who wishes to ask a proper question, but I must confess that I do object to gestures and ironical noises intended only to interrupt. The statement of the representation to which British Columbia would be entitled by area is as follows: Nova Scotia has an area of 20,907 square miles and would be entitled to one representative for every 16 of British Columbia; New Brunswick, with 27,427 square miles, to one for every 13 in British Columbia; Quebec, with an area of 188,688 square miles, to one for every two in British Columbia; Ontario, with an area of 101,733 square miles, one representative for every three from British Columbia; Manitoba, with an area of 123,200 square miles, to one representative for every three in British Columbia; Manitoba, like despised British Columbia and Prince Edward Island, has no representative in the Cabinet. I have taken the Provinces separately; I will now combine Manitoba and British Columbia. I find that they have paid one-thirteenth of the entire customs revenue of the Dominion. I find that they have paid in customs duties eight times as much as Prince Edward Island.

HON. MR. HOWLAN—You are wrong again.

HON. MR. McINNES—If so, the returns are wrong. I have prepared a tabulated statement which is as follows:—

## CUSTOMS DUTIES.

	1880.	1881.	1882.	1883.	1884.	TOTALS.
Prince Edward Island.....	198,542	256,513	198,586	166,988	170,863	991,494
New Brunswick.....	872,491	1,256,638	1,459,700	1,514,897	1,354,886	6,458,613
Nova Scotia.....	1,219,930	1,499,231	1,757,996	1,833,641	1,907,285	8,218,084
Quebec.....	5,991,505	8,066,471	9,155,570	9,250,349	8,134,639	40,598,535
Ontario.....	5,086,579	6,350,677	7,351,420	7,664,527	6,979,026	33,432,230
Manitoba.....	297,766	437,578	1,054,601	1,764,805	664,037	4,218,789
British Columbia.....	450,175	599,427	679,207	908,962	884,076	4,000,000
	14,116,988	18,466,535	21,657,080	23,104,169	20,094,812	\$97,917,745

## EXCISE DUTIES.

	1880.	1881.	1882.	1883.	1884.	TOTALS.
Prince Edward Island.....	43,351	42,685	33,281	28,563	21,992	169,873
New Brunswick.....	258,879	293,621	315,089	320,857	223,224	1,411,670
Nova Scotia.....	234,065	254,841	257,745	244,669	184,701	1,176,021
Quebec.....	1,373,549	1,836,649	2,014,907	2,161,554	2,036,928	9,423,587
Ontario.....	2,301,408	2,830,536	3,093,051	3,273,945	2,864,916	14,363,856
Manitoba.....	65,841	96,211	165,108	184,750	155,923	667,833
British Columbia.....	35,055	46,958	56,958	68,455	57,704	264,527
Total Excise.....						\$27,477,368
“ Customs.....						97,430,598
						124,916,964

HON. MR. CARVEL—I have no desire to interrupt the hon. gentleman, but the statement about the small amount which Prince Edward Island pays into the revenue of the country has been so repeatedly made and contradicted, that I am surprised my hon. friend should to-day reiterate it. We pay per capita more than any other Province of the Dominion. We do not pay it directly, because we buy our dutiable goods mostly in Montreal, Quebec, Toronto, Hamilton, and other cities. I am prepared to demonstrate, when the proper time comes, that we pay more per capita than any Province of the Dominion. It is a mistake to put Prince Edward Island down as contributing only what appears in the customs returns. I feel it due to the province from which I come to enter my protest against the statement which the hon. gentleman has made.

HON. MR. MCINNES—I do not wish my hon. friend to understand for a moment that I am belittling Prince Edward Island in the least. I am dealing with the several Provinces as I find the returns in the blue book.

HON. MR. MACDONALD (B. C.)—As a matter of comparison.

HON. MR. MCINNES—Certainly, as a matter of comparison. I have other statements which show about the same proportion, but I do not wish to weary the House by going into them. I shall now refer to the imports and exports of the different provinces. No doubt I will be met with the remark “well, you are paying a very large amount of duty, but what are your exports? You do not export much and you are not of as much consequence to the Dominion as you think.” I shall now read a statement which is as follows:

IMPORTS.	TOTALS.					
	1880.	1881.	1882.	1883.	1884.	TOTALS.
Ontario .....	27,869,444	34,637,666	41,690,760	44,666,445	41,967,215	\$190,791,420
Quebec .....	43,544,132	51,071,013	53,105,257	55,909,871	49,122,472	262,752,745
Nova Scotia .....	7,074,937	8,168,648	8,701,589	10,033,929	9,653,104	43,632,207
New Brunswick .....	4,093,135	5,913,737	6,707,244	6,972,121	6,467,888	30,154,185
Prince Edward Island .....	807,063	965,205	737,321	682,170	822,766	4,014,525
Manitoba .....	1,227,105	1,941,576	5,144,493	9,326,324	3,734,573	21,374,071
British Columbia .....	1,756,291	2,489,246	2,899,186	3,937,536	4,142,286	15,224,645
North-West Territories .....	117,640	183,799	433,560	725,626	486,739	1,947,363
	86,489,747	105,330,840	119,419,500	132,254,022	116,307,043	\$559,801,041

EXPORTS.	TOTALS.					
	1880.	1881.	1882.	1883.	1884.	TOTALS.
Ontario .....	28,063,980	30,014,478	40,765,921	32,890,019	26,891,017	168,625,415
Quebec .....	41,447,209	48,965,087	38,972,121	42,642,986	42,029,878	214,067,281
Nova Scotia .....	7,543,684	8,245,738	9,217,295	9,820,232	9,599,356	44,426,395
New Brunswick .....	5,863,955	6,406,374	7,474,407	7,520,107	7,753,072	35,017,915
Prince Edward Island .....	1,736,533	1,774,846	1,887,146	1,318,549	1,310,039	8,027,613
Manitoba .....	562,714	626,116	666,119	510,469	722,730	3,088,148
British Columbia .....	2,643,570	2,255,753	3,154,194	3,383,342	3,100,404	14,537,263
North-West Territories .....	49,813	2,431	.....	.....	.....	.....
	87,911,458	93,290,823	102,137,203	99,065,804	91,406,496	.....

HON. MR. HOWLAN—Prince Edwards Island imports about \$4,000,000 worth a year.

HON. MR. MCINNES—I have only the blue books for my authority. I shall now for a short time call the attention of the House to the expense entailed upon the Dominion for a few pleasure trips taken by members of the Cabinet to British Columbia.

HON. MR. ALEXANDER—Many, many thousands of dollars.

HON. MR. MCINNES—The first Canadian Minister that ever honored us with a visit was the Hon. Sir Hector Langevin. He paid a visit to British Columbia in 1872, and the expense of his trip to the country was \$1,946.50. The next visit, or the next expense to which British Columbia was put from not having a Minister in the Cabinet, was a visit paid by Mr. Edgar in 1874, for which he was paid \$5,000. The following year he was paid \$1,000 more, making \$6,000 for going over there and endeavoring to negotiate with the Local Government to relax in some respects the terms of Union, especially that portion having reference to the building of the Pacific Railway. I find that in 1879 Sir Charles Tupper paid a visit to British Columbia, which cost the Dominion \$2,443.33.

HON. MR. OGILVIE—Well invested money.

HON. MR. MCINNES—I will show the hon. gentleman presently how well invested it was. In 1882 I find an extraordinary charge made against the Province of British Columbia, that is for Sir John Macdonald's trip to England, and strange to say, it was charged to the construction of the Pacific Railway in British Columbia, though what connection it can have with the construction of the Pacific Railway in that province I am unable to understand. I find that British Columbia is charged with \$2,334 for that trip. In 1881 Sir Charles Tupper paid us a visit, which cost \$1,946.66.

HON. MR. HOWLAN—That was cheaper than Mr. Edgar's visit.

HON. MR. MCINNES—In 1882 Sir Charles Tupper paid another visit to our province, which cost \$2,100. The Postmaster General visited us in 1884, and his trip cost \$1,946.09.

HON. MR. POWER—That brought you a good deal in return.

HON. MR. MCINNES—I will refer to that presently; it brought us something I am afraid we will not get rid of in a hurry. In 1885 the Hon. J. A. Chapleau went out there on the Chinese Commission, for which he was paid \$2,680.13. Judge Grey, who is a resident of the province was paid \$2,535 as commissioner, and there is another gentleman, N. F. Davin, who went out there as secretary—I do not know exactly what his duties were, who was paid \$3,099.57, making a grand total of \$27,011.65 that those, to a great extent unnecessary trips, cost the Dominion of Canada. Now, I wish to draw the attention of the House to three of those charges. Sir Hector Langevin's trip cost \$1,946.50; the Postmaster-General's trip in 1884 cost \$1,946.09, or forty one cents less than Sir Hector's. It was very cheap. I find that Sir Charles Tupper's trip in 1881 cost \$1,946.66, or sixteen cents more than Sir Hector Langevin's, and fifty-five cents more than the Postmaster-General's. There is a wonderful similarity in those three charges. It appears that they must have taken the cost of Sir Hector Langevin's trip as a standard, with the same number of miles, with the same number of extras, cigars, and all that sort of thing; and there are a great many items in connection with those trips that I have been unable to find out and it will require a much smarter man than myself outside of the Government to ascertain where they are charged. I believe that the only honest and above-board statement that has been made of the cost of these trips to British Columbia was that of Mr. Edgar. It cost \$6,000, and I know the expense of a trip to British Columbia and back; and I may say, to travel there as Minister of the Crown, no matter whether you go in a private car or not, certainly must cost more than \$1,946. It is unreasonable to suppose that all those trips came within a few dollars of each other, when the one made by Mr. Edgar cost so

much. It must be charged to some other account that I have been unable to lay my hands on. I do not know that extravagance in the expenditure of money is confined to Criticism any more than to Toryism, I think there is a little weakness on both sides on that point.

HON. SIR ALEX. CAMPBELL—Perhaps the hon. gentleman will allow me to explain that when Mr. Edgar went to British Columbia he went there as a representative of the Government; he was not a member of the Government, and the \$6,000 was not all travelling expenses, but included compensation to himself for his services.

HON. MR. MCINNES—I am very glad the Postmaster General has made that explanation; but it does not weaken the force of my argument. What I want to show is that if there had been a representative in the Cabinet for British Columbia it would have been unnecessary to send Mr. Edgar over there at an expense of \$6,000. I have now to refer to another matter, and in alluding to it and to the gentleman whose name I have to bring before the notice of the country, I wish to say that I have every respect for that gentleman. He is a man of undoubted ability, a man of integrity, and in many other respects as good a man as the Government could possibly get to occupy the position he fills. I do not attack him, and I do not wish to be understood as saying one word against him, but I do attack the position. I do find fault with the Government in creating the office of private and confidential agent in British Columbia. The appointment of the Hon. Jos. W. Trutch I have always looked upon as something that ought not to have been done—or the appointment of any person else as private and confidential agent of the Government, thereby disregarding the functions of the people's representatives in the House of Commons and in this House. It is the only Province in Canada that is treated in that way, and that of itself ought to have been a sufficient reason for the Government to have given representation to British Columbia in the Cabinet. It would have cost but very little more, and would have been more in accordance with the spirit of responsible government. It

is true that the Hon. Mr. Trutch was drawing \$2,595.60 per annum as a pension, and I know the excuse that was given—because I consider it nothing else but an excuse—was that they should give him two or three thousand dollars more and utilize his services in connection with the construction of the Pacific Railway, he being an engineer. As far as his appointment in connection with the construction of the Canadian Pacific Railway is concerned, I have never found any fault; that was perfectly right. He was a competent man. But I did find fault when he was consulted in important matters connected with the province of British Columbia at the expense of her representatives. I remember when I occupied a seat in the other House that the Hon. Mr. DeCosmos moved for a number of papers, correspondence that took place relative to some squatters that went in on the railway lands in Vancouver Island. The reply given by the government was that the correspondence was of a private and confidential nature with their agent out there, Mr. Trutch, and that they were not forthcoming. That, I considered was wrong. I do not say it was wrong in Mr. Trutch; he was the servant of the government, and any of us would have done the same under the circumstances; but I claim that the government had no right to place a man in a responsible position, giving him everything but the responsibility of a Cabinet Minister, without being responsible to the people. The people of British Columbia could not deal with him the same as they could with a member of the government, and no other province in the Dominion has had such an officer appointed over the representatives of the people. We find that in 1880 for a half year's salary he drew \$1,404.54 as land agent. In connection with the Canadian Pacific Railway his salary was \$3,404.54, making a total of \$4,809.08 for that year. In 1881 he was paid, in connection with the Canadian Pacific Railway, \$2,499.96. As agent of public works out there he received \$1,690.90. As Dominion Lands agent he received \$2,499.96 making a total that year of \$6,690.82. In 1882 he was paid as land agent \$2,499.96. In connection with public works he was paid \$2,195.84. In connection with the Canadian Pacific

Railway he was paid \$2,499.96 or a total of \$7,195.76. In 1883 he was paid as public works agent \$600; as Dominion Lands agent \$2,499.96; in connection with the Canadian Pacific Railway \$2,499.96—a total of \$5,599.92. In 1884 he was paid as Dominion Lands agent \$2,500; as agent of public works \$600; in connection with the Canadian Pacific Railway he was paid \$2,500; making a total of \$5,600. In 1885 he was paid as Dominion Lands agent \$2,500; in connection with the Canadian Pacific Railway \$2,500; making for that year a total of \$5,000. During those five years he was paid \$34,895.18, and adding that to the trips of Ministers to British Columbia makes the nice little sum of \$61,907.19. I have endeavored to find out what the trips of the Ministers to Manitoba and the North-West have cost. I have been unable to ascertain it, but we all know that they have been visiting that country quite frequently for a number of years. Now, I contend that if British Columbia and Manitoba had representation in the Cabinet, a very large portion of this money that has been in some instances worse than thrown away, would have been saved to the Dominion Treasury. The next thing that I wish to call your attention to, in connection with this subject, is the railway lands in British Columbia. Nearly ten years ago a railway belt extending from the Pacific to the eastern boundary of the Province, 40 miles wide was reserved for railway purposes. The proceeds of that, it was understood, were to go towards recouping the outlay for constructing the Pacific Railway. A reserve was placed on it, and from that day to the present that reserve has never been withdrawn. As I mentioned two years ago connection with this subject, hundreds of as good settlers as ever entered any new country, men of experience and capital, went in on this railway belt, which includes all the best agricultural lands in the province; and when they found that they could not get a title to lands, they turned away in disgust and went to swell the population of the country south of us. With the permission of the House I will read from the columns of the *British Columbian*, a paper published in my city, an article referring to those lands. It is dated the 20th February, 1886. It commences by saying:—

HON. MR. MCINNES.

#### RAILWAY LANDS.

Now that the Dominion Parliament is about to open, and the representatives of the province are gathering about the federal capital, attention may be directed again to the very unsatisfactory position of lands lying within the railway belt. Among the most serious obstacles in the way of agricultural development in this district have been the want of titles to railway lands and the absence of good road. These two things depend to some extent upon each other, or, rather, the unsatisfactory position of land titles within the railway belt is in a degree responsible for the badness of the roads. A great deal of this land is held by squatters. These squatters have a promise that their rights will be respected when the land comes into market, but until a title has been obtained they pay no taxes, and thus escape without contributing their share towards the cost of making roads. The railway lands which still remain unoccupied are also free from taxation. If they had been open to pre-emption or purchase, many of them would have been taken up long ago, and would now have been paying, like other lands, towards local improvements. It happens that the lands included in these two non-taxable classes comprise a considerable portion of the lands of this district, and this large area contributes nothing at all to the revenue; and lands for which titles have been issued are assessed extra to cover the cost of making roads to lands which pay no taxes at all. This is most unfair. But the worst feature of the railway land grievance is not its freedom from taxation. If people could be persuaded that the promise of final adjustment was a sufficient guarantee for final justice, they would not decline to take up railway lands because of being exempt from taxation. But although there seems to be no reasonable doubt that squatters who have taken up lands for agricultural purposes will eventually be confirmed in possession of their holdings, when they have complied with the conditions of the law, there is in the public mind sufficient doubt to operate as a serious bar to the settlement of these lands. We are informed by persons in the municipality of Surrey that quite a number of immigrants intending to take up lands there have gone south to Washington Territory for the sole reason that a title to lands in the railway belt could not be obtained. It is much to be regretted that this grievance, so long existing and so disastrous, has not been removed. We hope our representatives will insist upon its prompt adjustment as a condition of their continued support of the Government. These lands have been locked up for nearly ten years, and people going in there now are justly afraid that if they squat on these lands their rights will not be respected, and that they will not be confirmed in their locations from the fact that quite a number have gone on lands there dur-

ing the last few years, and especially in that portion that has been re-conveyed to the Local Government, and they have been very unjustly, in my opinion, ejected. Not only does the reservation on those lands militate materially against the agricultural prosperity and settlement of British Columbia, but it applies also to the mining industries. I will read a letter that I received a short time ago from the Minister of the Interior in reply to a letter that I received from Mr. Chadsey in British Columbia, who had discovered a coal mine and wished to acquire it. He wrote to me and wished me to intercede for him, and forward his application to the proper quarter. I did so, and this is the reply that I got:—

“OTTAWA, Feb. 3, 1886.

SIR,—I am directed to acknowledge the receipt of your letter dated the 18th ultimo, enclosing a communication from Mr. James L. Chadsey, of Chillinback, to you, in which he asks for certain information with respect to coal lands in British Columbia.

In reply I am to say no regulations for the disposal of coal lands within the railway belt in British Columbia have yet been framed.

When such regulations have been framed and adopted and they are issued for public distribution, a copy thereof will be sent you.

I have, &c.,

(Signed) P. B. DOUGLASS,  
Assistant Secretary.

Hon. T. K. McINNES,  
30 Aven. Road, Toronto.”

HON. MR. HOWLAN—Was that from the Local Government?

HON. MR. McINNES—From the Department here. The Local Government and the people of British Columbia up to a short time ago believed that they owned, and I believe their contention is right that they do own, the minerals in these lands; but the Government here is claiming the minerals in the railway belt, and the consequence is that Mr. Chadsey and others who may discover coal mines or gold-bearing quartz or other minerals can get no title, and the development of the mining and agricultural interests of that country is interfered with in consequence of this reserve. Two years ago, after the Postmaster-General paid a visit to British Columbia, he introduced a bill here called the Settlement Bill (it is generally known by that name) which was to do away with all the existing

differences between British Columbia and the Dominion, it was thought it was going to be a panacea and heal every difficulty. We were told that the lands were to be surveyed and thrown on the market right away. Unfortunately for us those pledges and promises are unfulfilled and as much a dead letter to-day as they were when made. It is true that Mr. Wilmot, a son of the Ex-Governor of New Brunswick, went out there and had charge of a surveying party. He remained in the field for a short time, but from some cause—what it was I have been unable to ascertain—he was deposed, and another gentleman was sent out from here—I forget his name. From that time to the present I believe that this gentleman, a fresh arrival from the east sent out by the Government, only surveyed a few sections of the district of Westminster—in fact, I was told that he was only out a few weeks, although over a year in the Province. He withdrew his men, and I believe he and his men are enjoying themselves very comfortably indeed in the city of Victoria—and, of course, they are drawing their salaries. Mr. Wilmot came over here for a short time, and was then placed in a position—I really do not know what it is or what to call it. I do not suppose that he knows himself; however, it is in connection with the Island railway; but it appears that he draws \$2,400 a year as a salary. He receives \$200 a month, and I believe, spends about three-fourths of his time in Victoria, having a good time of it. I do not blame the young man at all; but the surveys of the farming districts, instead of being made according to the promises and pledges given when the Settlement Bill was before the House, remain practically untouched, and this militates materially against the permanent prosperity of our province. The hon. member for Halifax (Mr. Almon) mentioned a little while ago that the visit of the Postmaster-General to British Columbia conferred a great benefit upon the Province. I will take the liberty of reading a sort of extract from an article by W. A. Baillie Graham, published in the *Fortnightly Review* for January last, to show what benefits the visit was to British Columbia and the Dominion. This gentleman, it appears, has paid a couple of visits to British Columbia. I have never had the pleasure of meeting him,



and consequently have not given him any of my ideas.

HON. SIR ALEX. CAMPBELL—What a loss!

HON. MR. MCINNES—The hon. Postmaster-General thinks it was a loss. I think it will not be long before the people of this country learn that they have sustained a great and irreparable loss through the refusal of the Government to take the advice of myself and colleagues who recognized the gross wrong that would be done the Province, Dominion and Empire if the so-called Settlement Bill became law. That transaction will be looked upon as something worthy of the dark ages.

HON. SIR ALEX. CAMPBELL—What position does the hon. gentleman refer to?

HON. MR. MCINNES—The position which I took in connection with that Settlement Bill, and when I am through reading this extract the Postmaster-General will have a better idea than he has at present of the view which is taken by outsiders of that measure. The extract which I wish to read is as follows:—

“The fact that British Columbia is our only colonial possession on the American Pacific, on which the commerce of the world is rapidly centreing itself, lends gravity to a possible future danger to the Imperial interests of Great Britain, arising from the colony’s geographical position. It needs but a brief retrospective glance at the genesis of the United States to show what a wonderful expansion of its southern and western boundaries has been brought about by a peculiarly insidious process, which, for want of a better name, one might term Americanization—a bloodless but very effectual method of annexation, absorbing vast countries, not at the point of the bayonet, but by the commercial enterprise of its citizens. Most of the western territories—Texas, California, and portions of Oregon and Washington Territory, as well as Alaska—have all in their turn been thus Americanized. Mexico, Cuba, and some of the Central American States, are now undergoing that process uninterrupted by meddling European intervention. By the acquisition of Alaska and the Aleutian Islands, the United States has pushed its empire, as it were, to the very door of Japan and China, and the only missing link, the only possible rival to exclusive trade in the Pacific, is British Columbia with its splendid harbors, its inexhaustible coal fields and unrivalled forests, in both of which latter resources her wealth is superior to that of any district south of it. The American of

the Pacific coast, we need hardly be told, is a peculiarly energetic and enterprising individual, and he never tires of telling you that British Columbia wedged in between American countries, Alaska as a top-weight pressing downwards, meeting the upward expansion of Washington, Idaho, and Montana Territories, will be unable to resist Americanization. This process may be expected to commence when British Columbia promises to become a dangerous rival, a now not remote contingency.

“The cry of secession revived in Canada from time to time, has never found popular favor in British Columbia, which has been one of the most loyal colonial possessions of Great Britain. Whether it will continue so depends to a very great extent upon the districts from which it will receive the bulk of immigration in the next years; whether from the eastern province of the Dominion and old country, or whether from those neighboring districts that are not separated from it by great mountain chains or thousands of miles of sea. Already Californian capital is arriving, millions of Yankee dollars, invested in vast stretches of coal fields, silver mines, forest land, and the construction of short lines of railways—capital that, shame to say, was not forthcoming from any other part of the world, and which, coming at this early stage, must necessarily be considered only the vanguard of other millions where the shrewd business man of the Pacific coast has invested his dollars, there, too, he will make his home. Startling as it may sound, it is yet absolute truth that to-day capital from San Francisco, employed in building the only railway line on Vancouver Island controls the vast coal fields of British Columbia on Vancouver Island. The English man-of-war loading coal at the only naval and coaling station Great Britain possesses on the entire Pacific littoral of North and South America, will have to buy its fuel from San Francisco’s millionaires, adepts at “corners.” Under these circumstances it will not take many years to bring to an issue the question whether the Queen’s Birthday or the 4th of July will be the fete day of the dominant race. To-day these two representative holidays are kept with equal impressiveness in British Columbia. Indeed I saw more flags flying on the latter, on my last visit to Victoria at that season of the year, than were exhibited on the preceding fete day of Englishmen; a show of bunting, hoisted, it is true, by peaceful citizens of two countries dwelling together in perfect harmony, but yet not unsuggestive of future danger to Great Britain’s vital interests in the new world. Geography is anything but a favorite study in good old England, but even the Eton boy, who actually gives half an hour every week to that science, will be able to realize the strategic importance of being able to convey troops, arms and harbor defences to the shores of the Pacific within ten or eleven days from the time the transport weighs anchor at Plymouth.”

HON. MR. MCINNES.

HON. MR. ALMON—I rise to a point of order. I wish to know whether all this writing in favor of annexation has anything to do with whether British Columbia should have a Cabinet Minister or not? If the hon. gentlemen thinks British Columbia is going to be annexed to the United States I should like to know why he considers a Cabinet Minister necessary for that Province.

THE SPEAKER—In debating an abstract resolution of this kind it is very hard to say where the line should be drawn. I think, myself, that the hon. gentlemen is hardly within the scope of his resolution in the latter part of his remarks. I do not think it was anticipated by the House, nor is it relevant to the subject, that the hon. gentlemen would discuss the policy of the Government either with regard to the coal fields of British Columbia or its general policy, on a resolution of which the following is the wording:—

Resolved, That in the opinion of this House justice and expediency both demand that the central or prairie section and the Western or Pacific Section of the Dominion should each be represented in the Queen's Privy Council of Canada.

HON. MR. BOSTFORD—The point of order is well taken.

HON. MR. McINNES—Am I to understand that I am out of order?

HON. GENTLEMEN—Yes

HON. MR. POWER—I rise to a question of order. I did not so understand the Speaker's decision. The hon. member is trying to show that British Columbia should have a representative in the Cabinet, and I think the most natural and direct way to establish that is to show the evil results that have followed from the absence of such representation. I think the quotation of the hon. gentlemen is directly in point. He shows that a certain line of action was followed towards British Columbia which would not have been adopted had that Province been represented in the Cabinet. The hon. member is now reading what an independent English writer says on the subject; I think nothing could be more pertinent to the question before the House.

THE SPEAKER—The hon. member from Halifax misunderstood my ruling. I certainly think that it is not within the scope of the resolution to discuss the general policy of the Government, as the hon. gentleman has been doing, for the last quarter of an hour. I think the House had no notice as to the scope the hon. gentleman's remarks have taken, the Government or anybody else. As I said just now although it is difficult to say where the line should be drawn in debates on abstract resolutions, still the line should be drawn somewhere, and while I am disposed to allow the greatest latitude possible to the hon. gentleman, I think he has wandered and has been wandering for the last quarter of an hour, beyond the legitimate scope of his resolution.

HON. MR. ALEXANDER—We have nothing before the House to-day except the subject brought by the hon. gentleman, and as he is producing a great deal of interesting matter it rests with the House to say whether he should be allowed to proceed or not, and I am prepared to move that he be allowed to proceed.

THE SPEAKER—While I feel bound to rule as I have done, the point having been raised, it is the right of the House to decide whether the hon. gentleman shall be permitted to continue the discussion in the line on which he was proceeding. If any hon. gentleman wishes to move in that direction it is for the House to decide what shall be done, and I do not say that I am prepared to vote against it myself.

HON. MR. ALEXANDER—I move that the hon. gentleman be allowed to read the extract which he was quoting.

HON. MR. McINNES—I must confess that I am very much taken by surprise at the objection which has been raised. I gave notice in the early part of this month that I would move a certain resolution, and there was a preamble to it which was as follows:—

Whereas, only four provinces of the Dominion, embracing only one sixteenth of its area, and all lying to the eastward of its centre, are represented in the Cabinet; and

Whereas, the absence from the Cabinet of any representative of the central or Prairie Section of the Dominion, contributed largely

to the line of conduct on the part of the Government which led to the North-West Insurrection of 1885; and

Whereas, the absence from the Cabinet of any representative of the Pacific Province, caused the Government to withdraw all their lands in that Province from sale and pre-emption for the space of nine years, and to adopt in other matters a policy calculated to retard its settlement and lessen its material prosperity; therefore

HON. MR. KAULBACH—That is not the motion before the House.

HON. MR. MCINNES—That was the preamble, and I changed the notice simply because I found that the 15th rule of this House forbade the reception of a resolution which had a preamble. This House was therefore perfectly aware of the line I was going to adopt, and if I am to be choked off as some hon. gentlemen propose, it is simply an act of injustice to Manitoba and British Columbia and the North-West Territories. It will be an act of injustice if I am not allowed to show, as I was proceeding to show, the view taken by a prominent writer for one of the best periodicals published in England—if I am not allowed to read that, I think it is very arbitrary. I do not say that I approve of all the sentiments expressed by the writer; on the contrary I differ from him on some points. At the same time I was about to show, and I think I can conclusively prove that if British Columbia had possessed a representative in the Cabinet that iniquitous law would never have been placed on the statute book and the British empire would not have lost control of those valuable coal lands, and British interests would not have been unnecessarily imperilled on the Pacific. I shall be ashamed of this House if it takes the position of refusing me permission to read an extract from a leading English magazine in support of my argument. I believe I am strictly within the rules of the House, notwithstanding the expressions of opinion to the contrary.

HON. MR. KAULBACH—My hon. friend must see this, that when he reads an article of that kind he to a certain extent endorses it, especially as he brings it forward in support of his argument.

HON. MR. DICKEY—I have no interest in this matter, but I am interested in

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maintaining the dignity of the Senate. The hon. member has thought proper to say that the Speaker has choked him off, and that the decision is arbitrary. I hold that that is not language which should be used to the head of this House, and the hon. gentleman is clearly out of order.

HON. MR. ALEXANDER—The five members!

HON. MR. HAYTHORNE—I think the remark of the hon. member from British Columbia was that if he was not permitted to read an extract in support of his argument it would be an act of injustice, and that he did not use the language attributed to him by my hon. friend from Amherst.

HON. MR. POWER—The question before the House, as I understand it, is the motion made by the hon. member from Woodstock, that the hon. gentleman from New Westminster be allowed to proceed. If it is necessary that that motion should be seconded, I shall be very glad to do so, especially as his honor the Speaker has intimated that he has no objection to it, and that he did not know but that he would vote for it himself. I think in a House like this, where we are not overburdened with work, and where the rule has been, at all events for the last nine years, to allow the utmost latitude of discussion, that, when one of the very small minority of this House is speaking (I believe the hon. member from New Westminster is one of that minority) it is not desirable that he should be held too closely to strict rule, or be prevented discussing a question at whatever length he may choose. The hon. member has not troubled us often.

HON. SIR ALEX. CAMPBELL—Yes, the hon. member may as well proceed, but I hope he will try to make it shorter.

THE SPEAKER—It is moved by the Hon. Mr. Alexander, seconded by Hon. Mr. Power, that the hon. gentleman be allowed to proceed with his remarks.

The motion was agreed to.

HON. MR. ALMON—I wish to have the yeas and nays taken.

THE SPEAKER—It is too late.

HON. MR. KAULBACH—I call for the yeas and nays.

HON. MR. MCINNES—I hope the hon. gentleman from Lunenburg will accept the decision of the House. He will have ample opportunity to answer any remarks that I may make. I did not wish to state anything in this House which could be considered unparliamentary; I was merely reading an article to show that the writer took precisely the same view that I had taken two years before when this subject was under discussion, and I am very much surprised that the hon. member from Lunenburg, who supported me on that occasion, should oppose it now and think that my views are treasonable.

HON. MR. MACDONALD—That question is gone now: there is another matter before the House.

HON. MR. KAULBACH—My objection was to the hon. gentleman's reading an article which he admits contains expressions that he cannot endorse himself.

HON. MR. MCINNES—I said there was a portion of it that met with my approval, and that portion I have read. One great reason why I claim that British Columbia and Manitoba should have representatives in the Cabinet—

HON. MR. KAULBACH—You mean British Columbia.

HON. MR. MCINNES—I include Manitoba, because this country is divided into three great natural sections, the eastern, central and western. In the two latter, greater changes take place in one month than in the older provinces in a year. The general legislating necessary for the eastern section is more of a routine nature, and if there is any portion of the Dominion that ought to have a live and active member to represent it in the Cabinet, it is the Provinces of Manitoba and British Columbia. I say, with all respect to the gentleman who fills the position of Minister of the Interior, that his portfolio should belong to a representative of Manitoba. The Interior Department is, in my opinion the most important one in the

Government, and the Minister who presides over it ought to be thoroughly acquainted with the North-West and its people. The same remark applies to British Columbia. Many changes are occurring there which are unknown to the eastern provinces. The latter are, speaking comparatively, finished provinces, whereas everything is in a state of transition in the west, and is likely to be so for many years to come. My proposition is this—some hon. gentlemen may consider it absurd—that each province, or certainly each of those three divisions that I have mentioned, ought to have a representative in the Cabinet. It is the duty of anyone who is called upon to form a government, to select first of all a representative from each of those three great divisions, or from each of the provinces, and then for the balance of the Cabinet select the best men, irrespective of the sections from which they come. If that were done, and less attention paid to the origin or creed of men, I think the interests of the country would be served a great deal better. I was really amused at a ridiculous statement made by the *Toronto Mail* shortly after Professor Foster was appointed to the Cabinet. I do not wish to say anything against Mr. Foster, who is, I believe, a friend of mine, and a man whom I respect, but one of the qualifications which he possessed, in the opinion of the *Mail*, for holding a portfolio was that he happened to be a Baptist, and the Baptists were an influential portion of the population. I think if less attention were paid to denominations, and if there were less sectionalism displayed in the choice of representatives, the country would be much better governed. I claim, with all deference and respect for those who are members of the Cabinet to-day, that any local representative of Manitoba or British Columbia would serve the interests of those provinces better than the most eminent public man from any of the older sections. It is absurd to suppose that men who never saw those provinces, and who very often have to rely for information upon their subordinates, who will tell them nothing that would be unpleasant, or calculated to prevent their own advancement—it is absurd to suppose that such Ministers can frame laws and regulations for those vast districts lying

thousands of miles away from the capital and surrounded by circumstances so totally different from everything in the east. We must bear in mind that we are living in a different age from that in which the men who are now holding portfolios were brought up. The west is making more progress in one year than the older provinces in half a dozen years. Only those possessed of pluck, energy and perseverance find their way there, and all the drones remain at home.

HON. MR. OGILVIE—That is where you have stayed.

HON. MR. MCINNES—I have lived in many portions of the Dominion, and I am not ashamed to return to any portion of it.

HON. MR. OGILVIE—That is a good thing.

HON. MR. MCINNES—It is a good thing. To my esteemed friend and colleague, from Manitoba, Hon. Dr. Schultz, I believe, is due the credit of first officially or constitutionally bringing this important question before the notice of Parliament and the country, and I can assure that hon. gentleman that whatever credit or thanks he has received or may receive from the people of the four provinces that first constituted the Dominion and who appear to have a monopoly of all the portfolios, he certainly has won the lasting gratitude of the people of the two western and unrepresented provinces in the Cabinet, as well as those of the adjoining territories, who have not even a representative in either branch of the Legislature to make known their wants and plead their cause. All who listened to the pathetic and patriotic remarks of the hon. gentleman last year when he enquired if it was the intention of the Government to give that portion of the Dominion extending from Lake of the Woods to the Pacific representation in the Cabinet, together with the reading of that prophetic speech he delivered some 14 years ago in the House of Commons, a speech every sentence of which was replete with unmistakable evidence of coming trouble and timely warnings that unfortunately were unheeded by those who

were entrusted with the government of the country—I say all who heard that capital speech must have been convinced that a great and irreparable injury was done to the country by not having a Cabinet Minister from Manitoba to guard and protect the interests of the North-West and to counsel and assist in framing laws suitable for the speedy development of the enormous natural resources of the country. No one who listened to that admirable speech, but must have been convinced that it was the convictions of a gentleman who was not only master of his subject, but had made himself thoroughly acquainted with all classes and the various wants and necessities of the people he so ably represented—and was therefore in a position to prescribe intelligently not only for their existing but for their future wants. That speech was delivered over 14 years ago and viewing it in the light of subsequent experience, it can be considered little less than a prophecy. That speech warned the Government, warned them in unmistakable language, that if they persisted in pursuing their ungenerous and short-sighted policy towards the nomadic Indians and halfbreeds, the laws of the land would be violated, if not entirely ignored—yes, that possibly a fearful massacre would occur similar to that which took place in Minnesota, in 1863. I will refrain from reading, as I had intended to do, a few extracts from that memorable speech. On that occasion the Hon. D. A. Smith, who occupied a position at that time in the House of Commons, also endorsed the statements made by the Hon. Dr. Schultz with respect to the course that ought to be pursued towards the Indians in the North-West Territory. Both those hon. gentlemen gave the Government valuable information and advice—information and advice that no one could have given save those who lived for many years in the great lone land, as it was called in those days. Those gentlemen mingled with and studied the peculiarities of its people, its native and mixed population, and therefore knew precisely how they should be treated and governed. I ask how was that budget of valuable information, timely warning and advice, received by the Government? If received favorably, they do not appear to have

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benefited by it, as none, or very little of the advice or suggestions offered, appears to have been taken or put into practical operation. We are forced to believe that they were practically unheeded, and, alas, their predictions and fears were too well founded as the sad events of last year plainly show. The piteous complaints of the poor Metis were ignored; the Government disregarded the petitions of every authority as to the justice and expediency of giving the half-breeds what they claimed.

HON. MR. OGILVIE—No, no.

HON. MR. MCINNES—They heaped new grievances upon those wronged people by disputing even their titles to their actual holdings—giving their hamlets and their farms to whom? To a number of political speculators.

HON. MR. OGILVIE—I rise to a question of order. Is the hon. gentleman now speaking to the question before the House?

THE SPEAKER—The hon. gentleman is proceeding under the permission of the House.

HON. MR. OGILVIE—Well, I do not know that the hon. gentleman has permission to go on and read page after page, as he has done, of matter that is totally foreign to the resolution before the House.

HON. MR. MCINNES—That is only your opinion.

HON. MR. OGILVIE—Exactly, and I lay my opinion before the House and the Speaker, because I know that our hon. and honored leader is too modest, I am sorry to say, to call hon. gentlemen to order when I think he ought to do it. I do think, however, that the hon. gentleman from New Westminster is totally out of order when he goes on reading page after page the whole afternoon, of matter totally foreign to the subject before the House.

THE SPEAKER—The hon. gentlemen has not stated the question of order. After the remark I have just made it is unnecessary for me to say anything more.

While the hon. gentleman from New Westminster has the permission of the House he should be allowed to proceed; but the permission may be withdrawn at any moment.

HON. MR. OGILVIE—Has the hon. gentleman the permission of the House?

HON. MR. PLUMB—It may be withdrawn; he has not a permanent permission.

HON. MR. OGILVIE—Certainly not to read yards of paper.

HON. MR. MCINNES—I am very sorry indeed that my hon. friend from Montreal and other hon. members think what I am saying is so distasteful. I have only to say this: if I am not allowed to go on now I will bring up these matters separately, and I think it would be much better for the House to allow me to proceed, as perhaps it will be occupy less time in the end.

HON. MR. OGILVIE—For my part I would not stay and listen to the hon. gentleman.

HON. MR. MCINNES—I do not know that the House will sustain a great loss if you do not. The spring of 1885 will long be remembered in many a home throughout our beloved land as the darkest and saddest that the Dominion has ever seen, and, let us sincerely hope, ever will see—hundreds of our bravest sons slain on the battlefield in suppressing a miserable rebellion that could have been easily prevented—hundreds of graves wherein lie buried the pride of fond parents and the joy of many a happy home. Hundreds who survived the battlefield will, doubtless, die from the effects of exposure and fatigue incident to such an ordeal as our brave citizen soldiers underwent last year in the North-West. Dozens of wives and aged and infirm parents and helpless children deprived of those who at least protected and supplied them with the actual necessities of life. Over five millions added to our large and fast-increasing debt.

HON. MR. ALMON—I must rise again to a question of order. The hon. gentle-

man is entirely out of order, and I call for the rulling of the chair. The hon. gentleman's remarks are totally irrelevant to the subject before the House. He is giving a story of the late rebellion, which I have no objection to have brought before the House and fairly discussed at another time, but not by a side wind—since it is not his own even but is read from newspapers and manuscript.

THE SPEAKER—If I were in a position to rule I might be disposed to say that the remarks of the hon. member from New Westminster are irrelevant to the subject under discussion: but the hon. gentleman has received the formal permission of the House to go on, and until that permission is withdrawn I do not feel inclined to rule against him.

HON. MR. ALMON—I ask that the sense of the House be taken on that point?

HON. MR. PLUMB—You can move that the permission be withdrawn.

HON. MR. ALMON—I move that the permission be withdrawn unless the hon. gentleman confines himself to the matter before the House.

HON. MR. HOWLAN—I think the hon. gentleman from New Westminster had better be allowed to proceed and make his statement; there is nothing but what can be answered.

HON. MR. ALMON—After the House has been wearied for hours and hours listening to the hon. gentleman, will hon. members be prepared to wait and hear a reply?

HON. MR. POWER—I shall be very glad to listen to my hon. colleague as long as he wishes to speak, if he desires to reply.

HON. MR. MCINNES—I must confess I am considerably surprised at this interruption; if the hon. member from Halifax and the hon. gentleman from Montreal had not the privilege of replying to me then I would sit down and not attempt for one moment to occupy the time of the

House; but hon. gentlemen have the right to reply, and the question is open for free discussion.

HON. MR. PLUMB—Do go on.

HON. MR. OGILVIE—We are not afraid to discuss the question; nobody is afraid, but we are tired.

HON. MR. ALMON—Those papers have been read over and over again; in reality our familiarity with them produces contempt and not fear.

HON. MR. MCINNES—I call the hon. member from Halifax to order.

HON. MR. PLUMB—Oh go on. Do go on. The House is delighted to hear you.

HON. MR. MCINNES—I was proceeding to say that over five millions of dollars have been added to our large and fast increasing debt in consequence of this rebellion.

HON. MR. PLUMB—No, it is paid out of income.

HON. MR. MCINNES—The settlement of our North-West, the future hope of our country, retarded at least for a decade. All this deplorable loss of life, millions of money worse than thrown away, the irreparable injury done the country, all can be plainly traced to the inaction and gross neglect—the criminal neglect of the government and their officials in not granting the just and reasonable demand of the poor half-breeds and others in that country what they demand and were entitled to. Was the government not warned for years by one archbishop, by the bishops of at least two churches, and by the clergymen of four different denominations of the impending danger? Where they not warned by the North-West Council, or at least advised by some of the members of the North West Council,—by at least some of the members of the House of Commons from Manitoba and other reliable parties living in that country to abandon their suicidal North West policy and grant the humble prayers of the Metis, and thereby avert a

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second insurrection? Was their kindly and disinterested advice taken? Unfortunately, not until a large amount of precious blood had consecrated the virgin soil of the North West: not until millions of treasure was wasted—not until then were the seven years of unavailing prayers granted—after provoking a rebellion the Government granted their request and even more than they asked for or demanded. In order to show that I have not overstated the causes which led to this cruel rebellion, I will read a short editorial from the *Toronto Mail*, the recognized and I believe acknowledged organ of the government, which will more than sustain what I have stated:

“It has never been denied by the *Mail* that the Metis had good ground for grievances.

“By the passage of the Manitoba Act of 1870 old Canada had formally and frankly recognized the rights of the half-breeds of that province to share in the Indian title, and it follows as a matter of course that if they had rights in the soil of Manitoba, those of them dwelling in the region beyond had rights in the soil there.

“This admitted of no dispute.

“It must have been quite well understood by Parliament in 1870; at all events the records show that the Government of the day recognized the point, though a settlement was not then asked for.

“In spite of this recognition, however, and of the manifest and unanswerable logic of the half-breed case, the Department for years and years steadily refused to move in the matter.

“It was a tangled question; it would involve the appointment of a commission and no end of trouble; St. Albert and St. Laurent were far distant dependencies without political influence; it was a claim that would be none the worse for bluemoulding in the pigeon-holes.

“This was the way in which the officials treated the just demand of the Metis, and we agree with Mr. Blake, that their negligence was gross and inexcusable, and contributed to bring about the insurrection.

“Had they had votes, like white men, or it, like the Indians they had been numerous enough to command respect and overawe red tape, without doubt the wheels of the office would have revolved for them; but being only half-breeds, they were put off with an eternal promise, until patience ceased to be a virtue.

“We repeat again that the departmental system under which such callous and cruel neglect of the rights of a portion of the community was possible was wrong, and should be censured.”

I respectfully submit that if Manitoba had been represented in the Cabinet, the

chances are ten to one that the rebellion of 1885 with all its deplorable consequences never would have occurred.

HON. MR. HOWLAN—What is your proof of that?

HON. MR. MCINNES—I have this proof, that if the people of Manitoba had had a representative in the Cabinet, their protestations would have poured in so thick and fast that their representative in the Cabinet would have had no alternative but to see that their prayer was granted, or be denounced by the people and asked to resign.

HON. MR. ALEXANDER—I do not know whether the hon. gentleman has nearly finished his speech or not; if he has not, I think he had better adjourn the debate.

HON. MR. MCINNES—If you allow me ten minutes I will finish. If Manitoba and the North-West had had a representative in the Cabinet, that country would be to-day as happy and prosperous as it was before the rebellion. What was the reply made by the leader of the Government in this House last year to the inquiry, “Did the Government intend at an early date to give representation in the Cabinet to greater Canada, comprising the two provinces and four territories lying between the Lake of the Woods and the Pacific Ocean, which contains our greatest forests, richest mines and largest wheat belt?” The reply of the hon. gentleman was, in substance, no: that he did not believe in the principle that each province should be represented in the Cabinet, but that the time might come when that country would be represented. It was an understanding, when Confederation was entered into by the four provinces then comprising the Dominion, that each section—the Maritime section, and Quebec and Ontario, should have a certain number of representatives in the Cabinet: but since Confederation an area nearly sixteen times as great has been added to the Dominion, and are we, who are living in that portion of the Confederation, going to be excluded from representation in the Cabinet for all time to come? I have



shown conclusively, I think, that as regards revenue, population and area we are entitled to representation in the Cabinet. As I stated in my opening remarks, the area of this Dominion of ours is considerably larger than that of the great republic to the south of us, with its population of nearly 60,000,000. The population of that mighty country has nearly doubled within the last quarter of a century: its growth has been such as to excite the wonder and envy of the world. If that country continues for the next 50 years to make the same marvellous progress as it has shown during the last half century, and there is every probability that it will, it will undoubtedly eclipse anything that the world has ever seen. During the last century, the emigration from Europe to that country has been over 11,000,000. That immense immigration came principally from Great Britain and Ireland, Germany, Scandinavia, Denmark, Norway and Sweden. Those millions found their way to the United States without costing the Government of that country, or any of her States or Territories, one dollar. The United States has never assisted immigration, and I believe the policy to be a sound one. As a general thing, assisted immigration, in these days, brings to our shores a very unsuitable and undesirable class—a class that is brought into direct competition with our own mechanics, artisans and laborers, who now more than supply the labor demand. Let us adopt the policy of the United States, and abandon the expensive folly of assisting immigrants to this country. Let us welcome all who come among us without aid; but it is our duty to withdraw all Government aid and discourage a class that invariably go to swell our pauper population and become a burden on our citizens. If the United States has increased so marvellously during the last century, I see no good reason why our country, similarly situated in many respects, cannot prosper and progress in the same ratio if the laws are as liberal, and every inducement is held out to those who come to settle amongst us. We have nearly as great an area as the entire continent of Europe with a population of over 325,000,000. The Dominion of Canada comprises nearly the fifteenth part of the entire land area of the globe. So vast is

this area that it is difficult for the ordinary intellect to grasp or comprehend its extent. Who, amongst us can reflect on this glorious heritage which we possess without becoming inspired with the pride of being a Canadian—to be a citizen of such a country? What grand possibilities this mighty heritage must suggest to the reflective mind—a heritage that comprises within its almost boundless limits all the essential elements to make it one of the greatest empires of the world—one of the greatest of ancient or modern times: a country with a constitutional form of government confessedly the best and freest ever devised; a country inhabited by an intelligent, industrious and progressive people—a people possessed of all those noble attributes which made their illustrious ancestors famous for centuries as the disseminators of light, liberty, civilization, and all the blessing that flow in their wake. Though possessed of this glorious heritage and all the inestimable blessings thereto belonging, it largely depends upon us who, for the time being, are enacting laws for the future government of this country—in fact, who are directing its destiny—whether those cherished hopes of greatness shall be realized, or the prosperity, peace and stability of the Confederation shall be endangered or eventually destroyed. Let the Government of this country take warning from the selfish and stupid policy pursued by the Government of the Mother Country towards her colonies a little over a century ago—a policy that cost them the loss of the best portion of this continent. Let the Government remember that it was the arbitrary policy and gross abuse of power that brought about the rebellion of 1837. The ignoring of the rights and wishes of the people of Manitoba and the North-West, when the inhabitants of that country were taken possession of and dealt with like so many chattels, caused the rebellion of 1869-70. All who have watched the gallant struggle which the oppressed and wronged Irish are making for the privilege of controlling and managing their own local affairs, must rejoice to know that their righteous cause is about to triumph—that by granting Home Rule to Ireland, something that ought never to have been denied her, that country may

yet become reconciled and prove a tower of strength to the empire instead of a source of weakness as she has been for a very considerable length of time. Three years ago this House felt it to be its duty in the interests of freedom, of good government and of the empire to pass resolutions expressing sympathy for the oppressed and distressed Irish, and a strong recommendation to the Imperial Government to grant Home Rule to Ireland. It is true, the tenor of the polite reply was "Mind your own business: we are quite capable of attending to and managing ours." Although those resolutions were looked upon by Her Majesty's advisers as a piece of undue or unwarrantable interference in a matter in which we were only indirectly interested, and over which we had no control, I believe those recommendations and expressions of sympathy have done good—have strengthened the hands of those who were manfully battling for equal rights and privileges and against class legislation, and have contributed to bring about the present political crisis in England which must result in Ireland getting Home Rule. Now if it were right and proper for us to take up the question of Home Rule for Ireland in this distant part of the empire, I ask how much more so is it our duty to deal with the resolution before the House, a matter affecting directly as it does all but the one-seventeenth part of the Dominion?

If there are any captious enough to oppose the resolution on the pretext that it may hamper the Government they will I hope consider it a sufficient answer—if I refer them to the Home rule resolutions we passed three years ago, and I ask them to consult the division list on that occasion.

The general diffusion of knowledge is fast undermining Autocracy and Toryism which have so long imposed upon and retarded the general progress and welfare of the great masses of the people in the Mother Country—as well as this. The day is near at hand when a majority of the people of this country will rule and govern despite the cowardly and consequently un-British gerrymander of five years ago, and the equally cowardly and expensive Franchise Act of last session. A Government, that is compelled to have recourse to such disreputable and expensive measures in order to retain power is un-

worthy of confidence and such measures are unerring indications of weakness, decay and early dissolution. The harsh and unjust policy pursued by the Government, towards "Greater Canada" is very similar to that which preceded the rebellions of 37-69-70 and 85, and I fear may bring about a similar state of affairs unless at once abandoned.

In order to prevent the recurrence of such calamities or even the possibility of such calamities, I respectfully submit that the North-West Territories should be represented in the Commons and Senate, and that Manitoba and British Columbia should each have at least one representative in the Cabinet. These two unrepresented Provinces in the Cabinet comprise considerably more than half of the area of the seven Provinces of the Dominion. Of the 3,610,392 square miles in the Dominion, only one-seventeenth are represented in the Cabinet. The future hope of this country largely depends upon the speedy settlement and development of those two Western Provinces and adjoining Territories, and if Canada ever becomes that great country we all hope and believe it will, it is these Provinces and Territories that will make it so. I therefore say it is the bounden duty of the Government to at once give representation to the Territories in the Commons and Senate, and representation to each Province in the Cabinet. I ask that those Provinces be represented in the Cabinet, not as a favor, but as a right. I ask it not only in the interests of those Provinces but of the Dominion.

THE SPEAKER—It being six o'clock I now leave the chair.

#### AFTER RECESS.

HON. MR. ALMON—I would ask the question did the leave given to the hon. gentleman to read his irrelevant extracts expire at recess?

HON. SIR ALEX. CAMPBELL—The hon. gentleman is done; he will not speak any more.

HON. MR. MCINNES—In reply to my hon. friend who has just spoken, I may say that I am not the only member of this

House who reads extracts, and I do not see why an exception should be made in my case. I only ask for fair play—common British fair play—and that I intend to have in spite of the captious and cowardly conduct of the junior member from Halifax.

HON. MR. GIRARD—I rise to second the motion, because I promised the hon. gentleman that I would do so, but I do not hesitate to say that I did not expect the hon. gentleman would, on this simple motion, cover so much ground. It appears now that his intention was to make out a case against the Government. If I had known that he intended to do so I would have hesitated before promising to second his resolution; because, while I have often had occasion to ask the Government to redress grievances, I have not found them deserving of censure. I approve of the motion itself, and I concur in the the hon. gentleman's remarks that we have been for 15 years in the Confederation without having a representative in the Cabinet. In my opinion, if any sections of the Dominion are entitled to such representation, they are the smaller provinces, because they have to receive their political education and require someone to instruct them how best to promote their progress and prosperity. I agree with the hon. gentleman that we have made sufficient progress—at all events that the two provinces in the west have gained sufficiently in population to entitle them to such representation, and perhaps the time is not far distant when it will be found practicable to adopt the principle established in the British North America Act in the constitution of this hon. body. We know that the Senators were, in the first place, appointed in this way—24 from Ontario, 24 from Quebec, and 24 from the Maritime Provinces. Notwithstanding the difference in population the representation of these three sections was equal in this House. The hon. gentleman from British Columbia has shown that by our population, which is increasing, and the vast area of the western and central districts, we are entitled—or very soon will be entitled—to representation in the Cabinet. It is not unreasonable to expect that before many years the North-West and British Columbia will be the

most powerful divisions in the Dominion. I have seen enough of their progress to feel safe in making that assertion. During the past fifteen years two public men, holding portfolios, came to those western provinces to be elected when they could not find constituencies to return them in their own provinces. One of them, I regret to say, is absent from his place in the House of Commons through illness, but I hope that before many days he will be restored to health and able to lead a phalanx of good and loyal men in furnishing needed legislation for the advancement of the country's prosperity. The other statesman to whom I referred has gone to his rest, but though we miss his presence his memory is with us yet, inspiring us with lofty ideas of patriotism which I hope will have the effect of healing the divisions which exist amongst the representatives of Quebec to-day. My hon. friend from British Columbia, in my opinion, adopted a wrong course in attacking the Government as he has done. My impression was, from the tone of his remarks, that he had a quarrel with them. I think if he had approached the subject in a better spirit, he would have found the Government willing, as far as in their power lay, to meet his wishes, because I am happy to say that they have never refused to give the representatives of Manitoba any concessions which they could grant. We have never met with a positive "no," and our requests have always been courteously listened to. In my opinion we are entitled to representation in the Cabinet; I do not say so to censure the Government for their course in the past, but merely to advise them as to what they should do in the future. I am sure that on the first occasion that presents itself they will endeavor to give us the representation which we desire and to which we believe we are entitled.

HON. SIR ALEX. CAMPBELL—My hon. friend from Manitoba has approached this question in what seems to me a very proper spirit. It is quite open to hon. members from Manitoba and British Columbia to urge, as they have done this afternoon, that the Cabinet should be so constituted as to include representatives from these provinces. That is one aspect of the case, and it is quite right and

proper that it should be presented. It is quite another aspect of the case to urge, as the hon. member from British Columbia has done, that this House should come to a definite resolution that the Cabinet should be composed in a certain way. Nothing could be more contrary to the interest and convenience of this House than to arrive at such a resolution. It proposes a scheme which would render almost impossible the constitution of the Government. It proposes a scheme unknown to British precedent, and unknown, I believe, to any constitutional government. It is unknown, so far as I am aware, in Great Britain, the United States, France or Italy. How could a government be constituted if such a cast-iron rule were laid down? The gentlemen who sit in the Cabinet from Ontario, Quebec and the Maritime Provinces hold their places, not in consequence of any resolution come to by Parliament, or in consequence of any clause contained in the Constitutional Act, but by virtue of the exercise of the prerogative of the Crown. They are called to advise the Crown with reference to the government of the country. No doubt, hereafter, when British Columbia, Manitoba, and the North-West Territories reach that position which they seem likely to attain, which their resources lead one to believe they will reach, they will be represented as the hon. gentleman desires. I do not quarrel with the hon. member from British Columbia for enlarging on the resources of his Province and telling us about the population, area and wealth and seeking to aggrandize his Province and the North-West. That is all quite proper and I hope and believe that in the future at some time or other British Columbia and Manitoba will be represented in the Cabinet. Undoubtedly they will have members in the Government when they arrive at that stage of population and influence which will give them the same position in the country that is now occupied by the older Provinces. When they reach that position, representation will not be granted them as a favor, but they will force their way into the cabinet. It is folly to talk of any fixed cast iron rule by which the Government must shape their Cabinet in the future. It is difficult enough, as any one who has been concerned in the Government of the

country knows, to form a cabinet at all, but if you are to establish a fixed rule and say, "you, must have one man from one place, another from another place and a third from another," you will never be able to constitute a government. If such a rule were laid down in Great Britain how would a government ever be formed there. In what position would London be with its 4,000,000 of people? In what position would Liverpool and other great cities stand—what representation would they have in the Cabinet? Such a rule is unknown there.

HON. MR. PLUMB—Or in the United States.

HON. SIR ALEX. CAMPBELL—Take Scotland as an instance? What representation would it have in the Cabinet? Take the case of Ireland—what would its representation be? No Government is constituted on such a principle; it would be impossible to do so. It is a rule which is unknown in England or the United States; it is one which it would not be reasonable or proper to attempt to adopt in this country, or if we did adopt it, one which would fail. What would be the consequence of placing it on record? The resolution of this House would not be imperative upon the Government. No doubt they would desire—I of all others would desire—to pay respect to the resolution of this House, but it would not be imperative or binding upon them. Then we would have a resolution passed which could be of no weight. It would be an attempt to impose upon future premiers an impossible rule and prevent anyone from forming a government at all. I am sure the House will never arrive at such a conclusion as the hon. gentleman desires and which he urged at such length in a speech to which the House has listened, notwithstanding some interruptions, with considerable patience. The hon. gentleman's remarks were beside the real question. The question is not the resources, area and population of British Columbia, but, in the words of the Duke of Wellington, how Her Majesty's government is to be carried on—whether it is to be carried on by the exercise of those constitutional rights that belong to each branch of Parliament, and amongst which

none is more deserving of being preserved, none more deserving of respect than the right of the Crown to choose its officers and make them responsible for the management of public affairs, they being obliged to secure a majority in either House of Parliament, and certainly a majority in the House of Commons. These are the proper principles and if we depart from them we have nothing on which to fasten ourselves. If we adhere to them we know that we are pursuing a system which has preserved peace and order amongst our forefathers generation after generation and helped to make Great Britain what she is to-day. If we depart from those principles we establish novel rules the end of which no one can see. The hon. member from British Columbia says that the Premier should first select seven representatives, one from each Province, and afterwards fill up his government from the best men. That is very Utopian; nobody can do that. When the Premier forms a government he is obliged to consider those who constitute its chief support—to consider the party as represented in the House of Commons, and what will secure for his Government the majority in that House. Everything else follows, and the representation which my hon. friend desires for British Columbia, will follow, as everything else will, when the Province attains the influence which every one expects it will warrant it, and no one can safely go in advance of that position. Whenever British Columbia exercises that influence in the affairs of the Dominion at large, which, it is sure to exercise sooner or later, then it will have its representation in the Government, and the same thing may be said of Manitoba and the North-West Territories. These things come by degrees. You cannot safely lay down such a rule as the hon. gentleman proposes; you must allow the Government to be constituted in such a way as to enable it to command a majority in the House of Commons. You cannot lay down any other principle but that, and you will find that no government has ever attempted to establish any different rule. The hon. gentleman thinks apparently that there might be a great many members of the Government. I suppose 160 was only mentioned to show the proportion which British Columbia would

be entitled to if area alone were considered, but everyone knows that the Government must be limited in numbers. You cannot increase the Government *ad libitum*. Look at the Government of the United States which consists of the President and seven members of the Cabinet.

HON. MR. PLUMB—And not appointed with reference to localities at all.

HON. SIR ALEX. CAMPBELL—Look at the Government of England which consists of 16 members, and of those I think there is but one from Scotland.

HON. MR. MCINNIS—How many Under Secretaries are there?

HON. SIR ALEX. CAMPBELL—There is a possibility there, of course; some future Premier might very likely adopt that idea. I myself give my assent to it so far as it goes, and so far as one can consider a question which has not taken a practical shape—that there might be under secretaries and the Government might consist of even fewer members than it does now; because those who have had experience in the government of the country doubt the advantage of having so many ministers. I am sure if my hon. friends on either side of me were in the Government they would feel that it was a source of weakness to have as many in the Government even as there are now. It is impossible for fourteen men always to consult together. In this House we do not consult together; we make speeches to one another. I believe it would be better if there were fewer members of the Cabinet than we have at present; the hon. gentleman's scheme would make the number larger. If we had under secretaries, having seats in either House of Parliament, I believe it would be a useful scheme and one which might hereafter be adopted. I see no objection to it, but to seek to fasten the hands of the Premier for the time being, and say that he must do this and that, is an idea unknown anywhere, not practised anywhere, and which could be attended with nothing but evil and inconvenience, and have no effect except to make more difficult a task which

is already sufficiently hard. It would remove from our hands—I speak not of this House particularly, but of members of Parliament generally—the very best and safest and closest control that we can possibly have over the Government, that is, it would take away from us the necessity of the Government having a majority in the House of Commons. There is the real control: the people, through their representatives in Parliament, exercise control over the Government and impose on the Premier no other duty than that, providing such a Ministry as will obtain the approval of the Governor-General and secure the confidence of Parliament, of the House of Commons particularly. These are the cardinal rules, and if you depart from them you enter upon a sea of which you will never see the boundaries. It would be impossible afterwards to exercise any control, and I regret to find a feeling amongst some members of Parliament that you can guide those things by a sort of general representation—that is, representation by numbers, or something else, and that you have no other criterion, no other rule to guide you except what was known in old Canada as representation by population, and that that should extend into the government of the country—that because a certain part of the country has so many inhabitants, therefore it should have a member. How can you get to the end of that? Suppose you were to apply that to Ontario, the first thing you would have would be a division of the province into three sections, the western, central and eastern, and each should be represented. That would never do; the old successful and tried rule is the one to which we should adhere. Under that rule the Empire has become what it is; under that rule Canada is enjoying prosperity; let us not adopt new rules the effect of which we cannot foresee, but adhere to a principle which has been found successful and not seek to change in any way the constitution under which we have lived so happily. I trust that my hon. friend, having given utterance to his views, having told the House what he thinks should be done, will withdraw his motion altogether and not ask the House to vote upon it at all. I think that would be the wiser plan. The House should not be made a debat-

ing society of; we are not here to pass abstract resolutions which can have no effect. Suppose the hon. gentleman's resolution were to pass, would the Government follow the rule laid down? It would not, and what would be the effect? Simply this, the authority of this House would be brought more or less into contempt. Now that should not be the case; we should never adopt anything here which the House has good reason to believe will not be followed. To pass such a resolution is to weaken the power of the House and I hope my hon. friend having stated what he thinks is necessary in the interests of his Province and having given the public the benefit of his views, will not press his motion but withdraw it; but if he insists upon pressing it I do trust that the House will reject it.

HON. MR. NELSON—In the near future I may possibly be as anxious to see British Columbia represented in the Cabinet as my hon. colleague from New Westminster. This is a question which you may say was brought before the members from British Columbia at a very early stage after we became a part of the Confederation. I remember (I think it was in 1872 or 1873) a very prominent member from British Columbia bringing this matter up. At that time I, from certain causes, objected to giving British Columbia representation in the Cabinet. At that particular time the one great and burning question in British Columbia was the route for the Pacific Railway through the province. The representatives from Victoria took the ground that the line should be by way of Bute Inlet; the people of the mainland, on the other hand, stood out resolutely for having it built by way of Fraser River. A gentleman who at that time, I think, had an idea that he would be selected as a representative from British Columbia, and probably would have been the man to represent us in the Cabinet had one been chosen, from his great ability, was in favor of the line being built by way of Bute Inlet; but had he been sent as a representative, the people of the mainland would have been very much dissatisfied indeed. Other questions of this kind have come up—the settlement and other questions on which the two important portions of British

Columbia were completely divided, and so long as those divisions existed, just so long would the mainland have objected to a representative in the Cabinet from the Island, and the people of Vancouver Island to a representative in the Cabinet from the mainland. I may state to the House that that condition of affairs is exactly the same to-day as it was then. But to my mind there is a still more serious objection to making a cast iron rule of provinces being represented in the Cabinet. It would be subversive of the true principles of responsible government. The Parliament and the people look to the First Minister for the selection of his colleagues, and hold him accountable for their acts; and under such circumstances a cast iron rule, such as my hon. friend attempts to put before the House, would totally destroy that principle of responsible government. The First Minister of the Crown would certainly be no longer responsible for the acts of his Government, if the selection of his colleagues did not rest entirely with himself.

HON. MR. McINNES—Why would he not be responsible?

HON. SIR ALEX. CAMPBELL—Because you lay down the rule for him.

HON. MR. NELSON—You lay down the rule that there shall be so many representatives from Manitoba and so many from British Columbia. Say, for instance, the Premier wants a new Minister of Justice, as was the case not long ago. The Province of British Columbia in that case might have said "You must, appoint a Minister of the Crown from amongst us." I do not think that any representative from British Columbia could fairly occupy the position of Minister of Justice. The same argument would apply to Manitoba if a Minister of Justice had to be selected from the representatives of that province. Another late appointment was that of the Minister of Marine and Fisheries. Would it be right or proper to have appointed a gentleman from the interior—from Manitoba or the North-West—who, perhaps, never saw a ship on the ocean in his life? I do not think such would be a proper appointment.

HON. MR. McINNES—But there are thirteen portfolios in the Cabinet.

HON. MR. NELSON—Certainly, but if you had to appoint a Minister of Justice or a Minister of Marine and Fisheries from either of those provinces, you would have to make a place for him by removing some other minister. Then the question would arise, not of the efficiency of the man for the position, but the representation of the province. I believe that British Columbia sends as good men to Parliament perhaps as any other province; but I think it lies distinctly with the First Minister of the Crown to select his colleagues, and it would be totally destructive of the principles of responsible government if such were not the case.

HON. MR. OGILVIE—I have very little to say on this subject now, because the most of what I intended to say has been more ably stated to the House by our honored and honorable leader: but I suppose there would be no impropriety in my criticising the speech of the hon. member from New Westminster. He certainly kept us very well occupied all afternoon. Well occupied—I do not know that that is the proper expression, but fully occupied and I do not know that he improved his position very much by what he said, because until to-day I certainly thought that we had a very able man in the hon. gentleman from New Westminster. I certainly have had a good deal of reason to form a different opinion of him this afternoon. I do not know whether other hon. members of this House have done so or not. The Dominion of Canada is no longer a baby in swaddling clothes: it has now grown to manhood, and is able to take care of itself: and while I attach a great deal of importance to what was said by our much respected *confrere*, the hon. member from St. Boniface, who always speaks well on any subject that he discusses in this House—a gentleman for whom every member in this House would do anything he could—I think this is the first time that I have ever had to cast a vote against a motion of which he is the seconder. I doubt very much, had he known of the speech that was coming from our hon. friend from British Columbia, if he would

have seconded the motion at all. Before our leader gave us the objections that he held against the representation of provinces in the Cabinet I saw the difficulty that would arise. I saw it years ago, long before I had the honor of having a seat in this House. The Dominion of Canada is now in such a position that the Premier of the day, if he can possibly arrange his Cabinet so as to have every province represented, should do so, but that he should be tied down to select his colleagues from particular divisions or particular provinces is highly improper. I think there are very few men in this House or in the House of Commons who are better acquainted with the resources of Manitoba and the North-West than myself. You will excuse me if I appear egotistical in saying so. I have gone through the finest grazing country out there that exists in the world. I say so though I am interested elsewhere, in Texas, which is nothing like so good a cattle country as we have in our North-West. I believe that in a few years we will have a great wheat country there also: and I recommend every one who has gone there to go into mixed farming. I quite appreciate the value of British Columbia, although I have not yet had the pleasure of visiting that province, but expect to do so next summer. I think it would be a great mistake, when a government has to be formed, whether by our opponents or ourselves (though I hope our opponents will not have anything to do with it for some time to come) that the Premier should be tied down to selecting so many colleagues from each province. I think the best men should be selected irrespective of the locality they represent. The hon. gentleman from New Westminster has spoken of the expense of the few visits that were made by ministers of the government to the western provinces. I really thought that he never would have got down quite so low as to make that speech.

HON. MR. MCINNES—I rise to a question of order. I ask the Speaker to decide whether it is parliamentary or not that an hon. member should say I go down so low.

THE SPEAKER—I do not think that the hon. gentlemen from Montreal is out of order in using that language.

HON. MR. OGILVIE—I contend that not only should we be glad to pay the expenses those ministers to go out there, but we should be glad to have more of them visit the western provinces. I have for three or four years personally urged our Minister of Railways to visit British Columbia, and I have talked to our hon. Premier about it, and have told him that he ought to go out and see that country. While we have ministers who go there for the benefit of the country, I would like to know if there is a member of this House or a member of the House of Commons who would expect them to go at their own expense while they are trying to work for the benefit of the Dominion? The thing is absurd. I think that one of the greatest mistakes ever made by any member of this House has been made by the hon. member from New Westminster this afternoon. I am sorry to have to say so, but I believe it, and I think that the resolution that he has proposed if adopted and carried out would ruin any government that would be formed under it. I would be delighted to see the hon. gentleman from St. Boniface in the Government. He is a man that every one likes and respects. I would be glad to see a member from British Columbia in the Cabinet also, and if it were in the interest of the country to have such representation, any government that would be formed would have brains enough and judgment enough themselves if they could get the best men there to select them. I am sorry for having taken up the time of the House, but I feel very strongly on this subject, and I never was more proud of our hon. leader, than I was on hearing his remarks this afternoon, even if he did take the wind out of my sails.

HON. MR. ALEXANDER—It is with considerable reluctance that I take any part in this debate, as I have been obliged to trespass already too often upon the kind indulgence of the House. Notwithstanding all that has been said, the country is much indebted to the Senator from New Westminster for the motion which he has brought under discussion, and which cannot fail to do good. I think it was in bad taste and very disrespectful to this House to use the word "foolish" towards the member from British Columbia.



HON. SIR ALEX. CAMPBELL—I rise to a question of order. I have not used the word “foolish” in any way that I know of that would be disrespectful either to the House or to any member of it.

THE SPEAKER—I would take this opportunity of calling the attention of hon. gentlemen to the fact that when a member rises to a question of order, it is the duty of any member having the floor to immediately take his seat.

HON. MR. ALEXANDER—As regarding this question, the art, or science, of Cabinet-making is one surrounded with great difficulties and embarrassments, and we are all willing to admit that we have never had, and I suppose never will have again a Cabinet-maker who has such a profound knowledge of this art and of men as our present First Minister, Sir John A. Macdonald. He is a model Cabinet-maker. If there is any particular talent that he possesses more than any other man on this earth, it is a talent for manipulating men and framing a Cabinet so as to keep his party in power. The leader of the Government, by his interruptions, sets a very bad example to this House. One would suppose that he had been educated and trained in some lower sphere of society. As I said Sir John is no doubt a model Cabinet-maker. No one disputes that point. He has a mind of such elastic power as to embrace the whole Dominion with one grasp,—a mind that appears to be capable at the same moment of flashing all interests and every interest which can give his government strength, and to form his Cabinet so as to deal with those interests in such a manner, if not by humbug, at all events to keep himself in power. Many hon. gentlemen have remarked that if Her Majesty ever really confers any other title on Sir John it ought to be “Prince of Humbugs.” In forming his Cabinet, his chief aim and motive for the last 25 years, has been to know how he could keep his government in power, and not how he should govern for the welfare and prosperity of the country. It is not how he can enhance the prosperity of the Province of Quebec or the Maritime Provinces. If I were not infringing the rules of Parliament I could

show how injuries have been done to different parts of the Dominion, but I will not transgress the rules by departing from the subject before us. Every Government requires to possess the element of strength. Of course without strength a Government can do nothing, and we should give Sir John Macdonald every credit for using all fair means for forming his Government upon such principles as will give him strength, if he does not do it at the sacrifice of the true interests of the country, and at the sacrifice of honor and justice. One chief object with Sir John has been how to keep on his side the Church of Rome in all its grandeur, its power, and its strength.

HON. MR. KAULBACH—I rise to a question of order. The hon. gentleman is not speaking to the question before the House.

THE SPEAKER—I am inclined to think that the hon. member from Woodstock is not going beyond the rule. The question before the House is representation of the provinces in the Cabinet, and he is now dealing with the policy of the Premier in the formation of former Governments.

HON. MR. ALEXANDER—I may say that that highly respected and powerful church properly demands that her institutions are not interfered with, and we respect and honor that church, as we respect and honor every church who see that their institutions, which they feel are for the welfare and happiness of mankind, are not interfered with by any government. Now, we all expected that a kind, upright and talented member of this House, whom we all respect very deeply, was to have been offered a portfolio, and the press of the country has expressed its surprise that he has not been appointed. Perhaps the leader of the House will explain why his nomination was cancelled. I suppose it is because the hon. gentleman does not possess wealth. They must have in their Cabinet men who have wealth, for their purposes. My hon. friend has that however which is better than wealth; he has honor, honesty and self-respect, and he could not be induced under any consideration to do that as I

member of the Cabinet which he would not do as a private member. Perhaps the leader of the House will say why after an order in Council was passed with respect to that appointment—why it was not carried out? In my time we have known extraordinary appointments to the Privy Council; we have known one unfortunate individual elevated to a position in the Privy Council, who, from his neglect of his duties, brought much disaster upon the country—from his incapacity, from his sad neglect of duty, arising from habits of luxury, ease and indulgence, brought rebellion on the country. That member, as we know—as the public press have stated it—was called to the Privy Council because he went round with the hat and got up a large testimonial to the First Minister of the Crown. What a strange reason for a First Minister, exercising the prerogative which he in his position has, to appoint a person to the Privy Council simply because he gets him up a testimonial of \$80,000. Good God, what is the country coming to? We know it to be true, and that unfortunate man, after getting his position in the Privy Council, bothers Sir John and bothers Lord Derby's Government until they force the Queen to bestow upon him a knighthood.

HON. SIR ALEX. CAMPBELL—This is entirely imaginary.

HON. MR. ALEXANDER—It is not imaginary: I know of my own knowledge from the household of Her Majesty that for two years they urged Lord Derby to press the appointment, when Her Majesty knew it was not an appointment that was seemly or becoming.

HON. MR. PLUMB—Then Her Majesty's servants were betraying the Household secrets to the hon. gentleman from Woodstock.

HON. MR. ALEXANDER—I call it a prostitution of the power and prerogative of the first Minister to have the order of knighthood conferred upon a man for such a service.

HON. SIR ALEX. CAMPBELL—I must again contradict the hon. gentleman

and call him to order for stating what is not true. The conferring of the order of knighthood on Senator Macpherson (the hon. gentleman to whom he alludes) was not in contemplation two years before it was given. The hon. gentleman from Woodstock says that efforts were made for two years with Her Majesty's household: what connection he has with Her Majesty's household it is difficult to understand. His assertion is altogether without foundation. Mr. Macpherson's appointment as K.M.G. was not contemplated more than two months before it took place.

HON. MR. ALEXANDER—I am quite aware that the leader of this House will use such language and such arguments as will persuade, as he never fails to persuade this hon. House that all appointments to the Privy Council have been wisely and properly made. I am not surprised that he should do so, but I am surprised that he should exhibit such boorish conduct on the floor of this House. The hon. gentleman's powers of persuasion are such—

HON. SIR ALEX. CAMPBELL—I rise to a point of order. The hon. gentleman has used an expression with reference to me that he ought to withdraw if he has any respect for the House or anybody else. He has spoken of my conduct as being boorish, and I desire him to withdraw it.

HON. MR. ALEXANDER—I withdraw the expression: I am only going to add—

HON. MR. POWER—I rise to a question of order. No doubt the speech of the hon. gentleman from Woodstock, the representative of the Independent third party is exceedingly interesting and amusing; but I hold that the personal habits of the ministers, and their personal characteristics have not the faintest connection with the resolution which has been moved by the hon. gentleman from New Westminster. The question before the House is whether or not the central, that is the prairie section of this country, and the Pacific section should be represented in the Cabinet. Now, the personal qualities

or habits of the members of the present ministry have not the faintest possible connection with that, and I think it is desirable that the hon. gentleman should keep to the text.

THE SPEAKER—The point of order is well taken by the hon. gentleman from Halifax, and I desire the hon. gentleman from Woodstock to confine himself to the question before the House.

HON. MR. ALEXANDER—In conclusion, I can entertain no doubt that the leader of this House will persuade the members of the Senate that all appointments to the Privy Council have been wisely and properly made. His powers of persuasion generally prevail here, as according to public rumour, they generally prevail with the fair sex.

HON. MR. BOTSFORD—The hon. gentleman from Woodstock has gone contrary to the ruling of the Speaker as reported to the House. That is an offence against this House; it is treating the Senate with contempt. The hon. gentleman goes on reflecting on the decision of the Speaker, because the Speaker has already decided that it improper for him to travel beyond the resolution before this House.

THE SPEAKER—I may say that my power in this chair is limited; my functions are merely the functions of an independent member of this House, and I am not expected to exercise those functions unless I am moved thereto by the request of the House. Consequently it is not in my power, as I would very often desire it to be, to enforce that order and decorum, and that respect for the rules of the House which I think is necessary to its dignity and position. On several occasions the hon. member from Woodstock has, I think, contemptuously disregarded the rules of this House—contemptuously disregarded the ruling of the Chair, and I can only say to hon. gentlemen, if the spectacles which we have witnessed in consequence of the conduct of the hon. gentlemen are to be persisted in, this House will be obliged to take some steps, by the revision of its rules, to protect its own dignity and authority. The whole question

HON. MR. POWER.

is in the hands of the House. If it were in mine I should take steps to assert the dignity of the House, and maintain its just order and decorum.

HON. MR. PLUMB—I rise to a question of order.

HON. MR. ALEXANDER—Will the hon. gentleman keep his seat? What a boor.

HON. MR. PLUMB—The hon. gentleman has been called upon to apologize for insulting remarks made to the leader of this House, and I appeal to hon. gentlemen as to whether he should persistently hold the floor while he occupies that position? I move that the hon. gentleman be no longer heard until he apologizes to this House for the insult that he has put upon it by his remarks against one of the members of the Senate. I ask that the sense of the House be taken upon that question, and I ask his honor the Speaker to rule.

HON. MR. ALEXANDER—When I rose to apologize to the House for the words I used in badinage, the irrepressible member from Niagara on my left would not allow me to open my mouth.

HON. MR. PLUMB—Apologize!

HON. MR. ALEXANDER—What an irrepressible boor. When I rose respectfully to apologize to the House for what I said in badinage—simply in badinage—

HON. MR. OGILVIE—That badinage is all reported and printed though.

HON. MR. ALEXANDER—I rose to apologize, and the hon. gentleman from Niagara who is continually interrupting the House—I wonder that the House does not put him down—

HON. SIR ALEX. CAMPBELL—Do I understand the hon. gentleman to apologize for the expression he used towards me?

HON. MR. PLUMB—Apologize!

HON. MR. ALEXANDER—I of course apologize for the badinage I used. With

regard to the question of British Columbia and the North-West having a representative in the Privy Council, nothing could be more natural. If there had been a member from the North-West Territory in the Privy Council before the insurrection, that insurrection would not have taken place. It is a fact established by the press of the country, and my hon. friend here is right and deserves the credit of the House for calling the attention of the government to the fact that such representation is needed. It appears to me necessary that very important changes should be made to prevent the present reckless and abandoned government wasting in such a wholesale way the resources of the country. We have vast interests to develop in British Columbia, and, as my hon. friend very properly explained, the Ministers of the Crown, going over there with their private secretaries and returning, knew little more when they came back than when they left. Nothing could be more natural than the suggestion of my hon. friend here, who is a lover of his country and a worthy representative of British Columbia. Nothing could be more natural than that he should assert his opinion in the face of this hon. body, whom the leader of the House seems in some way or other, through his persuasive influence, to bring to his opinion. When we look at the position of British Columbia and the North-West Territory, I should like to know what reason the leader of the Government has for refusing them a representative? Do they not give New Brunswick and Nova Scotia two Ministers each, and why not give one to these distant provinces? I do not say that I go as far as the hon. gentleman who moved the resolution, and suggest that we should establish representation by population and increase the number of Ministers.

HON. MR. MCINNES—I did not say that.

HON. MR. ALEXANDER—That was my impression, but some hon. members stated that you did make such a remark. What do we want with more Ministers? If 60,000,000 of people can be governed by six Ministers, why should this country, with only 4,500,000, require 13 ministers?

They are simply consuming the fruits of the people's industry, and pursuing their own ways and methods of keeping themselves in power. It is readful to think that our country, which produces such a revenue, should have it scattered by a reckless Government, who care not how much they may throw away so long as they can keep themselves in power.

HON. MR. HOWLAN—I do not wish to prolong this debate longer than is necessary to correct some statements which have been made by the hon. member from British Columbia in regard to the province which I have the honor to represent here. He states that he gathers from the Public Accounts that the imports into Prince Edward Island in five years amounted to \$4,000,000. My hon. friend is entirely mistaken; wherever he got his data they are wrong, and if the foundation is bad the superstructure is of no value. In 1861 the total imports into Prince Edward Island amounted to \$1,021,629. The last year before she entered the Confederation, in 1872, they amounted to \$2,740,000. If you apply the rate of increase from 1861 to 1872 to the period between 1872 and 1884-5, you will find the increase has been about 138 per cent., or equal to about \$4,000,000. Now it is hardly credible that in the 13 years between 1872 and 1885 the Province has gone behind, or in other words, that for five years ending in 1885 her exports have not been equal to what they were in two years fourteen years ago. I really do not know where my hon. friend got his figures.

HON. MR. MCINNES—From the Public Accounts.

HON. MR. HOWLAN—He will find that figures are like edged tools, not to be handled carelessly by inexperienced people. Let me tell the hon. gentleman that the Province of Prince Edward Island contributes as much to the revenue in one year as British Columbia has contributed in five years.

HON. MR. MCINNES—Show me the documentary evidence.

HON. MR. HOWLAN—I will take the exports and imports of the United States,

Canada, and Great Britain and apply the same rules to each that I do to the exports and imports of Prince Edward Island for the years we had them under our own Government, and I will prove to him that the ratio of increase has been as great in Prince Edward Island as in any part of the Dominion. Nay, I will prove it to him in another way; I will give him the benefit of the last census, and will show the House that they may well doubt, as I do, the correctness of his figures. While I do not dissent from his ideas as to the desirability of having a representative of the prairie and western sections of the country in the Cabinet, and whilst he has a just right as a representative man in this Parliament to advance those views and ideas, still I do think, while he enunciates those opinions, he does not believe them himself; and though he states that he believes the Government would not have committed the mistakes with regard to those provinces, which it seems in his opinion they have committed, nevertheless, when you find other representatives of those provinces supporting the Government, you must come to the conclusion either that they represent their people correctly or that he does not. He told us in the course of his remarks that the Government had by their treatment of the people of the North-West Territories, and by their criminal neglect, retarded the advance of this country for a decade. I take issue with him on that point, as I do with the hon. member from Halifax. I say that the effect of that uprising, not only in America but in Europe, and wherever the press of this country reaches, has been to prove beyond any reasonable doubt that Canada is a country able to protect the property of its citizens and to carry out the laws upon its Statute books. That alone will be the means of attracting to our shores a considerable number of people who will feel that they will be more completely protected in this country, where law and order are maintained, than they would be in the United States which has been for many years past subject to frequent Indian wars. But, passing from that, I wish to say a few words in reply to some remarks which were made by the hon. member from Woodstock. I did give him credit for being a high toned gentleman, even if

sometimes his judgment was defective, but I did not think that he would have been guilty of attacking a gentleman who is now absent from the Senate—a gentleman that he once attacked in this House by virtue of his position as a member of Parliament. On that occasion he made his charges in this House and when he was challenged to prove them he was unable to do so and was unanimously condemned by the House.

HON. MR. PLUMB—He never got a vote for his resolution.

HON. MR. HOWLAN—The resolution was not placed on the annals of the House out of consideration for the condition of the hon. gentleman, who fancied that he had been wronged and suffered from oppression. The matter was then fully sifted and the most satisfactory explanations were given, and it was hardly in keeping with the high gentlemanly instincts which the hon. gentleman professes to be guided by, that he should insult the memory of a gentleman who is now 6,000 miles away from here. When the matter was before the House on a former occasion, he met those assaults as became a gentleman, and I am satisfied that he was not guilty of what was laid to his charge. So far as that hon. gentleman is concerned, his name at all events should have been left out of this discussion. No unkind references should have been made to him, especially by one who had been for the greater part of his life his personal friend.

HON. MR. ALEXANDER—I did not refer to the charges which I once brought against Sir David Macpherson concerning the Bank of Upper Canada matter.

HON. MR. HOWLAN—No, you did not do that, because you were ashamed.

HON. MR. ALEXANDER—Oh, ashamed! Afraid I suppose?

HON. MR. HOWLAN—Yes, ashamed and I dare say afraid too. The condemnation of the House was sufficiently strong on the former occasion, and the hon. gentleman did not venture to make the attack in the same way again.

HON. MR. ALEXANDER—I do not care.

HON. MR. HOWLAN—I suppose the hon. gentleman does not care, but the House will take good care not to permit a repetition of the offence. The hon. gentleman from Woodstock says that Sir John Macdonald has been the cause of all the troubles which occurred in the North-West Territories.

HON. MR. POWER—If the hon. gentleman from Woodstock was out of order in referring to those things, surely the hon. member from Alberton in referring to them now is still more out of order, because he has not the excuse which the other hon. gentleman had.

HON. MR. HOWLAN—I am quite in order.

HON. MR. POWER—I ask for the Speaker's ruling!

HON. MR. HOWLAN—I did not come here to learn the rules of Parliament.

HON. MR. POWER—I am not discussing that; I am asking for the Speaker's decision!

THE SPEAKER—The hon. gentleman from Alberton is not now referring to the language for which the hon. member for Woodstock was called to order.

HON. MR. HOWLAN—I may say to my hon. friend, the leader of the third party in this House, that he should have studied the rules more carefully. I was remarking, when I was interrupted, that the hon. gentleman from Woodstock had for 30 years of his life been a faithful supporter of this "Prince of Humbugs." I remember when I first became a member of this House hearing him speak in warm terms of admiration of Sir John Macdonald. I would remind him that this is hardly a proper time to attack his former leader when he is lying in a sick room—it is hardly proper to indulge even in what he is pleased to term "badinage" under the circumstances. I think the hon. member will agree with me in that.

HON. MR. ALEXANDER—Yes I agree with you there.

HON. MR. HOWLAN—For many years the hon. member was a supporter of Sir John Macdonald and praised him at every opportunity, as the records of the House will show. It is, to say the least, inconsistent for him now to denounce the Premier as a Prince of Humbugs. I will pass over his reference to the Church of Rome as I think it hardly calls for a reply.

However much there may be in the views advanced by the hon. gentleman from British Columbia with regard to representation in the Cabinet for his Province, he must I think agree with me that so far as the present Government are concerned if there is one portion of Canada more than another that they have always treated with the utmost consideration, it is the Province of British Columbia. We can all remember when, a few years ago, resolutions were brought before Parliament for the building of the great Canadian Pacific Railway, a certain number of gentlemen, who, may be ranked amongst the hon. member's friends at the present time, ridiculed the idea of expending the revenues of Canada, and pledging the resources of the country to construct a great railway for such a small number of people. I think his memory will, at all events, reach back far enough to recall the stand taken by Sir David Macpherson and other members of the Government, when they pledged the resources of this country (as they had a right to do) to carry out the arrangements made with British Columbia; and if we have to-day a railway running from the Atlantic to the Pacific we may thank the hon. gentleman, who has been called to-day the Prince of Humbugs, for it. Therefore, practically speaking, whatever Province has a right to find fault with the Government, it does not come with a good grace from any representative of British Columbia to show by a series of ill-prepared statistics that his Province has been unfairly or ungenerously treated because it has had no representative in the Dominion Cabinet. Perhaps the best arrangement that could be made would be to have at least one representative from each Province of the Dominion in the Cabinet; but, as the leader of the House has remarked, anyone who has

been a member of the Government knows full well how difficult it is from a majority to choose Ministers and how often, from a variety of reasons, a Premier is obliged to take men into his Government that he would not otherwise select.

HON. MR. POWER—Hear, hear.

HON. MR. HOWLAN—My hon. friend laughs; I would remind him of the difficulty that Mr. Mackenzie experienced when he formed his Cabinet. I wonder if the representatives of Nova Scotia were men of his choice, or whether they were forced upon him. How much did his Minister of Militia know about military affairs? I doubt if he had ever even learned the goose step. I wonder if the gentleman from Yarmouth was the choice of the Premier? I think not. It is very well in theory to lay down such rules, but I do not think in practice it would tend to promote the best interests of the country to bind the premier by any such cast iron regulation.

HON. MR. POWER—I think it is to be regretted that this question has been discussed in the way it has. The hon. gentlemen from British Columbia brought before the House a matter of very considerable consequence and one which ought not to have involved any personal issues or any very heated discussion. The warm element has been imported too largely into the debate. Perhaps we have one reason to rejoice: in addition to the very valuable information which the mover of the resolution gave us, it has elicited from the leader of the House a speech which we were all very glad to hear. It manifested more of the fire of youth than speeches of the hon. leader have usually shown of late. This much can be said about the resolution before us. One criticism by the hon. Postmaster General is I think sound and applies to the resolution, and that is that you could not undertake to bind the Government down by any express rule set forth in a resolution or in a statute. I think that would be quite impracticable. While it is perfectly true, that it would be an unusual and un-British thing to tie a government down in that way, still there is, as the Minister has said, an unwritten

law which governs the formation of ministries, and we have that law in the Dominion. The hon. leader of the Government knows that, while theoretically the gentlemen who if entrusted with the duty of forming a government is at liberty to choose his colleagues all from the Provinces if he pleases, or all from two provinces if he wishes, practically that is not so. There is an unwritten law which obliges him to take into his Cabinet representatives of different sections of the population, different nationalities, different denominations and different localities. Would any hon. gentleman entrusted by the Governor-General with the duty of forming a government in this country venture do so without taking in any representative from the Maritime Provinces? The thing could not be done; and we see that the rule which was laid down by the leader of the House, although true, perhaps, as an abstract proposition, is not true when it comes to be applied. That general, unlimited power of the first minister is controlled by this unwritten law. I think that if the hon. member from New Westminster had put his resolution in a somewhat different form it might have been better. Reading the resolution, I see that after all it does not say that such shall be the law, but that justice and expediency demand that such a rule shall be adopted. I think, perhaps, if it had expressed regret that heretofore those sections of the Dominion had not been represented in the Cabinet, it might have been in a better form. I think that there is a good deal of force in the argument of the hon. member from New Westminster. I am not going into his statistics; nor shall I follow the hon. gentleman from Alberton, who undertook to set up his logical deductions against the statements of the blue books, and who rather surprised me by stating that our rebellion in the North-West was calculated to attract immigrants to that country. The fact that we have shown that we have in this country Indian wars and rebellions is, in his opinion, calculated to attract peaceable people from the United Kingdom and Germany.

HON. MR. HOWLAN—I did not say anything of the kind, and the hon. gentleman knows it full well.

HON. MR. HOWLAN.

HON. MR. POWER—I do not think I could be expected to argue with a gentleman who takes such a line. The leader of the House said that in the United States, in the formation of a cabinet, no regard was paid to the sections of the country.

HON. SIR ALEX. CAMPBELL—I said there was no law.

HON. MR. POWER—I am not contending that there should be any law; but there is the unwritten law, as the Minister called it. It will be a long time before we see a Cabinet in the United States in which there is not a representative of the South and of the West. I think care has always been taken since the country settled down after the great war, to have a representative of the South; and there is always a representative of the West in the Cabinet.

HON. SIR ALEX. CAMPBELL—Does not my hon. friend see that that is the case without any act of Congress, and it only argues that this resolution is unnecessary.

HON. MR. POWER—I do not wish to be understood as saying that I think this resolution necessary. I am simply pointing out that there is nothing so out of the way or unparliamentary in calling attention to this matter. I have already said that I think perhaps the resolution might have been put in a better form, as expressing regret that the Government had not seen fit to recognize the claims of the central and Pacific sections of the country. I agree with the leader of the Government in thinking that the interests of this country would probably be served if the number of members of the Cabinet were largely reduced. I cannot understand why less than 5,000,000 of people should require 13 or 14 Ministers when half the number are able to do the business of 55,000,000. The argument of the leader of the House with respect to the time when British Columbia and Manitoba should get representation in the Cabinet is unsound. The hon. gentleman says when British Columbia has such a population and such weight that she can force herself into the Cabinet, then she can come, and the same thing

practically as to Manitoba. Now it seems to me that that is not a correct principle.

HON. SIR ALEX. CAMPBELL—I did not say that. I said that the time would come when the population of British Columbia would so increase that she would force herself into the Cabinet.

HON. MR. POWER—It amounts to the same thing.

HON. SIR ALEX. CAMPBELL—No, not the same thing; when her influence was so great that the gentleman called upon to form an administration would find it to his interests to have a representative from that Province in the Cabinet.

HON. MR. POWER—That is a distinction without very much difference. It is very nearly what I said; but I stand corrected. I do not look at it in that way at all. I am looking at the thing now, not from the point of view of a gentleman who is forming a Cabinet, but from the point of view of one who is considering the interests of the whole country. I think it is perfectly safe to say that the interests of Quebec are not in any great danger of being seriously interfered with or neglected by the Government; because the Province of Quebec has so large a representation in the House of Commons that it is able to ensure that its interests will be guarded. The same thing may be said of Ontario. If Ontario were being treated with gross injustice, even if it had not a single representative in the Cabinet, its numerous representatives in the House of Commons, would defeat any Government which undertook to treat the Province with marked injustice. How different is the case of a province like British Columbia or Manitoba? These sections of the Dominion because they have not a large representation in the House of Commons, to protect their interests are entitled—they are not strictly entitled, but they have a stronger claim to representation in the Cabinet in one sense than the other provinces have. We know that although a great deal has been done for British Columbia, I think probably too much, still it has not been done in the way it would have been done if there had been in the Government a man who represented



the people of British Columbia, and looked at things from their point of view. The action of the Government would have been more in the interests of the people of that province than it has been. I quite agree with what has been said by the mover of the resolution, and by the hon. gentleman from Woodstock, that if Manitoba had had a representative in the Cabinet, the probabilities are— if he were a man of independent character, such a man as ought to represent that country—the recent outbreak would not have taken place: because a man living on the spot and judging for himself with his eyes open would have seen what was coming. At the same time there is this to be said—and I may be pardoned now if I am guilty of what the hon. gentleman from Woodstock was guilty of a few minutes ago—that with such a ministry as we have now, with an evident disposition to procrastinate, perhaps a minister from Manitoba even would not have been able to induce speedy action so as to prevent the outbreak. While the expression of opinion we have had here this evening is a very good thing, on the whole it would be advisable that the hon. gentleman from New Westminster should withdraw his resolution, because perhaps if adopted in its present form it might be calculated to put the House in a false position.

HON. MR. MACDONALD (B.C.)—The hon. gentleman from Halifax has stated that the action of the Government did not meet the views of the people of British Columbia. I entirely differ from him on that point. The last question before the House here about British Columbia was passed upon by the provincial assembly, and was adopted there by a large majority: and the action of Parliament here was only to give effect to the bargain made by the Province of British Columbia.

HON. MR. MCINNES—Will the hon. gentleman inform the House how the representatives of British Columbia stood on that question, both in this House and in the Commons?

HON. MR. MACDONALD—I forget the relative numbers now: but there was

a large majority from the mainland, and a majority from the island.

HON. MR. MCINNES—Will the hon. gentleman—

HON. MR. PLUMB—The hon. gentleman has already spoken.

HON. MR. MCINNES—I hope the Minister of Interruptions will allow me to proceed. I know that my colleague (Mr. Macdonald) does not wish to mislead the House. All the representatives of British Columbia, except those from Victoria, opposed that measure both in this House and in the House of Commons.

HON. MR. MACDONALD—My recollection is that it was quite the other way. The principle of this resolution meets with my approval, but I regret to say that it has been brought forward in such a way that I cannot support it. I do not think it was brought in the interest of the province, but merely as a cloak for an attack on the Government. The mantle of the hon. gentleman from Woodstock seems to have fallen upon the shoulders of the hon. gentleman from New Westminster. He has followed on his line, and in his footsteps. In presenting the matter to the House he has gone into irrelevant questions, mystified the subject, and made it offensive to every member of the House. While I fully agree with the principle of representation in no other way but by provinces in the Cabinet, and it will have to come to that sooner or later, and the Postmaster General gives us a hope in his speech that it will be accomplished some day, how soon we cannot tell—while these are my views, I am proud to confess it, there is hardly any, or no grievance now standing unredressed in British Columbia.

HON. MR. MCINNES—What about the lands?

HON. MR. MACDONALD—They have been dealt with in the fairest manner throughout. Our views have been met on every single question. There are one or two questions standing in abeyance between the two governments which will

be settled in a very short time—something to do with the minerals in the railway belt, and the surveys. With regard to the railway belt I may say that the rights of the squatters will be protected if they are properly on their lands, and within proper lines. I do not wish to discuss this motion at all because it has been brought forward in such a very offensive way; it has taken the House by surprise, and questions have been gone into that cannot now be answered. The hon. gentleman has discussed affairs in the North-West and Home Rule in Ireland, and has wandered down through the states of America. There is no occasion to do anything of the kind in presenting this subject as a fair and square issue before the House. I would just ask hon. gentlemen what the natural consequence would be if all the provinces now forming the Dominion of Canada had been for the first time considering the conditions of the union of the provinces? Is it not natural that they would be stipulating and agreeing that each province should have representation not only in the Parliament but in the Cabinet as well; and would they not have come into the Confederation only on a footing equal in every respect? I fancy that although there is nothing in the British North America Act about representation of provinces in the Cabinet, it was discussed in the conference, and I daresay a tacit understanding was arrived at. Now, with respect to Ministers visiting British Columbia, I think those visits have been very beneficial. The people of the province received those Ministers with the greatest pleasure, and their presence has done a great deal of good; but the very fact that those gentlemen had to come over to the Province as a matter of business shows the necessity of there being a responsible Minister in the Cabinet to deal intelligently with the affairs of the country.

HON. SIR. ALEX. CAMPBELL—I wish to say a word with reference to a statement of the hon. gentleman from New Westminster who accused, as I understood him, the Government of the Dominion of having given away the coal lands in British Columbia. This Government here gave away no coal lands whatever; the coal lands were given away by the

Province of British Columbia. The legislature of that province not only once, but twice passed bills placing in the hands of the Government some of the coal lands upon Vancouver Island between Nanaimo and Esquimalt for the purpose of constructing this road, and during my errand there it struck me that it was a somewhat lavish offer of the Government, and I expressed that opinion; but in British Columbia the people had made up their minds that they would give these coal lands to any one who would build the road, and they did give them. All that the Dominion gave was \$750,000 in money, but the land was given by the people of British Columbia through their Legislature, by laws passed on two separate occasions with an interval of two years between.

HON. MR. INNES—What was the amount of the consideration?

HON. SIR ALEX. CAMPBELL—For constructing the railway the money given by the Dominion was \$750,000.

HON. MR. MCINNES—And how much for taking over the dry dock and completing and operating it?

HON. SIR ALEX. CAMPBELL—I do not remember; I cannot keep those things in my mind. It rested with the Province of British Columbia to say whether they should give the land or withhold it; they could do just as they pleased about it, and in the exercise of their own discretion they gave it.

HON. MR. MACDONALD (B.C.)—Those coal lands were there for years offered to anyone who would build the railway and wish to take them.

HON. MR. PLUMB—It is almost too late for any member to rise and address the House on this subject, but I feel that I would scarcely be doing my duty to myself or to the House if I did not offer a few remarks. In 1884 I brought forward a question as to the representation of the North-West in the Cabinet. I did not hear my hon. friend at that time support me with particular strength or with any enthusiasm. I

informed the House as well as I could what was the condition of the several territories in the United States: what forms of Government had been established for them, and I then expressed the hope that the time would not be far distant when some arrangement might be made by which the great North-West would be represented both in this House and in the House of Commons. A gentleman in the House of Commons, whose name I will not mention, after my notice was put upon the order paper here, took the opportunity of making a similar motion and speech in other House: and although I have not read his speech, I am informed that it was largely a quotation from my own. I was told at that time, and I have been told since, that owing to the difficulty of establishing Municipal Government, and municipal divisions, there would be at this time a very great objection to attempting to give parliamentary representation to the North-West. The municipalities which have been organized are scattered. The people there do not like to go to the expense of Municipal Government, and until they are ready themselves to manage elections, and prepare the necessary preliminaries, it is quite out of the question for any legislation here to be effective in providing for their representation. We are informed by the hon. member from Halifax that the hon. mover of this resolution should not have introduced into it anything in the way of personal invective or personal remark. I think the hon. member must feel that this criticism of a gentleman who has shown him very good will in supporting him or in endeavoring to support him when points of order were raised, was a rebuke, if he has any feeling in that direction.

HON. MR. POWER—My remarks did not refer to the mover of the resolution.

HON. MR. PLUMB—We took them for what they were worth. The speech of the hon. gentleman from New Westminster was made the vehicle of a virulent attack upon the Government. The hon. gentleman wandered from Home Rule in Ireland to the North-West rebellion, to the extravagance of the Government, and to the general mismanagement of the affairs of the country. I do not see exactly what

all that had to do with the matter under discussion: a calm and temperate appeal to this House for the North-West, for Manitoba and for British Columbia would have been in very much better taste, and would have had a better effect than the speech made by the hon. gentleman. He poses as an independent member of this House. I remember looking not long ago at the Parliamentary Companion which contains the record of representatives in both Houses, and I was somewhat surprised to find the hon. gentleman's political complexion designated as a thorough independent. I saw him afterwards, and I said "I thought you came into the House under the recommendation of the Conservative Government?" He said "Of course I put my name down as independent; but there is no more faithful follower of the Conservative Government than I am."

HON. MR. MCINNES—I rise to a question of order. I would just simply say that the statement made by the hon. gentleman is false—Is false—I repeat it.

HON. GENTLEMEN—Order, order, order!

HON. MR. MCINNES—In the Parliamentary Record for the Commons I put myself down as independent, as I was, and when I became a member of this House I did the same and hon. gentlemen know that my course has not been that of a slavish supporter of the Government. By consulting the division list during the five years I was member of that House, you will find I voted nearly as often against the Government as I did for them.

HON. MR. PLUMB—The hon. gentleman did tell me that, and I dare him to deny it, and I will give the very place where the conversation took place.

HON. MR. MCINNES—I say it is false.

HON. MR. PLUMB—I do not say that the hon. gentleman intentionally states a falsehood.

HON. MR. MCINNES—It is false, and if the hon. gentleman persists in making that statement after my denial, I say he intentionally states a falsehood.

HON. MR. PLUMB.

HON. MR. PLUMB—I think that the hon. gentleman has forgotten that about that time there was some idea that there might be a change in the administration of British Columbia; and I fancy the hon. gentleman had his ambition, and I suppose he did not care to have it known that the term “independent” should be applied to him.

HON. MR. MCINNES—I say that is another falsehood.

HON. MR. PLUMB—I ask the hon. gentleman to keep silence and not interrupt me. That was the conversation between the hon. gentleman and myself; and I believe I am sufficiently well known in this House to have a positive and deliberate statement of that kind which I make accepted, notwithstanding the very discourteous and very improper manner in which the hon. gentleman has interrupted me.

HON. MR. MCINNES—I say it is false, and you know you are stating what is not true.

HON. MR. PLUMB—The hon. gentleman may say that as much as he pleases; I dare say he is hit pretty hard. The hon. gentleman may claim that the North-West and British Columbia are not fairly represented. I remember when the party to which the hon. gentleman now leans made a most malignant attack upon the administration of the day because the Province of British Columbia was so largely represented in both Houses. They complained that a province with only ten or twelve thousand white inhabitants had six members in the Commons and three in the Senate. I defended the position of the province. I said that British Columbia, when admitted to Confederation, had already its provincial autonomy; that it had been accepted with that provincial autonomy. If it had come into the confederation at its inception, very likely this representation would have been cut down; but it was very unfair after taking the province in with that representation. The hon. gentleman, when he was in the House of Commons will remember that it was a subject of attack in the press, on

the platform and in parliament, on the government of the day. Now, as regards the provinces of Manitoba, it has six members in the House of Commons and three Senators in this House. The time will come, as my hon. friend the leader of this House has said—and it will come in such a way that the claims of those provinces cannot be disregarded—where they will assert themselves. No anticipatory clap-trap like my hon. friend has given us here to-day will accelerate that time a single moment. The hon. gentlemen, I am pained to believe, did not make that speech in the interests of the province whose cause he attempted to champion. I believe he made that speech for the purpose of a covert attack upon the Government. The hon. gentleman lugged into that speech matters which it is not convenient to reply to here. He accused the Government of being guilty of such remissness to the people of the North-West, that they were responsible for the rebellion. He said that the government had increased the public debt by \$5,000,000 in that way, while the hon. gentlemen knows, if he knows anything about public affairs, that the expenditure was charged into the current expenditure of the year, and did not go to swell the public debt one cent. The hon. gentleman complains that he is interrupted while he speaks. He has kept up a running fire of interruptions while I have been speaking, and the hon. gentleman should remember that a physician should heal himself. There is not a member in this House, or in the Parliament of the Dominion who is not desirous to do ample justice to British Columbia, the North-West Territories and Manitoba. It must be remembered that the great interests in connection with those territories and provinces—their great growth—have been comparatively of a day. They have only begun lately to attract much public attention. The communication through the great North-West has only been opened within the last year or two, and it has been opened, I beg to remind my hon. friend, by the Conservative Government against the most virulent, most persistent opposition that has ever been offered to a great public measure. It is now, and will be in the future, the care of the Government, after it has

overborne the opposition which threatened at one time to destroy the great project of building the Pacific Railway (and the hon. gentleman himself has shown some disposition to obstruct that work within the last year), relieved as it has been by the proposal of the Pacific Railway Company to pay back the \$20,000,000 which it was said we were sinking as we had sunk money loaned to the Grand Trunk Railway—it will be in a position to do something for these outlying territories, but that time cannot be hurried. I must express my surprise at the hon. gentleman's arguments. He tried to impress on this House that those vast solitudes in the North-West—those vast fertile solitudes which are waiting to be peopled with thousands of settlers—should have representation, not by population, but by acreage, because they are enormous in extent, and that they should exercise an influence which has not been accorded before to territories of that kind. On that principle the City of London, probably having not over ten thousand or fifteen thousand acres altogether, with a population of 4,500,000 should stand in no better position as regards representation, than the same number of acres say in an uncultivated part of Scotland or Ireland. Such a proposition as that does not do great credit certainly to the hon. gentleman's logic or his judgment.

HON. MR. MCINNES—What about her revenues? Didn't I compare her revenues and population as well?

HON. MR. PLUMB—Yes, you did.

HON. MR. MCINNES—Give that to the House as well.

HON. MR. PLUMB—The hon. gentleman has given it to the House, and the House has had enough of it. We have been informed by the hon. gentleman who preceded me that we should give extra protection and extra advantages to those small provinces because they cannot take care of themselves. He says that Quebec has so large a representation that we cannot trifle with her. That is to say that we should take away from Quebec perhaps a part of her representation in the Cabinet because she has so large a parlia-

mentary representation that she cannot be trifled with. That kind of argument is one which I am not astonished to hear from the hon. gentleman from Halifax. He says Quebec cannot be treated with marked injustice. No province can be treated with marked injustice; we are all proud of the Confederation and the sooner it is impressed upon the public mind by the actions of the deliberative assemblies which represent the public, that we are one Confederation having one interest—not separate provincial jealous interests, but one interest bound together—the sooner that is understood the more happy we shall be, and the greater will be the prosperity of this Dominion. Then we are told that what has been done for British Columbia has not been in accordance with its wishes. That is most extraordinary. We have six members from British Columbia in the House of Commons and three in the Senate. Yet we are told that we do not act according to the wishes of British Columbia. Those gentlemen who come here do not object, and they are returned by the people, and they enjoy the confidence of the people of British Columbia. The hon. gentleman propounds a most extraordinary doctrine. I have never heard anything so preposterous as a remark of that kind. We are told by an hon. gentleman that the recent outbreak in the North-West—for we have had everything discussed in this debate—would tend to the advantage of the North-West and stimulate immigration. He never said a truer thing in his life.

HON. MR. POWER—Hear, hear.

HON. MR. PLUMB—The hon. member from Halifax says "hear, hear," but I have better information, perhaps, than the hon. gentleman, and I may tell him that the Pacific Railway is selling its lands, the North-West Company is selling its lands, and large preparations are made for immigration this season. And why? Because the Conservative Government took the rebellion by the throat and showed that no matter what might happen up there the rights of the settler should be respected, and they should be protected in their lives and property. There were whippers in the Opposition press.

HON. MR. PLUMB.

that settlers would not be safe in the North-West: that there would be Indian rising and disquiet there: but when it was found that the Government was ready to protect the people—ready on the moment to do what was never done before with equal promptitude in any civilized community, people on the other side of the Atlantic began to have confidence in our North-West, and to disbelieve the aspersions that have been made by an unpatriotic Opposition press. This discussion, I think, is upon the whole a salutary one. The hon. gentleman from New Westminster has discharged his artillery, and I think it has proved perfectly harmless. I expected to hear that the hon. gentleman had been disappointed in a private speculation.

HON. MR. MCINNES—I rise to a question of order. The hon. gentleman states that my motive in bringing forward this resolution was private speculations of mine.

HON. MR. PLUMB—I said what every body knows in this House who heard the hon. gentleman's speech last year, that he has been sorely disappointed in a private speculation.

HON. MR. MCINNES—Whether disappointed in business or not, is none of your business. If I speculated I did so with my own money and not the money of others.

HON. MR. PLUMB—Having been disappointed he lugs in his private grief before us.

HON. MR. POWER—I rise to a question of order.

THE SPEAKER—I think the hon. gentleman from Niagara is going a little too far.

HON. MR. PLUMB—I said nothing about the hon. gentleman's motives: he chose to take us into his confidence in a very long and bitter speech last year. We have a right to notice that speech, a perfect right to refer to it, and every hon. gentleman who heard that speech will concur with me in the remarks I have made in reply to it to-day.

HON. MR. POWER—No, no.

HON. MR. PLUMB—There can be no difference at all about it. The senior member from Halifax knows it just as well as I do. The hon. gentleman has his grievances, but the public as a rule do not sympathize with people who have attempted to make speculations and have failed.

HON. MR. MCINNES—I rise to a point of order. The hon. gentleman has no business whatever to make such an insinuation, and every person must know that he is out of order when he attributes such improper motives to me. I say it is contemptible to use a subterfuge.

THE SPEAKER—I do not think that it is within the privilege of the hon. gentleman to say that the hon. member is influenced by improper motives.

HON. MR. PLUMB—Then we will not use that subterfuge—to quote the language of the hon. gentleman—any longer. But I can only say his attack upon the Government, the general tone of his speech, certainly warrants the use of warm language. Perhaps the hon. gentleman would not know the language he has used if he hadn't it carefully written down. He read it from a manuscript and so far was he from exactly knowing what he was going to say that he very often missed the text, and had great difficulty in finding it, following it with his finger when he was speaking. The language, manner and tone of the hon. gentleman's ally, who sat next to him and was cheering and encouraging him on, is something that I refer to with the greatest possible reluctance. We have had specimens in this House, day after day, of a kind of behavior which, I think, we owe to ourselves in some way or other to see if there may not be rules made to check. There have been scenes here which are disgraceful to this body. I say it with pain and regret, because I believe the gentleman, by courtesy called "honorable" in this House, who uses the language habitually used by the hon. member from Woodstock, insults the Senate and the representative institutions of this country. He is not in the Chamber at present, because he always

gets out of the way when he has made an attack or violent speech of any kind. He has not the courage to remain and hear a reply, and therefore we have to deal with the matter as it stands. I trust that the House will see, for the protection of its own dignity, that it will be necessary, as the hon. Speaker has suggested, that some new and more stringent rules of order should be adopted, and I hope the leader of the House will at a suitable time propose that there shall be a committee to revise the rules of order and see whether the House cannot have the control of its own decorum and the control of those who habitually violate it.

HON. MR. SUTHERLAND—After the long debate which has taken place on this motion I do not wish to keep the House for more than a few minutes to make two or three remarks. Coming from one of the Provinces to which so much reference has been made I think it is my duty to make a few remarks, and I may say that I would have seconded the motion, when requested to do so by the mover of it, had it not appeared to me to go somewhat further than, at all events, my views would lead me. I know that the people of Manitoba would be quite elated if they were given a Minister in the Dominion Cabinet, and there is no doubt a great many people in that country believe that they have certain rights in that direction. I suppose they are somewhat vague, but at all events there is something to be said in support of their claim. A new province such as ours, where so many changes are taking place, requires special representation. It is almost impossible for a Government here to arrive at the truth in many cases; they are dependent upon reports from their employes and also, no doubt, the statements of prominent residents there. Those reports in many instances conflict, and it places the Government in a very awkward position, as no doubt the Government are more bound to accept the reports of their employes than the statements of outsiders. I do not know that those reports are at all times the most reliable. As far as that is concerned, although it is not exactly pertinent to the question, I think it has a certain bearing upon it. From the manner in which the Cabinet

has hitherto been constructed, seeing so many representatives from the large provinces and a less number from the smaller ones, and Manitoba being exceedingly ambitious, no doubt many of our people expect that any Government being formed would give their claims due consideration. I merely mention these things to show that I sympathize in some degree with the motion of the hon. gentleman from British Columbia, but I could not see my way to go far enough to second the motion. nor yet to sustain it, especially after his, I must say, unwarranted attack upon the Government. From my personal knowledge of many of the parties that were concerned in the rebellion, and from previous knowledge of almost every man of them, I can see no ground whatever on which the Government can be accused of criminal neglect in the matter. There might have been some delay, but I do not think that it could be called criminal, and I have never yet found one point that could be brought against the Government to show that the action taken by the settlers in the rebellion was justifiable. I have heard a good many persons making those vague statements, but I have never yet heard any one individual particularize any special point, and I have frequently asked those who made such charges to do so. There was one point, the principal one on which I believe the half-breeds themselves thought they had a grievance, and that was the delay in getting their patents, and the surveyors drawing lines through lands they had taken up. Other parties said that those half-breeds had gone there prior to Confederation. Now I have made particular inquiries, and it is doubtful whether any one of them was settled there prior to Confederation, and even if it had been the case, every hon. member knows very well that they could not prevent their lands being surveyed. It was an absolute necessity that their lands should be surveyed according to law, but that did not indicate that the Government were going to take their lands from them. As far as I have been able to learn from close enquiry there is not a man who can say that a foot of land has been taken from any settler in that district.

HON. SIR ALEX. CAMPBELL—Hear, hear; neither was there.

HON. MR. SUTHERLAND—Therefore I say it is improper for any member to assert that the Government were criminal in any sense of the term. There might have been, as I have said, some delays in issuing patents, and probably the Government could show good ground for those delays. My chief object in rising was to ask the hon. gentleman to withdraw his motion. Perhaps by bringing it up in another shape at some future time it might receive a much more favorable reception, and if I should then be a member of the Senate I would be able to give it a more hearty support.

HON. MR. HAYTHORNE—I share cordially the concluding remarks of the hon. gentleman who has just resumed his seat. It would give me great pleasure if an intimation came from the hon. member from British Columbia that he was disposed to withdraw his motion. I should not have troubled the House at all this evening, perhaps, had it not been that the question of representation in the Cabinet is one which has created a good deal of attention in the province to which I belong. At the time of Confederation with us, an undertaking was given that, under certain circumstances with regard to the election that was then pending, it was probable that a seat in the Cabinet would be offered to one of the members from Prince Edward Island, and I have no doubt myself that had the Government which was then in power remained in office, that pledge— for it amounted nearly to that—would have been fulfilled; but events happened which caused a change of Government, and led to the appointment of one of the newly elected members from Prince Edward Island to the office of Minister of the Interior. That gentleman held the office for two or three years I think, and he was then removed or promoted, I scarcely know which to call it, to the governorship of the North-West Territories, a position which he held I think with credit to himself and with advantage to the Dominion. In that way the seat which the representative of Prince Edward Island occupied in the Council of Canada was vacated, and the seat which had been held by the representative of Queen's County was lost to the party to which he belonged. Until a change of

Government occurred, our province was without representation in the Cabinet. After the election which resulted in the present Government assuming office, another gentleman from Prince Edward Island was appointed, this time to the position of Minister of Marine and Fisheries, and I myself believe that had that hon. gentleman's health and pristine vigor been vouchsafed to him, that quite likely before this time many of the complaints that our province has had to make for inattention to the wants and desires of our people would not have arisen.

I must make a few remarks upon the grounds on which I decline to support the motion of the hon. gentleman who introduced this subject. I cannot agree with him that it is just or expedient that the prairie section or the western section of the Dominion should be represented in the Cabinet of Canada while my province remains unrepresented. I myself thought, and I am well aware of the fact, that many of my fellow-colonists thought, that some of their members who supported the Government should be offered some vacancy which occurred since the last session of Parliament. No doubt they were greatly disappointed that that was not the case, and these gentlemen being supporters of the Government, I can speak of them with the greater freedom. There certainly was great disappointment felt in our province that none of these gentlemen, so far as we know, has been offered a seat in the Cabinet. I myself have generally held this ground that the surest and most convenient way of obtaining a seat in the Government, when the people of a province set their hearts on such an object, is to be careful in the selection of their candidates for representation. If they, in their discretion, send a man to Parliament of such pre-eminent capacity and ability as to make his services essentially necessary to the Government, they may be pretty sure that the Government will not be slow to avail themselves of the talent of such a man. To leave a member of that description out of the Cabinet will very likely result in his making it patent, to whatever Chamber he occupies, that he himself is a more competent man to occupy a seat in the Cabinet than some who are there already, and I think it is one of the difficulties connected with the



proposition of the hon. gentleman that it would tend to force inferior men—I do not say it is necessarily so—into the Cabinet while men of superior abilities are left outside. That is not a consummation devoutly to be wished.

I wish to say a few words in reply to some remarks which fell from the hon. mover. I myself consider that the basis upon which his resolution was founded was not a sound one. He took three different foundations for his motion—the basis of area, of population and of revenue. Now certainly if we take area first, I think his calculations were completely erroneous. It would be absurd, in my opinion, to assert that the waste lands of his province, the mountains tops covered with perpetual snow could be contrasted with the fertile area of our smaller province which is cultivated almost like a garden. I have had occasion myself in this House, with a view of demonstrating this point, to bring the topographical atlas of our province to show the Government that every spot in several townships is densely populated. There is not a vacant space there. To compare a country like that with British Columbia, where the population is sparse and where the greater part of the area of the country consists of land which can never be made use of, seems to me not a very sound proposition. It is hardly necessary for me to refer to the question of revenue to which the hon. gentleman alluded, although I must say I do not think he did himself or my province justice when he persisted in his statements with regard to the amount of our revenue. I am perfectly aware that he took his figures from what ought to be an authentic source, but he had been told by the hon. member from Alberton that he was in error. The same mistake had been made, no doubt inadvertently, by the leader of the Government not many days ago, and the hon. member from Alberton made the same statement substantially on that occasion that he has made this evening. It is not necessary for me now, particularly at this late hour, to explain how these circumstances have arisen. On a proper occasion I will no doubt do so, but I think the statement of my hon. friend from Alberton, confirmed by another representative from the Island, the hon. gentleman from Charlottetown, ought to be

sufficient to convince the House that the statements of the hon. member from New Westminster, with regard to the revenue of Prince Edward Island, are incorrect. I admit that I was quite surprised that a gentleman of culture and academic honors, such as the hon. member who made this motion, should have enlarged to such an extent as he did in contrasting the comparatively small area of the Province of Prince Edward Island with the extensive one of the prairie sections, and British Columbia with which he is more directly connected. I should have thought that the hon. gentleman's knowledge of the history of the world would have reminded him at once that many exceedingly small countries have made a very large figure in the world. I am not going to proceed far in this direction, but I can tell him this much, that the present generation in Prince Edward Island have accomplished, I think, as much in their walk of life as any men in the Dominion of Canada. They have taken their province under very unfavorable circumstances, having absentee and foreign landlords, a country heavily timbered, and they have converted it into a land of fertile fields and almost garden-like cultivation, as many hon. gentlemen who have spent some weeks during the summer season there well know. It can be said with perfect truth of the present generation in Prince Edward Island and their fathers, that a more honest, industrious and law abiding race of men, and on the whole a more successful race of farmers does not exist in Canada. As regards the coming generation, I maintain this for them, that they are educated in a manner which, if it was becoming in me, and time and opportunity were afforded me, I should endeavor to convince the House is not surpassed in any part of America. I can confirm this by the fact that many members of both sexes who have gone abroad to seek their fortunes elsewhere, have been eminently successful, and yet the hon. gentleman wishes to contrast an old settled country, under such circumstances as that, with his own sparsely settled province. I do not begrudge British Columbia her representation when the proper time comes for it, but I must say that I think the hon. leader of the Government in this House put the case in

very direct and statesmanlike manner for us.

One word with regard to a statement which fell from the hon. member from Niagara. He was congratulating himself upon the results of the late campaign in the North-West, and alluded triumphantly to the excellent advertisement which it afforded the world of the promptness with which the Dominion could deal with rebellion. I am not going to disparage in the slightest degree the promptitude and success with which the rebellion was put down, but it was suppressed at a considerable expense of the lives of valuable citizens and treasure of this Dominion which, whether it be charged to capital or taken from the consolidated fund, makes no difference to those who have to pay for it. I cannot join with the hon. gentleman in that congratulatory tone which he adopted with reference to the rebellion. I must repeat, before I resume my seat, that I for one should feel very great gratification in hearing the hon. gentleman who made this motion state that he was disposed to ask the leave of the House to withdraw it.

HON. MR. POWER—Perhaps the House will allow me to correct a statement made by the hon. gentleman from Victoria; and I make this correction on behalf of the hon. gentleman from St. John; I do not wish to take the credit to myself. The hon. gentleman from Victoria said that the mantle of the hon. member from Woodstock had fallen on the hon. member from New Westminster. My hon. friend from St. John says that that is not the case because the hon. gentleman for Woodstock still wears the mantle wrapped tightly round himself.

HON. SIR ALEX. CAMPBELL—I wish to correct a statement made by the hon. member from New Westminster. He said that on the vote on the Settlement Bill no member from the mainland voted for it.

HON. MR. MCINNES—Yes.

HON. SIR ALEX. CAMPBELL—I find that when the vote was taken on the 9th of May 16 members voted for it, and of these 8 were from the mainland. My

hon. friend said that none of the members from the mainland voted for it.

HON. MR. MCINNES—I say so still. It was not the local vote that was under discussion at the time, but the vote of the representation of the Province in the Federal Parliament. It was the vote taken here that was under discussion at the time and which I had reference to.

HON. SIR ALEX. CAMPBELL—I thought the hon. member's reference was to the vote in the Local Legislature.

HON. MR. TRUDEL—I expected that the hon. mover of the resolution would withdraw his motion, but since he does not propose to do so I wish to explain the vote that I have to give. There is a good deal in his motion and it is rather difficult to vote against, for the reason that while it is true there is no written law prescribing that any particular part of the Dominion should be represented in the Privy Council, still it is so well understood that, in practice, as a matter of fact, there is such a rule in operation. It is well known, for instance, that at the beginning of the Confederation it was understood that the Dominion should be divided for the purpose of forming an administration into three different groups. Since that time the rule has not been departed from, and it seems quite natural that the representatives of other parts of the Dominion should come and claim the right of representation in the Privy Council. In the meantime I do not think this motion comes logically in its place: some other steps should be taken before coming to the merits of this question. I am sure it does not enter into the mind of any hon. gentleman to ask for representation for his province in the Privy Council at the expense of another province. I do not believe that the hon. gentleman from New Westminster would, for instance, have in his mind what is supposed to be the idea of the hon. gentleman from Halifax—to take from Quebec, for instance, a portfolio to be given to a member from British Columbia.

HON. MR. PLUMB—He said that the whole number of representatives should be reduced.

HON. MR. MCINNES—I never said anything of the kind.

HON. MR. TRUDEL—I say then the first step that should be taken is the examination of the question, not merely to assert that British Columbia or Manitoba has such a right, or that it is expedient that these provinces should be represented in the Cabinet. I think the resolution should have a broader scope, and it should provide that every province of the Dominion should be represented in the Cabinet. Then before asserting such a proposition we should examine how far, according to our constitution, it partakes of the character of Confederation, and how far it is necessary that every province should be represented in the Government. Because if we come to the conclusion that every province constitutes a distinct country with its autonomy, then the Cabinet is nothing but a kind of house of representatives or a committee of the whole Dominion, where every province of the Dominion should be represented. I think this question should first be examined into and decided. It is hardly necessary for me to say that this question has not been cleverly presented, or fairly examined or discussed if we do not first decide this point. How can the hon. gentleman contend that we could fairly affirm his proposition without endangering the interests of other parts of the Dominion? Supposing we should affirm as a principle that every province in the Dominion should be represented in the Cabinet, we could never lay down a strict rule that each province should have so many ministers, but we could have some understanding on this subject. There is so much to say on this question that the hon. gentleman must see at once that it is not in his own interest to press the resolution. For my part I am not ready to say that I have as yet formed an opinion on the subject, and it would be for me a difficult matter either to negative or affirm this proposition. Although it has been said in this debate that the Province of Quebec has so large a representation in the other House that it is sufficient to preserve the rights of that Province, to which I belong, I am not ready to say that such is the case: I think we require, as much as any other Province, a fair

representation in the Cabinet, so that I am inclined to side with what we may call the smaller provinces. I have not had the advantage of hearing all that the hon. gentleman has said on this motion, but as far as I am able to judge of his proposition I sympathize with him, and it is a reason why I should be sorry to be obliged to vote against him, because I consider the purport of my vote might be misrepresented. I think it is against the interest of the cause which he supports here to press his resolution, because if it is negatived it will be considered before the country that it has been decided by this House that it is not in the interests of the Dominion at large that those provinces should be represented in the Cabinet. I may say that it is with some degree of hesitation I touch this question. An hon. gentleman from the North-West reminded me not long ago that we should not interfere with local interests, we were told "Leave us alone; while we are thankful for your sympathy we do not want you to interfere." I should like my vote not to have the effect of interfering improperly, for instance with the interest of Manitoba, by affirming the resolution which is before the House.

HON. MEMBERS—Withdraw, withdraw.

HON. MR. VIDAL—I ask the hon. gentleman if he intends to withdraw his motion; for if he does not I shall have to explain my reasons for the vote I shall give?

HON. MR. MCINNES—If the hon. gentleman will allow me to make a few remarks in reply I shall withdraw my resolution. In the first place, in reply to the hon. gentleman from Niagara, every hon. member must regret the untimely, uncalled for, impertinent, and grossly insulting personal remark that that gentleman made in reply to me. No one having the instincts of a gentleman would ever think of retailing private conversation, even if true, without first getting permission to do so. I ask, if a person guilty of such gross impropriety is worthy of respect and confidence?

HON. MR. PLUMB—That is very parliamentary.

HON. MR. MCINNES—After stating distinctly that I never uttered what he charges and alleges that I uttered with respect to being a thick and thin or an unswerving supporter of the Government, it was his duty as a gentleman and a member of this House, to have accepted my denial. I remember that occurrence perfectly well. It was in the cloak room, and he had evidently been looking into and reading the Parliamentary Companion. Said he "Is it possible you are an Independent? I find it so stated in the Parliamentary Companion?" I said "Yes, but I have given my support—I gave almost an undivided support to the Government until about three years ago." I supported them in their Pacific Railway policy. I supported them in their fiscal policy, and I am not ashamed to acknowledge that I did so. Under similar circumstances I would do the same to-day; but that I was an unconditional supporter of the Government, that I was to follow the Government whether they were right or wrong and support all their measures contrary to my own conviction, I emphatically deny. I never said so, and I am sorry that any gentleman within those walls should be such a slavish follower of a government as to pursue that course. My hon. friend and colleague, my sympathetic friend from Victoria, is always surprised at anything that I state, especially if it does not accord with the feeling and with the general policy of the Government. There is a story generally told of an Irishman who came to this country, and when questioned as to what his politics were asked "Have ye a government?" And on being told that there was replied, "Sure I'm agin the government anyway." The hon. gentleman from Victoria, has taken a different position from the son of the Emerald Isle: he is always with the Government—no matter what policy may be pursued—and there is probably something in the future, ever before his eye, that he hopes to soar to some of those days—some bright star. He is always a faithful and brilliant supporter of the Government of the day, no matter what that Government may be, Tory or Grit. Why has this motion been so offensive to the ears of the hon. gentlemen? Simply because I stood up in my place to advo-

cate the interests of my province instead of party. Am I to be condemned for having the courage of my convictions and, in the face of the majority the government has here, disagreeing with them on certain lines of policy? Is that any reason why 'the hon. gentleman from Victoria should be surprised at the offensiveness of my resolutions? Everything that is contrary to the well-known, the expressed wish of the government, appears to be offensive to that hon. gentleman, and, I regret, to some other hon. gentlemen also within those walls. He also made the unwarranted statement that I have used this resolution as a cloak under which to attack the Government. I deny it, and if the hon. gentleman will look at the preamble of the resolution of which I first gave notice, he would see there that I distinctly stated, and he and every other hon. gentleman in this House knew the line of argument I was to pursue, because it was indicated there as plainly as possible. I could have said a good deal more than I did in support of my resolution, but I wish to be as lenient and considerate as possible under the circumstances. In the future I may perhaps throw light on some transactions that will possibly be a little more distasteful than those I referred to to-day. I have reasons for not giving them at the present time. The hon. gentleman states that all the visits paid by the Ministers to British Columbia have conferred great benefits on that Province.

HON. MR. MACDONALD (B. C.)—I say so still.

HON. MR. MCINNES—I do not know where the benefits are. It is rather unfortunate that when Ministers of the Crown visited British Columbia they were only flying visits, and while there they were surrounded by the Local Government and their officials, and by Federal officials, and it is very difficult for any person outside of that particular ring to gain the ear of the Minister. I think it would be very much better, and a great deal more good would accrue from these visits, if Ministers, when there, did not associate so much with those officials. If they devoted a little more time in mingling with the mass of the people, and getting their views on matters in general, greater benefits would undoubtedly

edly accrue to the province from their visits. My hon. friend does not think so; unfortunately he is like a few others—he thinks that anything which contributes to the welfare of Victoria, and Victoria alone, contributes to the welfare of the whole Province.

HON. MR. MACDONALD—So it does.

HON. MR. MCINNES—I was told when a boy that a Parisian when he spoke of Paris imagined he was speaking of France. Unfortunately that has been too much the case with British Columbia—my hon. friend lives in Victoria, and he and others from that section think that anything and everything that exclusively benefits Victoria must necessarily benefit the whole province.

HON. MR. MACDONALD—So it does.

HON. MR. MCINNES—It may to a small extent. I like Victoria. It is a pleasant place—fine views, fine drives, and as hospitable people as you will find on the continent of America; but if they were manifested of a little less selfishness and more liberality towards the rest of the province, British Columbia, as a whole, would stand better in the eyes of the Dominion.

HON. MR. MACDONALD—Charity begins at home.

HON. MR. MCINNES—My hon. friend from Albert challenges the accuracy of the figures I gave to the House to-day. He did not produce any figures to show that mine were wrong, and I wish to state that I have taken a good deal of pains in compiling the statement I have submitted to the House. I was not speaking at random or from hearsay: I went to the only reliable and authentic source I could find—the blue books—and I am inclined to think, although I have every respect for the opinions and statements of my hon. friend, I must accept the figures given in the blue book in preference to his unsupported statement.

HON. MR. HOWLAN—This statement has been so often made within those walls that it must be put an end to. I have

quoted from the Journals of Prince Edward Island. I did not come to this House to learn the rules of Parliament, and I say this, that from the Journals of the Prince Edward Island Legislature, the imports of that province thirteen years ago amounted to \$2,740,000.

HON. MR. MCINNES—I am not disposed to dispute the statement of the hon. gentleman, but, as I said before, I had only the blue books to go by, and no person can charge me with making an unfair or unfounded statement. If the blue books are wrong, or if a large amount of the imports of Prince Edward Island come in in an indirect way and the province is not credited with it I cannot help that. My hon. colleague from Burrard Inlet said that he did not quite approve of my resolution. I have differed in opinion from that hon. gentleman on several occasions and on different questions. He thinks it would be wrong to pass a resolution by which one man would have to be taken from the representatives of British Columbia, no matter whether that man was qualified for a portfolio or not.

HON. MR. NELSON—I beg the hon. gentleman's pardon, I made no such statement. What I said was this, that by making a cast iron rule that the First Minister should select his colleagues from each of the provinces, it would limit his power to select the very best men for his Cabinet.

HON. MR. MCINNES—I accept the hon. gentleman's explanation; I had misunderstood his remarks. However, it appears that it is not necessary to look amongst the members in the House of Commons or in this House for a man qualified to be a Cabinet Minister. All that the Premier has to do is to go to the Bench. We have precedents for doing so. If none of the present representatives from British Columbia are qualified for a portfolio, the Government can go to the Bench and ignore the parliamentary representatives altogether. With respect to the reply of the Postmaster General, I have only to say that notwithstanding his able, and to a great extent, logical speech, I am yet of the opinion that the three great natural divisions into which this Dominion is

HON. MR. MCINNES.

divided, should be represented in the Cabinet. He says that such a thing does not exist in the United States. I am rather inclined to think that the south, and the west and the east are represented in the Cabinet of the United States. He also states that such a thing could not prevail in England. Circumstances are different in England. England is a compact country. Here we have a domain extending thousands of miles, in which the condition of affairs is as different as possible. I was happy to hear the Postmaster-General adopt the suggestion that I made about the appointment of under secretaries. I stated to a number of members of this House years ago, as well as some of the members of the Government, that if the Government did not see fit, or could not see their way clearly to give a portfolio to British Columbia, and one to Manitoba, they should certainly take a member into the Cabinet without a portfolio so that they would be consulted on all matters pertaining to their province, if on no other question. If that were done there would be no additional expense to the country, and the Cabinet would have the benefit of the advice and experience of representatives from those provinces. Failing that, why cannot each of those provinces have an under secretary as they have in the Mother Country? It is not the portfolio that I contend for, though I think each of those provinces is entitled to it. I think I have succeeded in showing that according to population and to revenue we are equally entitled to representation in the Cabinet as others of the provinces represented in the Government to-day.

HON. GENTLEMEN — Withdraw, withdraw!

HON. MR. McINNES—Under the circumstances, and with the prevailing opinion that I should withdraw this resolution I will do so for the present, but if I am spared I shall bring this matter up time and again until justice is done. I claim that this Dominion of ours will never succeed or prosper as it should prosper—Confederation will not be a success—the provinces will never become contented and united as they should be, unless each and every section of our great

country is represented in the Cabinet. The sooner the eastern people, who have everything in their own hands, recognize the necessity of at an early day granting us what I believe we are fully entitled to—representation in the Cabinet—the better for the whole country. With the permission of the House I beg to withdraw my resolution.

The resolution was withdrawn.

The Senate adjourned at 11 p.m.

### THE SENATE.

*Ottawa, Thursday, April 1st, 1886.*

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

### THIRD READING.

Bill (E) "An Act to amend the several Acts relating to the Board of Trade of the City of Toronto," reported from the Committee on Banking and Commerce without amendment, was read the third time and passed.

### BILLS INTRODUCED.

Bill (L), "An Act to consolidate the borrowing powers of the Freehold Loan and Savings Company, and to authorize the said Company to issue debenture stock." (Mr. Allan.)

Bill (M) "An Act to consolidate the borrowing powers of the Western Canada Loan and Savings Company, and to authorize the said Company to issue debenture stock." (Mr. Allan.)

### SUMMARY PROCEEDINGS BEFORE JUSTICES BILL.

#### THIRD READING.

HON. MR. GOWAN moved the third reading of Bill (A) "An Act to make further provision respecting summary proceedings before justices and other magistrates."

HON. MR. POWER—It will be remembered that after the report of the Committee on this Bill had been adopted, the third reading was deferred at my suggestion, and I wish to trouble the House for a few minutes while I try to show why I think the bill should be amended in the direction which I have indicated, and I propose at the end to move an amendment. If hon. gentlemen will turn to the sixth clause of the bill, on the second page, they will find that the recognizance which the defendant is obliged to enter into shall be in a sum fixed by general order of the court having authority to quash the conviction, order or other proceeding, and that the deposit is to be of the same character, a sum to be fixed in like manner. Hon. gentlemen will bear in mind that under the existing law, under the English Statute, the sum was fixed at £50; and I think the very natural construction—I do not say that it is the only construction—of this clause would be that the court shall have power only to fix one sum which shall be the same in every instance where a defendant wishes to have his case taken up by *certiorari*. Now that is not the object of the learned and hon. promoter of the bill, and as far as I can gather the sense of the House the other day, it is not the object of the House either. The object of the promoter of the bill and of the House is to leave a discretion in the hands of the court, and that is evidently a very fair and reasonable thing. In the first place this bill when it becomes law will have to be administered all over the country from British Columbia to Nova Scotia and the value of money in different places varies. There are some places where \$100, is quite as much as \$200 in others, and that is a reason why the amount of the recognizance should not be fixed by the Statute, and then the amount would naturally depend on the circumstances of the parties and upon the gravity of the offence for which the accused had been convicted. For all these reasons I think it must be clear that it is desirable that the Court should have some discretion as to the amount of the recognizance. The amendment which I propose is the beginning of the 29th line, to strike out the words “in a sum to be fixed,” and substitute “such as may be prescribed.” That

will only give the court power by order to fix a maximum and a minimum sum above and below which the recognizance shall not extend, but it will also enable the court to make such other provisions as to recognizances as may be deemed desirable for the Provinces in which the court has jurisdiction. In the same way, at the end of the 31st line instead of saying that he shall make “a deposit of the sum to be fixed,” I propose to say that he shall make such deposit as may be prescribed by the court in the same way. It gives the court the discretion which I think it ought to have and which the House intended that it should have, and which I know the hon. promoter of the bill did intend it to have. The hon. gentleman who introduced the bill is of opinion that as the bill stands now the court would have that discretion. I submit, however, that that is not perfectly clear, and in a Statute of this kind there should be no room for doubt. There should be no ambiguity; and other gentlemen think that the bill as it stands is ambiguous and that the ambiguity should be removed. I beg to move, seconded by the hon. member from Lunenburg:—

That the said Bill be not now read a third time, but that it be recommitted to a committee of the whole House, for the purpose of amending the same by striking out the words “in a sum to be fixed,” in the twenty-ninth line of the second page, and inserting instead thereof the words “such as may be prescribed,” and also by striking out the words “of a sum to be fixed,” in the thirty-first line of said page, and inserting instead thereof the words “to be prescribed.”

HON. MR. BOTSFORD—You leave out the word “sum” altogether?

HON. MR. POWER—I am very glad the hon. gentleman mentioned that. I did so deliberately. You give the court the discretion to fix everything as to the amount and general character of the recognizance. In the second place the defendant is to make a deposit which is to be prescribed by the court; that allows the court to prescribe everything, the sum and all about it.

HON. MR. ALMON—I have always been opposed to tinkering with the laws. I think the rule which says that no money

vote should originate except from the Ministry also provides that any alteration of this kind should come from the Minister of Justice. However, I have no objection to the bill, because it reminds me of a story which I heard down in Nova Scotia. There was a lawyer who was a candidate in an election contest in one of the counties in that province. He appealed to a farmer to vote for him. The farmer replied "no, I cannot vote for you because you are a lawyer." The candidate said "do not let that stand in the way I am not much of a lawyer." In the same way I can vote for the bill, because it is "not much of a bill."

HON. MR. DICKEY—The House will recollect that the Bill, as it originally was introduced last year, contained a provision that the recognizance should be a fixed amount of \$200, and my hon. friend who had charge of the Bill, in support of that, stated that there was a Statute of George II which was in force in this country, requiring in all such cases security to the amount of £50 sterling, and he added that that Statute had been acted upon in Ontario. It has since occurred to me that I do not think our consideration of this particular section should be in any way affected by the statement which was made on a former occasion, and which has been referred to this afternoon, of the existence of such a Statute in England. It should not in any way affect our decision on this question because I am not prepared to hold with my hon. and learned friend who originated this Bill that that Statute does extend to this country at all. As I understand it, only Statutes which affect general matters are carried with us to the colony in which we live, and Statutes affecting mere matters of practice, such as the consideration of what should be the amount to be given or secured on issuing a writ of *certiorari*, is a mere matter of practice and is not such a Statute as is in force in Canada. At all events the Courts in Nova Scotia, and I believe in New Brunswick, have acted on the principle that it is not so in force. Because in my own Province, at the present moment, an assessment in a county can be removed by a writ of *certiorari* upon merely giving security in recognizance before a commissioner to the amount of

\$40, and the amounts and the modes of computing the amounts vary in other cases. That is a matter of legislation, legislation which has been on our Statute books for years. When the Bill was before us on a former occasion my hon. friend yielded that point and he consented that the section should be modified, and then the question came in what shape should it be modified. The hon. Minister of Justice (now the Postmaster-General) suggested that instead of saying a fixed inelastic sum of \$200 the amount should be named by the Court from which the *certiorari* was directed. That sentiment seemed to agree with the feeling of the House and although my hon. friend who brought in the Bill was so close attached to his bantling that he rather resisted any amendments at first, yet I am bound to say, in justice to him, when we arrived at this stage of the Bill he showed no disposition whatever to interfere with the feeling which prevailed in the House that some such provision as had been suggested by the then Minister of Justice should be adopted. He stated "I am willing to go this far, that the security should be given not exceeding \$100." I think that was a very fair step towards yielding to the feeling of the House and my hon. friend deserves credit for it. When the Bill went to the third reading, my hon. friend seemed to have got some more light on it, and he then suggested the provision which is incorporated in this Bill that instead of being a sum to be fixed by the Court which was to issue the *certiorari*, it was to be a sum fixed by a general order of the Court. There was a difficulty about that, because one can see that it was very difficult for any Court to make an order which would apply to every particular case, and as the principle was to regulate the amount of the recognizance according to the character of the case, it seemed to me that it would be better to leave that matter in some such shape as had been suggested by the Minister of Justice—that is, that it should be any sum you choose, not exceeding a certain maximum, and I would prefer it still. However, I am not disposed to suggest any amendment which would affect the passage of this Bill. We now come to the amendment which has been moved by the hon. member from Halifax, and, as I understand his explanation, it is



this: he objects to the wording of this clause as it stands on the ground that it ties down the court of record, that is to make these rules as to the amount of recognizance, to a fixed sum. On looking at the clause I quite admit that the language is susceptible of that interpretation, because it only states that it is in a sum to be fixed, and therefore it gives no room for elasticity whatever, and he proposes to provide for that by saying "in a sum prescribed by the court."

HON. MR. POWER—No.

HON. MR. DICKEY—No, he does not say "a sum," I do not see why he should not put that in. If it is a sum to be prescribed by the court it may be any sum less or more according to the circumstances of the case. Still I cannot see exactly how that can be done by a general order. But, yielding that, I think the amendment makes the clause more acceptable than the language it contains at present, and therefore I, for one, am disposed to support the amendment unless the hon. member who has charge of the Bill thinks that it will in any way imperil the measure. If he thinks, as I do, that it will make his clause work better and be less oppressive to poor men, who may not be prepared to give security for a fixed sum in a small case, which might be very properly applicable to a case of greater gravity, I think he would perhaps be prepared to accept this. But upon that I will make no observation until I hear what my learned friend says. Under the circumstances I should be quite willing to support an amendment in this direction, and possibly it might remove the difficulty that I feel as to a general order if the word "general" were struck out altogether, leaving it in the bald fashion of an order and not a general order applicable to all cases. As it stands he makes it still worse, because it is not only a fixed sum, but a general order applicable to all cases. Under those circumstances I hope my hon. friend who has charge of the Bill will not object to that with the additional modification which I suggest, that the word "general" should be struck out.

HON. MR. GOWAN—I can assure the hon. gentleman that I have no other wish

HON. MR. DICKEY.

than to have the Bill made as perfect as possible and put in that shape which will most effectually remedy the evil that now exists, an evil recognized by practitioners and judges alike. With regard to the Statute of George II. being force; we adopted the laws of England as they stood at a certain date. I understood, in speaking to a gentleman from the Maritime Provinces, that it was considered to be in force there. I know that it is in force in Ontario: it was clearly recognized in a case which was decided there. No doubt in certain cases where a prisoner is in custody under a special act relating to *habeas corpus* a judge can order, without any security whatever, the conviction to be brought up; but there it is brought up for the assistance of the court. There is no doubt whatever that the Statute is in force in Ontario, and, as I was informed, in force elsewhere. If it is not in force there must be some special act regulating the particular security to be given. I have been looking over the Statutes of the several provinces and I do not find in them any such enactment: it may, however, have escaped my attention.

With regard to the amendment proposed by my hon. friend from Halifax, I feel indebted to him, as I feel equally indebted to every hon. gentleman conversant with the subject, for assistance given to make the measure as perfect as possible. I am not wedded to "my bantling," nor am I desirous of having it passed in a shape that would leave any single point open to doubt. I confess I have not been able to see as clearly as my hon. friends opposite that it would be an objection to have and retain the clause in its present form. At the same time I admit this: I regard it perhaps from one standpoint, they perhaps from another. I look at it in the way I think it would be construed by the judges; but I may be mistaken, and without feeling pressed by the objection, I can see a good deal in what has been urged by my hon. friends from Halifax and Lunenburg and I think I could not do otherwise than to meet their views by accepting the amendment, which I do with all kindness.

With regard to the difficulty of making a general order, I fail to see that there could be any difficulty in making a general order which would accomplish justice in every case. The judges in dealing with

that clause, would probably say that in certain small cases where the fines would not be over so much, or imprisonment over so much, a very small sum would be required and could so frame their order to meet that particular case. Then in cases of greater importance, where the fines were larger and the imprisonment was longer, they would require a larger sum, so that although an order could be general it might meet particular cases and suit the nature and character of the conviction to be dealt with.

It is quite true I recognize the fact referred to by my hon. friend from Halifax that the value of money is not the same in the different provinces, and while a larger sum might be easily obtained as security in one province, it might not be so hard to obtain it in another, and that adds greatly to the force of the remarks made by my hon. friends opposite, and by my hon. friend from Amherst. I am quite willing to adopt the amendment that is proposed. I repeat, that I have no wish further than to discharge to some extent the duty that every man owes to his profession. I have seen and known this defect for years, and I was glad to have an opportunity to bring it before those who may know of the existence of the defect as well as I do, but who may not have had the opportunities of seeing the evil that it is designed to remedy that I have. So far as I am concerned, I withdraw all objections to the amendment that is proposed.

HON. MR. POIRIER—I cannot see any objection to having a fixed sum for all cases, as we are all aware that cases that come before those inferior courts involve very small sums of money, varying from one dollar to \$80. I cannot see, therefore, any objection to having a general rule which would save trouble to litigants and lawyers. If the Bill is to be interpreted as the hon. gentleman from Halifax says it is, I fail to see any objection to it; but if it is to be amended I also fail to see how the amendment proposed by the hon. gentleman from Halifax will accomplish his object. I cannot see how an act worded as it is here "or before the Judge of the Court of Record in a sum to be fixed by general order of the Court"—I cannot see what difference there is be-

tween this wording, and the other wording "such as may be prescribed." I believe that the interpretation will be the same both ways, and that the amendment, as worded, will fail to carry out its object. If the idea conveyed in the amendment is to be adopted by the House I would rather see the amendment worded in this way "in a sum to be fixed in each case by the court." I think the idea would be more clearly conveyed in that way. I certainly object to the amendment as it is worded by the senior member from Halifax.

HON. MR. GOWAN—If the House would permit me to say to my hon. friend who has just spoken that a sum to be fixed in each case would involve a special application to the court, and would consequently increase the expense. But by the alteration proposed by the hon. gentleman from Halifax it would not be necessary to apply to the court in each case: but once and for all, by general order, it would be fixed. I trust my hon. friend will not press his amendment, but will accept the amendment proposed by the hon. gentleman from Halifax.

HON. MR. POIRIER—In that case I would prefer to see the bill stand as it is. I believe it is clearer and conveys the idea in a better way than if amended as proposed by the hon. gentleman.

HON. MR. KAULBACH—As seconder of this motion, and having approved of the amendment, I would like to say a few words. I think my hon. friend who has just spoken has not conceived the force of this amendment, and the reply of the mover has fully answered him. As far as this discretion should be in the hands of the court, by this Bill it is discretionary with the court, even in case of appeal: and in framing a rule of this kind to prescribe the sum, I think it is fairly left with the court. In fact the whole case goes up *de novo*, The less we interfere with the criminal law the better, except under the advice and with the consent of the Minister of Justice. As regards *certiorari*, I know from my own experience that I have exercised that power under the common law in more than one case in Nova Scotia, and I have often found—when those cases

went up purely on technicalities and informalities—that accused persons were acquitted in the upper court who would, if the matter were not re-considered, have been found guilty. I consider that the suggestion of my hon. friend is a good one, to leave the entire discretion of prescribing the amount of deposit on an appeal in the hands of the court.

The motion was agreed to.

The House resolved itself into a Committee of the Whole on the bill.

HON. MR. BOTSFORD, from the Committee, reported the bill with amendments, which were concurred in.

HON. MR. GOWAN moved that the bill be now read a third time.

HON. MR. POIRIER—Before this bill is read the third time, I would like to call the attention of the House to the amendment that was inserted in this Bill the other day at the suggestion of the senior member for Halifax. I believe in amending our laws, provided they are amended in a proper manner, and in such a way as not to render them obscure, or to open the way to unlimited litigation. Clause three reads in this way:—

“The following matters shall be held to be within the provisions of the next preceding section:—”

It then goes on to enumerate three causes which were to be deemed to invalidate any judgment rendered by any magistrate. According to the general rule of law when exceptions are given, if the law opens the door to other exceptions that are not specified, it is better to have no exception at all. If, for example, the law providing punishment by death, should state among other felonies, murder, high treason, or rape, in certain cases should be punishable by death, that would leave the judge in doubt as to which of the other felonies should be punishable by death. If the wording of the law was “amongst other felonies,” the judges would not know which of the other felonies were so punishable. In this case the very same objection arises as the Bill is worded. The hon. gentleman from Barrie has given close attention to his subject. He is a gentleman of great ex-

perience, and I remember that the hon. gentleman from Halifax told us the other day that none but those who had great experience in the administering of the laws should interfere with them. The hon. gentleman from Barrie has made his Bill very clear and concise, and the judges and lawyers will know at once what are the flaws that would invalidate a judgment: but the way it is now amended opens the door for any extent of litigation. I would therefore move that the bill be not read the third time but that it be referred back to committee of the whole to strike out the amendments, and leave it as it formerly stood, that is, page 1 line 22 after “matters” leave out the words “amongst others.”

HON. MR. GOWAN—Although I do not think the words “amongst others,” are essential, seeing that the latter part of the clause, as I think, covers it sufficiently, still my hon. friend from Halifax considered it necessary, and in order to avoid all possible doubt I assented to it and I trust that my hon. friend will be satisfied with that explanation. I hope that hon. gentleman will not press his motion, as I think the clause is very well as it now stands.

HON. MR. O'DONOHUE—There is a great deal of force in the observations made upon these words “amongst others” by the mover of this amendment. I think the Bill was entirely better without those words. The particular subjects related to are clearly stated in the Bill; but the subjects to which the words “amongst others” refer are left to arise; it will be, in my humble judgment, a matter of great doubt as to what subjects those words may refer, and I think it should not be left in doubt. I think with my hon. friend who has suggested the removal of those words that the Bill is entirely better without them. It says “the following matters, amongst others, shall be held to be within the provisions of the next preceding section.” Then the subjects are given; but when you say “amongst others,” to what others do you refer? Who can tell here what the other subjects are? Are we to place the judges, who are called upon to deal with this Act, in a position to say what the other subjects are? Should that not

be defined? The author of this Bill has clearly placed his subject; but the words "amongst others" are indefinite. They point to nothing. They point, I suppose, to kindred subjects which may arise; but to my mind it will be found very embarrassing in the administration of the Act. I therefore think it will be much better to strike those words out of the Bill.

HON. MR. POWER—If anything was necessary to show the wisdom of inserting those words, I have had evidence furnished by the two hon. gentlemen who have supported this amendment. The object of the enumeration in the third clause of the Bill was not to limit the application of the second clause. The second clause is to apply to all convictions and orders, and none of them are to be invalid because of informalities. Then in the third clause the Bill goes on to indicate certain things which, amongst others, shall be included in the operation of the second clause: and I admitted when I moved the amendment, that it was not a necessary one, because one who glanced at the Bill hurriedly, and who does not read this third clause carefully through, might think that the second clause applied only to the cases enumerated in subsections A, B and C of section 3. The very thing that I thought might happen one who did not read carefully has happened to the hon. gentlemen who have spoken. If those hon. gentlemen had taken the trouble to read the whole of the clause, they would have seen that the clause itself had already contradicted them and shown them to be wrong. The words I inserted were simply to provide for the case of gentlemen who read the clause carelessly as those hon. gentlemen seem to have done.

The amendment was declared lost on a division.  
The Bill was then read the third time and passed.

DRUGGISTS' BILL.

SECOND READING.

HON. MR. McMILLAN moved the second reading of Bill (J) "An Act relat-

ing to Druggists." He said:—Hon. gentlemen will recollect that this measure was before the Senate last session, and it became a part of a Bill that had for its object the amendment of the Canada Temperance Act. That Bill, however, was defeated in the House of Commons, and the consequence was that this measure went down with it. The object of this Bill is simply to protect druggists who are carrying on business in counties where the Canada Temperance Act is in force. Hon. gentlemen are aware that perhaps ninety per cent. of the articles in which druggists deal contain a large proportion of alcohol. They must necessarily contain that ingredient in order to be of the proper pharmaceutical strength. Doubt has arisen as to whether druggists can carry on their business legitimately, and they sought an opinion from legal gentlemen the result of which was to bring forth this Bill. They require that all doubt be removed, and that they be at liberty to carry on their trade without infringing on the law. They are a respectable body in the Dominion, numbering over 1,200, and contribute a large amount of revenue to the exchequer—something in the neighborhood of \$600,000 or \$700,000 annually. This Bill does not seek to interfere with the Canada Temperance Act at all: it simply stands on its own merits, and the druggists ask this House to protect them from any persecution while carrying on their legitimate business. I have no doubt hon. gentlemen will support it, because it asks for nothing that is objectionable.

HON. MR. POWER—I do not think the House is in a position to read this Bill the second time because the hon. gentleman has not explained its provisions or shown its necessity. A public Bill of this character, which is one that is to have a very considerable effect on the social life of the counties where the Scott Act has been adopted, should be explained and its effect made clear to the House before we are called upon to adopt it. I wish to call attention to some of the effects the passing of this Bill will have. The second paragraph of the first clause provides that:

(2) Physicians' prescriptions consisting of or containing spirituous liquors, if sold in quantities of not more than eight ounces at any one time.

Eight ounces are about half a pint. This will allow every druggist throughout the country, and every man who has ever been qualified as a physician, to sell, under prescription, liquor in quantities not exceeding half a pint. If the hon. gentleman will turn to the present law—the Canada Temperance Act—in the form in which it appears in the Consolidated Statutes, they will see that under that Statute the sale of intoxicating liquors for exclusively medicinal purposes may be made by certain licensed druggists or vendors in quantities of not less than one pint. Now we shall have this state of things:—

HON. MR. DICKEY—It will be reducing the amount.

HON. MR. POWER—It does not repeal or affect the existing law at all; that stands. A man can go to one of these agents and buy liquor in very large quantities. He can get ten gallons at once if he wishes under a prescription; but if he only wants a little for the occasion, he goes to any druggist with a prescription, and gets any amount not exceeding a half pint. He can get a glass, and from that up to four glasses. Some reasons should have been shown for making such a change as this. The better way to proceed would be to repeal the Scott Act. That is the respectable way of dealing with the matter. It would, I believe, be in the interests of temperance and morality throughout the country if the Scott Act were repealed. But I do not think that this Bill is in the interest of either temperance, morality or health. As it is now, liquor is sold in the Scott Act Counties by agents, and I presume is taken home by the purchasers and consumed on their own premises. This Bill, if it passes, proposes to open the way to a very objectionable form of drinking—going into a drug store and drinking as in a bar-room. As it is now there is a good deal of liquor sold in the Scott Act Counties even in small quantities. And this Bill if it passes will simply render the sale of liquor more general in counties where people have voted that it shall not be sold. I wish to call the attention of the House to an objection which I heard mentioned by my hon. colleague from Halifax, and which from his professional standing deserves attention. It is that if

you by statute authorize druggists to sell liquor in the Scott Act Counties, what guarantee have you that the druggists' clerks who have the liquor under their hands almost without control, and who have to dispense liquor to several persons each day, will not tittle: and if the druggists' clerks do tittle, what guarantee have the public then for the way in which prescriptions will be put up? Is it not likely that the cases of poisoning from mistakes of druggists' clerks will become more common than they are now? I think this Bill is a most pernicious one. The proper persons to sell liquor are those who are licensed to sell liquor as a business. Druggists' shops are not the place for the indiscriminate sale of liquor, and I think that in the interests of public morality and health, and in the interests of druggists themselves, it is not desirable that this Bill should pass. Why should it be limited to places where the Scott Act is in force? It would be an exceedingly unfair thing, in counties where the Scott Act is not in operation, that men who are engaged in the liquor traffic and pay high licenses should have druggists coming in to compete with them. I think the best way is to repeal the Scott Act and allow the several provinces to substitute for it stringent license acts. I think the passing of this Bill would be a most regrettable and unfortunate thing.

HON. MR. VIDAL—Without accepting the suggestion which has just been made to get rid of the difficulty, I fully agree with the arguments which the hon. member from Halifax has been advancing, showing the impropriety of introducing or carrying a measure of this kind, but in addition to the arguments which he has brought before the House I have others, and my first objection is one which I think should decide the fate of the Bill—that is, that it is entirely unnecessary. The Act against which it is chiefly levelled, as has been intimated in the remarks made by the hon. gentlemen who introduced it, has been in operation for eight years. Can that hon. member show that during these eight years there has been one single case of any inconvenience, or loss or wrong to any chemist through violating the provisions of the Act? Is there a

HON. MR. POWER.

single case on record in any of the courts? I believe there is not. Where then is the necessity for this measure? In fact, I think I ought to have the support of the junior member for Halifax (Mr. Almon) on this occasion, because he has stated to-day that he does not believe in tinkering with the laws. Here is a Bill which is unnecessary, inasmuch as the provisions of the Act against which it is directed do make allowance for the legitimate and proper sale of alcoholic liquors by chemists. There is no interference with their business; so long as they act honestly and observe the provisions of the law they may do under it all that this Bill empowers them to do. That being the case, where is the necessity of bringing in a special measure to enable them to sell liquor as medicine? Then, again, have we any request from the public for such a Bill? Is there a single petition presented in either branch of Parliament for it? Does not the absence of petitions prove that in the eight years' experience we have had of the Scott Act no necessity has arisen for this legislation? Why should we, at the suggestion of a few individuals, take it upon ourselves to pass such a measure? I have still another and stronger objection to this Bill; I consider it is very questionable whether our undertaking to pass it will not revive the difficult question as to the constitutional power of this Parliament to interfere with the regulation of the sale of liquor. Will not that, under the recent decision of the Privy Council, come more particularly under the control and management of the Provincial Legislatures? They have the power of issuing licenses, and having that power they fix conditions and impose penalties for the violation of those conditions; they have, in my opinion, the entire management of the details set forth in the Bill now offered to us for adoption. On these grounds, and on the grounds shown by the senior member for Halifax, I think it would be exceedingly undesirable that the House should commit itself to the principle of this Bill. I do trust on consideration of these points that it will be found desirable even by the hon. gentleman himself to withdraw the Bill.

HON. MR. KAULBACH—I am with the hon. member from Halifax as regards

the propriety of doing away with the Scott Act, but I am not with him in the other regard. I think doctors and druggists should all be qualified alike. I am not with my hon. friend from Sarnia in this matter; there is no necessity for petitions. Common sense and the feeling of the country are in favor of this Bill and that is better than all the petitions you can bring before this House. My hon. friend is a member of an organization which has every facility for preparing and presenting petitions in opposition to the Bill. I am satisfied that the public are in favor of this measure, and would desire to see all druggists and physicians stand on an equal footing. I do not agree with the hon. member from Halifax that those professional men are in favor of restricting the sale of intoxicating liquors; under this Bill the liquor must be sold for medicinal purposes. The possession of a license by a druggist is in itself no guarantee that the liquor will be properly dispensed; all doctors and druggists should be equally qualified to exercise their professional rights, and I do not think that it is fair that certain persons amongst them should be selected to dispense those liquors to the exclusion of others. It puts them in a false position. It compels the public to deal with certain druggists when perhaps they would prefer others. I do not believe in such discrimination. I think that all physicians should be on an equal footing; as a body they are in favor of temperance and morality and desirous of promoting the health of the people. Why then should any such distinction be made? If they should violate the law, or attempt to sell liquors for other than medicinal purposes, they would, under the terms of this Bill, be liable to a penalty; if they sell for medicinal purposes only they should all be treated alike.

HON. MR. GOWAN—I am exceedingly sorry to differ from my hon. friend from Sarnia and the senior member from Halifax in respect to this Bill. When I read its provisions its struck me that what is asked for here, speaking in a general way, is perfectly reasonable. It may be that some of the clauses are open to objection, but there will be an opportunity to set them right when the matter comes to be more fully discussed. But at this stage

I think my hon. friend near me (Mr. McMillan) has given sufficient reasons why the bill should receive its second reading. The main point that my hon. friend from Sarnia referred to was the constitutional power. Well, the framer of the bill has been very particular in guarding against any possible difficulty in respect to that point. The language of the first section is: "Nothing contained in any Act of Parliament of Canada shall be held to interfere with the purchase or sale, etc." That especially guards against any interference with provincial rights, and puts it on a proper and constitutional footing. With regard to the fact that no petitions have been presented in this House in favor of the measure, I may say that I know something of the mode of getting up petitions. I have seen petitions got up in a very rapid manner, and have had to deal with some such cases in the courts in my long experience, and I must say I am one of those who do not place any great weight on petitions, particularly where there is an organized effort to secure them. I know as a fact there has been a very large and influential deputation of druggists here in order to promote this measure—men engaged in the wholesale as well as in the retail branches of the business—and I know that they are exceedingly anxious to have this Bill passed, because they believe that they stand upon very perilous ground. I am not prepared to say that their belief is not well founded. Supposing my hon. friend entered a chemist's shop and asked for a little tincture of ginger. Anyone who knows anything of those tinctures is aware of the fact that they contain a very large proportion of alcohol. If the druggist sells it I am not prepared to say that an intelligent officer administering the law would hold that it came within the scope of the statute; but it may be a question of fact, and it is a matter at all events open to argument, that it might come within the prohibitory clause of the law. And what these gentlemen ask is not to be allowed to sell liquor as liquor, but simply to sell it under the prescriptions of a properly qualified physician. I know a great many chemists and druggists in the portion of Ontario from which I come, and I believe them to be as a class thor-

oughly respectable and honest men, and I know that the physicians of the country are pre-eminent in respect of character and moral standing. There are two principles on which people may act, one is trust and the other distrust. I believe in trusting them; I believe that when men occupy respectable positions in society that they will not seek to evade the law. If we examine the clauses of the bill we will find that there is nothing objectionable in the principle of the measure. The opposition to the Bill amounts to this—that you will not relieve the chemists and druggists of the country, who contribute largely to the revenue and are educated men, and men occupying respectable positions, you will not relieve them of the peril of unconsciously violating the law, or the danger arising from an incorrect inference of fact. Nearly every article that enters into the prescriptions of physicians, certainly every tincture contains alcohol; every liniment that is made contains more or less alcohol; in fact it is necessary not merely for its medicinal effects but for preservative purposes. If at this time a physician prescribes what he considers a suitable and proper remedy for a disease, and that prescription contains alcohol, the person who has paid for that may be liable (I do not say that he would be) to a fine. The Bill particularizes what a druggist may sell:

(1) The official preparations of authorized pharmacopœias when made of full medicinal strength and sold for medicinal purposes.

Not sold for purposes of beverage, because that is distinctly excepted in another clause, but sold for medicinal purposes. The chemists and druggists of the country are engaged in a lawful trade and one which is most important to every member of the community, and they should not be made to feel that in exercising their calling they take every step at their peril. In the next paragraph they are allowed to sell prescriptions containing spirituous liquors in quantities of not more than 8 ounces at a time. An 8 ounce mixture, if used for one purpose may seem pretty large, but if used for external application it is not large; twelve ounce mixtures are very often sold. In cases where a counter irritant is required, or where it is necessary to excite the circulation, if I understand, alcohol necessarily enters into it. The next clause is

(3) Any patent medicine, unless such patent medicine is known to the vendor to be capable of being used as a beverage;

I believe that men would be much wiser if they avoid patent medicines altogether, and confine themselves to remedies which are known and proved, but still 19 out of every 20 of the people; particularly the rural population, are very glad to get anything that may help them even though it be a patent medicine, and there is a very large trade in patent medicines in most country places. In many parts of the country where people cannot have access to regular physicians and cannot be treated in the regular way, they rely altogether on patent medicines. The Bill makes it quite safe by providing that such medicine shall only be sold when "not known to the vendor to be capable of being used as a beverage." I pity a man who would use patent medicine as a beverage. I do not use alcoholic beverages myself, but if I did I should not begin on patent medicines. I believe Radway's Ready Relief has been used in the North-West for purposes of intoxication. The next clause says:

(4) Eau de cologne, bay rum, or other articles of perfumery, lotions, extracts, varnishes, tinctures or other pharmaceutical preparations containing alcohol, but not intended for use as beverages;

Surely no member of this House would object to the sale of all these things, articles of the toilet or articles of luxury, that are used by a great many people; and extracts and varnishes are certainly of very considerable importance and largely sold by chemists throughout the country. The last paragraph is as follows:—

(5) Alcohol of sixty-five over proof by Sykes' hydrometer, or methylated spirits made in bonded factories, if sold for pharmaceutical, chemical or mechanical purposes only;

I do not know about that; it may be all right, but possibly on further discussion of the matter it may be satisfactorily explained. The bill appears to me as a whole to be sound in principle. It permits men to engage without the peril of prosecution in a trade that everyone recognizes as an important one for the whole community. I, perhaps, would be disposed to agree with my hon. friend the senior member for Halifax, upon a question which is not of the essence of this Bill, but a kindred measure, I mean the Scott

Act. I could not myself, with the views that I entertain, support that measure. I do not think in saying that I am at all acting inconsistently with the course which I took on the last occasion in giving all the aid I could to the hon. member from Sarnia in promoting a measure which he had at that time. So long as that law remains on the Statute book I thought, and still think we are bound to give it all the aid we can: but if the question came up directly (and I guarded myself at the time my hon. friend's bill was before the House by saying that I did not approve of the principle upon which the Scott Act was based) I could not support such a measure. The House will I hope adopt the principle of this Bill which relates to a very important branch of business, one which is very largely conducted throughout the whole country.

HON. MR. DICKEY—My object in rising is this: I think we would save time if we allowed this Bill to go to Committee. The objection which has been raised is only to the second sub-section of the Bill. That is a matter which can be properly dealt with in Committee. I do not know that there is anything in the objection itself which would prevent my hon. friend assenting to the second reading of the Bill. I was struck with the objection which my hon. friend from Sarnia made that this Bill was an interference with the powers of the Local Legislatures. Had it been open to that objection I should most certainly have gone with him, because I have always held that in the Local Legislatures and in them alone, lay the power of regulating the sale of liquors. That opinion has been pretty well upheld; but the objection that is taken on that score is disposed of by the obvious answer that the Bill itself does not propose to interfere with the powers of the Local Legislatures. It expressly states that all it proposes to deal with is in the Scott Act passed by the Dominion Parliament. It is an ungracious proceeding at any time to give the three month's hoist to a Bill brought in as this had been: therefore I think the best course to take with it would be to read it the second time. There is a good deal in what has been said by the senior member from Halifax, in regard to the second section, and I do not say what course I



should take on it myself in Committee, but it is a matter entirely to be dealt with by a Committee of the Whole. Let it go to the Committee and it would still be in the power of the House to reject the Bill if it does not command the support of a majority of the House.

HON. MR. ALMON—The hon. member from Sarnia has asked me what is my opinion of this Bill. I am not very much enamoured with it: as my hon. friend knows I generally take the bull by the horns and do not attack it by side issues. I think if this Bill were confined to counties where the Scott Act is in force it would do no harm. In such counties people will drink Radway's Ready Relief, Perry Davis' Painkiller, and other patent medicines, which, as we all know, contain for the most part Yankee rum; but where the Scott Act does not prevail I do not think people will resort to such beverages when they can get ale, porter, wine, cider, and those mild beverages which both the Bible and our own experience tell us are very beneficial. If the hon. member will move that this Bill shall not have effect except in Scott Act counties I am not at all certain that I will not agree with him on that question. I was very glad indeed to hear him say that he thought this whole thing was *ultra vires*. Now let us abandon the Scott Act altogether; it has proved an entire failure wherever it has been adopted. Let us put that aside and I will join him—and I think all the members who have acted with me will join him—in bringing in a Bill that will put down drunkenness. We cannot put down drinking, because it is permitted by the laws of God and the common sense of man. One would think to hear the advocates of the Scott Act talk that we who oppose it are in favor of drunkenness. I can conscientiously say that I am not. I can say that if those clergymen who enter their pulpits and denounce the opponents of the Scott Act, can point to as many drunkards reclaimed by their sermons as I can show reclaimed by my advice, their work will be very much better appreciated and will gain a higher score above than by abusing those people who cast out the devil in a way that does not please them. I will vote again this Bill if the hon. member from Sarnia will join me in framing a measure to put down drunkenness.

HON. MR. DICKEY.

HON. MR. PLUMB—An hon. member who has paid great attention to this subject, who is a professional man of eminence, well known throughout the Province and throughout the Dominion, has introduced a Bill which he tells us he considers necessary for the protection of druggists and necessary in the interests of the community. He has given a good deal of attention to this Bill, studied it closely, and I, for one, am willing to so far accept his judgment and opinion as to vote for its second reading. I think it is very unfair at the outset to stifle discussion on a subject of this kind because there is a law on our statute book which is repugnant to a great number in this House and in the country. I, for one, trust that the House will read the words of wisdom of my hon. friend from Barrie, who certainly is not prejudiced in favor of any legislation of that kind, and shows that he has studied the character of this bill. I, if I had not examined it at all, would be very willing, in a matter of that kind, to take his mature judgment and the calm judicial opinion that he has given on this subject.

HON. MR. POWER—I should like to hear, before the question is put, what the opinion of the Government on this questions.

HON. MR. KAULBACH—It is not a Government bill.

HON. MR. POWER—But it is a public Bill, and the Government to that extent are responsible.

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

The Senate adjourned at 5 p. m.

## THE SENATE.

*Ottawa, Friday, April 2nd, 1886.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE DEBATES COMMITTEE.

FIRST REPORT.

HON. MR. DEBOUCHERVILLE, from the Committee on Reporting and Publishing the Debates of the Senate, presented their first report. He said:—As this report merely recommends a reduction of the quorum of five members, I ask the permission of the House that it be now adopted.

The motion was agreed to.

BILL INTRODUCED.

Bill (N) “An act to amend the Act respecting offences against the person. (Mr. Gowan.)

EXTENSION OF THE EXTRADITION TREATY.

MOTION.

HON. MR. ALEXANDER moved:—

“That this House desire now to express the opinion, that more urgent steps be taken by the Government of the Dominion, to induce the Imperial Government to negotiate an extension of the provisions of the Extradition Treaty now existing with the United States, so as to embrace breaches of trust.”

He said:—Before proceeding to explain the reasons for my placing this motion upon the notice paper, I would respectfully implore the leader of this House not to interrupt me in such a manner as to affect the dignity and honor of this Chamber. When I rise to address the House I always do so with the most profound respect, and endeavor according to the best of my judgment, to keep within the rules. As regarding this question, I have humbly endeavored during the last ten years again and again, to bring the Dominion Government to feel the necessity and wisdom of urging the powers at home, to obtain an extension of the Extradition Treaty so as to embrace breaches of trust. Every session we have received from the Government the same reply, that they have done their best—that they have not been able to carry out their desires in respect to that object. I may say to the House that I have the highest authority for stating that the Gov-

ernment and the press of the United States have desired for a long time, and now desire to extend the provisions of that treaty in the direction referred to. Nothing can be more gratifying to us northern people than to behold the progress of the United States onwards and upwards. While they progress in population, in civilization and in enterprise, we are proud as northern people to feel that we have to our south a nation becoming ennobled by emulating the highest interests of humanity. Their president and legislatures all desire that the nation should become distinguished not only for their enterprise but for the predominance of high principles. The postponement of this provision in question, as the House knows, is simply encouraging fraud and crime. Will the leader of the House tell us that the taking of \$50,000 of your money is not a greater crime than stealing your watch or taking a little of your silver plate? Our criminal laws, as I have often observed in this House, are stringently framed to punish the poor man, who perhaps from hunger and want has taken a loaf of bread, or from the lack of necessary clothing has been driven to steal a coat; but how is it with the man living in a costly mansion, who has perhaps taken your all to support that costly mansion? Picture him as he generally struts the street, full of conceit, vanity and pride; with his mansion, his self-importance, and his own greatness, his chief thought in life, and he hesitates not to take the money of the poor, to keep up this, upon which he has set his heart. He is a vulture clothed in fine plumes and costly raiment, all this maintained and sustained by money taken from the poor. His great card is to attend regularly all religious meetings and establish a reputation for piety, to get himself talked of as the pious, holy Mr. ———. With such a reputation he goes into monied institutions. Of course every one trusts him. This is the dangerous man who can easily wreck any institution from the confidence placed in him. I hope there are no members in the Dominion of Parliament, who have ever what is termed, skipped the boundary line. I hope that we have in the Dominion Parliament no men of high position who, wearing the mantle of religion, have plundered the means of

poor shareholders. That allwise and all seeing protector above who knows everything and sees everything sometimes metes out to us terrible retribution. It is certainly not the duty of Parliament to protect men of that class; it is not the duty of Parliament to leave the door open to them to walk at any moment coolly out of the Dominion, and take up their abode in New York, Buffalo or Chicago and laugh at the poor victims of their deliberate breach of trust. I call upon the House to sustain this motion upon every ground of right and justice and for the more effectual protection of our property and our families.

HON. SIR ALEX. CAMPBELL—It is very sad that the House should be obliged to listen to the remarks of the hon. gentleman. Whether he is beside himself or not I do not know, but it is very embarrassing to be obliged to listen from time to time to the useless and absurd rhodomontades in which he indulges. Nobody knows what he has in his mind or why he should use the kind of language which he does. It is pure nonsense of the worst description, and why he should go on as he does from day to day, unless on the supposition I refer to, I cannot understand. I do trust that the time is coming when some measure will be taken to protect the House against the absurd proceedings of the hon. gentlemen. He commenced on this occasion by expressing the hope that I would not interrupt him. Why should he presuppose something that is offensive? If anyone interrupts him improperly he would transgress the rules of the House. What object therefore can he have in per supposing that I intended to interrupt him? He does it for the purpose of being disagreeable and offensive to me. I do not care much about him and am quite willing to put up with that; but some steps should be taken by which the respect which every hon. gentleman ought to pay to the House should be maintained, and by which we shall not be obliged to listen from day to day to the remarks of the hon. gentleman—half-silly and wholly malignant—by which he desires to wound the feelings of some one. He uses general phrases, but he intends them to apply to some person or other, and he does it in order to inflict pain. He can

have no other motive in making these remarks.

Now about his motion itself it is my duty to answer it. I am sorry I have to answer his observations; they do not deserve at any time to be answered, but it is my duty to reply. The delay in the negotiation of this treaty does not rest in any way whatever with the Government of the Dominion. The United States have been anxious for a long time to negotiate a new treaty with the Government of Great Britain. They were so anxious, as I am informed, occasion was taken to bring the matter before the notice of the British Government by an officer of the United States Government whose accidental visit to England enabled them to represent the necessity and advantage of having a new and enlarged treaty. A list of certain offences, much larger than those now in the treaty with the United States, was agreed upon by an official acting on behalf of the British Government and this gentleman acting on behalf of the United States Government. The draft of a treaty based on their arrangement was sent out to Canada, to us, with a special request that we should consider it as confidential and secret. That was done because it was not thought that it would tend to a favorable result if the exact character and extent of the list of offences were to become known. That treaty was carefully examined by myself, as Minister of Justice, and assented to in its entirety, and I thought and reported that it covered all the offences as to which it was desirable that there should be extradition arrangements between this country and the United States. My report approving of that treaty, strongly recommending its adoption, went to England immediately after. That was probably a year ago. What the cause of the delay is I do not precisely know, but I believe the cause to be this, that there is an old feeling on the part of the Government of Great Britain that extradition should not be allowed unless between Governments who will agree that the person extradited shall be tried only for the offence for which he is extradited. That feeling which obtains strongly in England and has been communicated to the Government of the United States is not participated by the latter. They desire to try a person who has been extradited, for any

offence of which he may be guilty whether extradited for that offence or not. That might be very inconvenient if a person who had taken refuge in England, say for some political offence, should be extradited for say some minor offence such as stealing; and in this way, having been taken from his place of refuge, he should be tried for the political offence. A jealousy of that kind I believe to be the reason why this Treaty has not been gone on with. The contention of the United States is that a person who has been extradited should be tried for any offence of which he is guilty. Great Britain having been a place of refuge for political offenders is not willing that a person should be extradited unless the country by which he is to be extradited will agree to try him only for the extraditable offence. Although I do not give that as an absolute assertion on my part, I believe that to be the reason why no progress has been made. No delay whatever is attributable to the Canadian Government. On the contrary they have endeavored from time to time in every way in their power to secure a Treaty between the United States and Great Britain to affect a much larger list of offences than that which is affected by the present agreement between them.

HON. MR. ALEXANDER—If no one else is to say a word on a matter of such importance (which astonishes me) I would merely remark that the leader of the House has advanced a very shallow explanation with regard to such reasons existing between the Government of the United States and the Government of Great Britain. It is simply an excuse for having neglected to press the matter vigorously on the British Government before Lord Derby went out of power. The motion was declared lost.

### COLUMBIA VALLEY RAILWAY COMPANY.

#### PETITION PRESENTED.

HON. MR. GIRARD presented a petition from C. W. Moberly and others, praying to be allowed to present a petition for their incorporation as the Columbia Valley Railway Company. He said:—The petition comes from the Rocky

Mountains and was accompanied by some papers, but they have been lost on the road. I ask leave now to present the petition.

The petition was referred to the Committee on Standing Orders and Private Bills.

### THE PRINTING OF PARLIAMENT.

#### THIRD REPORT OF THE COMMITTEE ADOPTED.

HON. MR. READ moved the adoption of the third report of the Joint Committee of both Houses on the printing of Parliament. He explained that it recommended the printing of certain documents, a list of which appeared in the votes and proceedings.

The motion was agreed to.

### FREEHOLD LOAN AND SAVINGS COMPANY BILL.

#### SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (L) "An Act to consolidate the Borrowing Powers of the Freehold Loan and Savings Company and to authorize the said Company to issue debenture stock." He said:—The provisions of this Bill are precisely similar to those of a bill which was introduced in the House the other day by the hon. member from Niagara, in relation to the Canada Permanent Loan and Savings Society. The object of the Bill is, in the first place, to enable the Company to take power to create debenture stock, which stock shall be treated and considered as part of the regular debenture debts of the company, in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper, but subject to limitations, so that the amount received as money deposits and borrowed on the security of debentures or debenture stock shall not in the whole exceed the aggregate amounts fixed by this Act as the authorized limit of the borrowing powers of the company. The other portion of the Bill is to consolidate all the borrowing powers of this Company in one Bill, as it has been found a matter of convenience to have them in

that shape when they are going to England to borrow money, to be able to show to the investor the whole of the powers which they possess, drawn and presented to them in one Act.

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

## WESTERN CANADA LOAN AND SAVINGS COMPANY.

### SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (M) "An Act to consolidate the borrowing powers of the Western Canada Loan and Savings Company, and to authorize the said Company to issue debenture stock." He said—This is precisely the same as the Bill which has just been read the second time. These three companies all desire to have the same legislation, and I propose in the same way to refer this Bill to the Committee on Banking and Commerce.

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

## INSURANCE BILL.

### SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (G) "An Act respecting Insurance." He said—This is a Bill to consolidate the laws respecting insurance. The chief additional provision, I am told, is one to enable the penalties which the Act imposes for breaches of its terms to be recovered more easily than can be done now. Instead of requiring proceedings to be taken by the Attorney General, this Bill proposes that the proceedings may be taken before a magistrate. That is the principal change I understand. Some of the other changes result from the action of the Joint Committee of both Houses to whom the Consolidated Statutes were referred last Session. The Committee suggested certain changes which it was afterwards thought were hardly such changes as should be introduced by the Commission. It was thought there should be a special enactment. I think some of the changes have been taken in, but not many of them. It seems to me that as it is

chiefly nine-tenths or more a consolidation, the easier way to deal with it would be to let the Bill be read now and consider the changes in the Committee.

HON. MR. POWER—I am sorry that the Government have thought proper to take the course that they have followed with respect to this measure. The Bill has only been laid on our desks to-day and there has not been an opportunity to examine it to see how far it differs from the chapter in the Consolidated Statutes on Insurance. I gather from what the Minister said and from what investigation I have been able to make that the changes proposed by this Bill in the law as it is set out in the Consolidated Statutes, could all be embraced in four or five sections. It is very much to be regretted, under these circumstances, that the Government have gone to the expense of having a voluminous Bill like this printed, rendering useless to a certain extent the work done by the Commissioners who revised and consolidated the Statutes. I do not think that the change made by the Parliamentary Committee to which the Minister has referred rendered any legislation necessary, because their recommendations do not become law until they have been adopted by Parliament, and Parliament has yet to deal with the report of those commissioners. If the few slight changes which the commissioners have made in the insurance law do not meet with the approval of Parliament, then those changes will be simply struck out of their report. I cannot help repeating the expression of my regret that so much expense should be gone to in having this Bill drafted and printed and that the time of Parliament should be devoted to going over a measure which is quite unnecessary. All that is necessary could be put into an exceedingly short bill which might be disposed of in half an hour.

HON. SIR ALEX. CAMPBELL—When I first saw the Bill I was somewhat of the same impression, but upon inquiry I find that it is considered by the Commissioners—two of them at all events I have seen myself—that this is the more convenient way of dealing with it—that to take what is the real law now, as reported by the Commissioners for the consolida-

HON. MR. ALLAN.

ton of the Statutes, and to add to it as the Committee recommended, to add the new provision which the Bill contains about the mode of recovering penalties, would be a complicated affair and the result would be to leave upon the Consolidated Statutes two laws relative to this subject, one the present law and the other the new one containing these amendments. It is more convenient, they think, and will be attended with the advantage of simplicity to adopt the course which we have taken, which is a little more laborious certainly, and put on the statute book to-day the law relating to insurance as it stands. Then when Parliament shall have decided upon that, and this Bill passes in some way or other, it will contain the whole law relative to insurance, and then it can be transferred at little expense to the Consolidated Statutes *en bloc*. I was at first of the opinion expressed by the hon. gentleman, but upon hearing what the Commissioners had to say I acquiesced in their conclusion that this is the more convenient way of dealing with it.

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

The Senate adjourned at 4 p.m.

### THE SENATE.

*Ottawa, Monday, April 5th, 1886.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### A QUESTION OF PRIVILEGE.

HON. MR. ALEXANDER—I rise to a question of privilege.

THE SPEAKER—You can bring it up before the Orders of the Day are called.

HON. MR. ALEXANDER—If the House will permit me, I think I can show that a question of privilege can be brought up at any time.

THE SPEAKER—It is customary to

bring up such matters immediately before the Orders of the Day are called.

HON. MR. ALEXANDER—I think I can produce an authority to show that a question of privilege can be brought up whenever a member chooses to do so. Can I go on?

THE SPEAKER—If the House will permit.

HON. MR. ALEXANDER—I rise to call attention to an article which affects the character, reputation and standing of a member of the Senate. I refer to an editorial in the *Ottawa Citizen* of Saturday, the 3rd of April, and also to a subsequent one in the *Citizen* of this morning, both of which I shall, with the permission of the House, read. The first article is headed "The Degradation of the Senate," and is as follows:—

#### THE DEGRADATION OF THE SENATE.

We have no hesitation in saying that the abuse poured day after day upon members of the Government by Mr. Alexander in the Senate is disgraceful in the extreme, and should not be tolerated. The viciousness of that gentleman's course would indicate that personal animus rather than public interests prompts his attacks. The scenes which have taken place in the Senate since the commencement of the present session would disgrace the House of Representatives at Washington. If Mr. Alexander imagines that his present course in the Senate will tend to raise him in the public estimation, or is in any way creditable to him, he is laboring under an hallucination, and the sooner it is dispelled the better; and if he imagines that the dignity of his position is enhanced by the course he takes outside of the House to impress every Tom, Dick and Harry whom he meets with his individual importance or that Ministers and others whom he maliciously slanders behind their backs will suffer by his abuse, he is hugging a delusion to his heart. If Senator Alexander's desertion of the Conservative party had been prompted by an honest conviction that its policy was not in the interests of the country, and if in the Senate he were to act in accordance with these convictions, any Conservative could respect him and give him credit for sincerity; but the extraordinary course he has thought fit to adopt in the Senate and out of it must convince even the most pronounced opponents of the Government that behind his attacks there is a propelling motive which no man in the possession of his senses would define as patriotism and innate love of purity of administration. It is time the Senate asserted

its dignity, and prevented its further degradation by the repetition of such humiliating scenes for which Mr. Alexander's performances have for some time past made it notorious.

The second article is as follows :

The brief article in the *Citizen* of Saturday, commenting upon the degradation to which the Senate has suffered, in consequence of Mr. Alexander's outrageous personal attacks upon Ministers and upon some of his brother Senators, has excited the ire of the local organ of the party with which that gentleman some time ago became associated. We were not surprised when we read the organ's endorsement of Mr. Alexander's utterly inexcusable conduct. Indeed we should have been surprised if it had protested against it. The *Citizen* does not object to the severest possible criticism of the Government's policy and official acts by Mr. Alexander or anyone else, but when legitimate criticism is departed from and gross personal abuse is resorted to, the offender *should be made to understand* that he cannot fling about his SLANDERS, prompted by vindictive motives, as freely as it may suit his pleasure. As far as we are aware Mr. Alexander's course is not endorsed by any Liberal Senator. No gentleman could do so—no respectable newspaper would encourage him.

Now I would not have noticed it if I had believed it to be an honest expression of one of the gentlemen of the press. This article has appeared in a very mysterious way—I may say without the knowledge of the respected proprietor of that journal, and it is self-evident from what quarter the inspiration came, or I might say by whom it was actually written. The House will admit that every member should be protected in discharging faithfully his duty to the country without being held up to derision and obloquy for performing that duty. No honest or honorable mind would ever have premeditated such an unfair method of attack upon a member of Parliament. I do not believe that there is one member of the press, if he were not specially inspired, would think of writing such a criticism. I could name twenty members of this Chamber who have used much stronger language than I have upon the floor of this House with less provocation. This article is almost verbatim the same language and style of attack as appeared in the *Toronto Mail* in 1882, when I humbly called attention to an irregularity in drawing sessional indemnity, and I am not aware that I have done anything to merit such

unfair criticism. I ask you, hon. gentlemen, if any of you had been nearly ruined and the prospects of your families destroyed, while 100 of your friends had suffered in the same way, would you not in the public interests esteem it your duty to check the person who chiefly caused your losses? If, as an error of judgment, I have used words which can be regarded as too strong, need I remind the House that other members of the House have erred in the same direction? I have honestly and humbly had the simple desire to stop wrong doing. As regarding the Government, let the leader of the House point to one word in my criticisms of their public acts which the country regards as too strong. As regarding the slight personal attack made, *en badinage*, upon two members of this House, such as I was provoked to make by the rough treatment I received at their hands, I punished them as they deserved. They brought it upon themselves and I now give them notice that I will not in the future brook unseemly and unparliamentary interruptions and thus have all my utterances destroyed and rendered useless. But as regards all the other members of this House, except those five, I have never received anything but the greatest courtesy, kindness and respect at their hands and it is a matter of pride and pleasure to me to feel that the cordial relations between me and them have never been disturbed. Many of my utterances in the Senate are finding their way through the press of the different provinces of the Dominion, and those utterances will testify that in this instance I have been unfairly criticised.

## REBELLION LOSSES CLAIMS.

### MOTION.

HON. MR. ALEXANDER 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 return setting forth the total amount of the claims, which have been already acknowledged by the Government for losses sustained by the Hudson Bay Company and private parties, arising out of the North-West Rebellion, up to the 1st of March, 1886, giving the names and amounts.

He said—As there are three motions on the paper following this, and as I hope

the Government will bring down the papers for which I now ask, I will merely make the motion without any observation.

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

The motion was agreed to.

## CHURCH HOLIDAYS.

### MOTION.

HON. MR. ALEXANDER moved—

To Resolve:—That it is not according to the general wish of members of Parliament, and is not in the public interest that so many church holidays should be observed by the Dominion Parliament; but that the following, viz: Ash Wednesday, Good Friday and Christmas day shall be the only church holidays observed; Dominion Day and Queen's Birthday the only other holidays observed by the Parliament of the Dominion.

He said—If the House will permit me I shall merely make this motion and when I hear the views of the Government on the subject I will reply.

HON. MR. PLUMB—It is evidently not in accordance with the wishes of the House, as there is no seconder to the motion.

HON. SIR ALEX. CAMPBELL — I have nothing to say on the subject.

HON. MR. ALMON—If the hon. gentleman will leave out all the days mentioned in his motion and substitute Thanksgiving Day I will support it. The other holidays are fixed by the Church and by Parliament, but the holiday which we call Thanksgiving Day is imported from the New England States. We are asked to give thanks whether the harvest is good or bad; whether the fisheries have been plentiful or have failed, and we all know that it was got up just because the governments of the New England States had done away with Christmas, Easter and other days, which we hold as days of thanksgiving to God for all his mercies. It is giving to the Government instead of the Church the power to ordain the day on which we should give thanks. Now, to what is that day devoted? To eating turkeys and gluttony. If, instead of that,

we had the wassail bowl and the geniality which accompanies it, I could overlook it; but where the day is devoted to gluttony by order of the Governor-in-Council, and put on an equality with the days which the Church has set aside from time immemorial for giving thanks, I am thoroughly opposed to it. At what time of the year is it generally fixed? At the close of the year, when the laboring classes have a long winter before them. They are deprived of the opportunity of earning the dollar or dollar and a quarter which they would get if they were allowed to work on that day, and which would help them to purchase their Christmas dinner. But no, they are obliged to spend the day in idleness by order of the Governor-in-Council. If the hon. member from Woodstock will strike out the days included in his motion, and insert in it only Thanksgiving Day, although I do not often support him, I will second his motion.

HON. MR. PLUMB—Thanksgiving Day is not a statutory holiday, but one proclaimed by the Governor-in-Council, and we could not take notice of it by anticipatory action.

HON. MR. SCOTT—I am not aware that the public interests have in any way suffered by the observance of holidays by Parliament. If the public interests warranted it, I assume that Parliament might meet on many of the days that we are now accustomed to adjourn over.

THE SPEAKER—It requires a special motion to adjourn over any holiday.

HON. MR. SCOTT—If on any occasion the House should feel that the public interests demand it, we can sit every day. We have precedents for it both in England and America: but where it is not shown that the public interests have been in any way damaged by this House adjourning over any particular day, it is premature for any gentleman to suggest or to move that any of the customary holidays should not be observed.

THE SPEAKER—Under the parliamentary rules a statutory holiday does not necessitate an adjournment, of itself: a special motion for adjournment is required



even over a statutory holiday. Our rules govern the whole subject, and they make provision only for an adjournment from day to day, except from Friday evening until Monday. It requires a special motion to adjourn even over a statutory holiday.

The motion was declared lost.

## THE RULES OF THE SENATE.

### MOTION.

HON. SIR ALEX. CAMPBELL moved

That a Special Committee be appointed to consider and revise or add to the Rules, Orders and Forms of proceeding to the Senate, and that such Committee consist of the Honorable Messieurs Botsford, de Boucherville, Dickey, Howlan, Pelletier, Odell, Scott and the mover, and report forthwith to the Senate.

He said—It has occurred to me, and I dare say to other members of the House, that some improvement might be made in the rules and proceedings of the House: and in view of having that question considered I gave notice of the motion which is now before us for consideration. The only change I desire to make in the motion is to add the name of Mr. Power to the Committee.

HON. MR. SCOTT—I have not heard what the intention of the hon. leader of the House is in formulating this proposition, and in the absence of that information I am unable to express any opinion as to the wisdom of adopting the proposition for the appointment of a select committee. It may be that our rules can be improved, and I should reserve to myself the greatest freedom in accepting a position on the committee, as to whether it would be advisable to make alterations, and in what direction, as I really know nothing of the intention of the mover of this motion.

HON. MR. POWER—It occurs to me that it is somewhat unusual to make a motion of this sort at this stage of the Session without informing the House as to the reason for the proposed change. I think that our rules are susceptible of improvement, and that they need revision:

THE SPEAKER.

but it seems to me that the House ought to be informed by the leader as to the reasons which make this committee desirable at the present time.

HON. MR. ALEXANDER—I would ask the permission of the House to move an amendment that the names of Messrs. O'Donohoe and McClelan be added to this committee, and if the House will permit me to state that I quite agree with my hon. friend who has just taken his seat, that I cannot quite see what the leader of the House is driving at. We all understand the rules of the House to be drafted very much in imitation of the rules which govern the House of Lords at home, and the rules which govern the House of Lords are different in many respects from those governing the House of Commons. It is easy to explain why they are different. I never prejudge any one's purposes: it is not right to do so. They may be wicked or otherwise. The leader of the House has evinced a somewhat wicked disposition of late.

HON. GENTLEMEN—Order, order.

THE SPEAKER—The hon. gentleman is using language that is not parliamentary.

HON. MR. ALEXANDER—I have known him during 28 years' experience to ask for one or two committees.

THE SPEAKER—The hon. gentleman should withdraw the expression for which he was called to order. The rule, I may state for the information of hon. members is that when an hon. member is called to order he sits down, and he cannot proceed again without the permission of the House.

HON. MR. ALEXANDER—I withdraw the word "wicked." I have known the hon. gentleman for 28 years, and I have known him to move for one or two very strange committees—committees which were certainly fraught with evil, and if the hon. gentleman desires me to name the committees I am quite prepared to do so. I have no desire to now drag into the discussion the result of one committee which he named, and which was really fraught with very great evil.

warn the leader of the House, and I conceive it my duty to sound a warning voice to members of this august body, that the leader of this House in moving in the direction that he is now doing is treading on exceedingly dangerous ground, although he may not perhaps see it. If he thinks that during the past any humble member of this House, under the rules, has been able to address any improper language to the Senate, or make any improper statements—if he thinks to narrow that constitutional power of a member by handing over to the Speaker of this House, without any motion, or without any expression from the members of this House, the power to stop all discussion, I warn him and I warn this House that it is a most dangerous move that may imperil the existence of the Senate with the people of this country. The people are not satisfied with the nominative principal: they are not satisfied that the first Minister should have named the largest number of the members of this House. Naturally they all admire him—they have the highest opinion of him, and we can hardly expect that the members who have been placed here by Sir John Macdonald within the last eight or ten years will criticize his acts. If the leader proposes now to vest the whole power in the Speaker of the House contrary to the rules of the House of Lords, it may lead to serious consequences. Why is it that the Speaker of this House, has not had the power in the past, to interpose, without a motion of some member of the House? It is simply because the Speaker is not elected by us: he is a nominee of the Crown, whereas the Speaker of the House of Commons is elected by the people's representatives, and he is there clothed with larger powers to keep the House in order: whereas our Speaker is the nominee of the Government who have nominated more than three-fourths of the members of this House from the same party.

HON. MR. MONTGOMERY—I think the hon. gentleman is out of order. He is anticipating what the report of the committee is to be—what I or no other gentleman except himself would attempt to do. It is time enough to discuss the report of committee when it comes before us.

THE SPEAKER—The remarks of the hon. gentleman from Woodstock may not

be quite relevant to the motion, but I think he is not out of order in the remarks he has been making.

HON. MR. ALEXANDER—I owe it to the Speaker to make the remarks I am now making, because it is really, with regard to his position, a most critical point. The people regard us as their representatives, although a large body of the House are the nominees of Sir John Macdonald: but if it once gets into the minds of the people that the power of the House has passed into the hands of the Speaker, and if in the future the Speaker should rule me down while doing my duty to the people, it might cause wide-spread excitement amongst the press of the country and cause an agitation to wipe out the Senate altogether. The leader of the House is not satisfied with having the rules of the House of Lords, but he wishes to usurp the power and place it in one individual, the honored, able and respected Speaker of this House to do exactly as he thinks proper. I am sure that hon. gentlemen who desire to see the Senate, as it is, perpetuated, should be exceedingly careful not to allow any infringements on their rights as private members. I do not believe that the present Speaker, with his clear judgment, would be likely to commit an error in ruling and put anyone down unless he were sustained by the ordinary rules of the House, but the future Speakers may not be men of the same character. I implore the leader of the House, and tell him that he is on most dangerous ground, and the press is ready to take hold of this, because they say the hon. gentleman's object is to gag the House.

HON. MR. PLUMB—I call the hon. gentleman to order. He says the object of the mover of this resolution is to gag the House, and I put it to the Senate if such language as that is permissible without calling the hon. gentleman to order?

THE SPEAKER—I did not so understand the hon. member from Woodstock. The hon. gentleman did not say it was the object of the leader of the Government to gag this House; he said it was the press who said it.

HON. MR. ALEXANDER—If the hon. gentleman from Niagara goes on much longer we will have to place him in the hands of Big Bear or Poundmaker or some other Indian Chief because he has lost his reason.

HON. MR. PLUMB—I call the hon. gentleman to order, and I appeal to the House to say whether the statement I made before is not a correct one! I also appeal to this House whether any member should be charged as the hon. gentleman has charged me, without incurring the censure of the House.

THE SPEAKER—The hon. gentleman from Niagara is out of order in reflecting on the decision of the Chair. I distinctly heard the language that fell from the hon. gentleman from Woodstock; he said that the press of this country alleged that the object of this motion was to gag this House—he did not say that it was the object of the leader of the House.

HON. SIR ALEX. CAMPBELL—I cannot accept the amendment of the hon. gentleman from Woodstock. The committee as it is now constituted includes a full representation of the party to which Mr. McClelan belongs, and a full representation of the party to which Mr. O'Donohoe belongs. Upon the Committee which is named are the names of Messrs. Scott, Pelletier and Power: and I think that is as strong a representation as the Opposition would desire to have. The reason I did not enlarge at all upon the idea which I had in giving the notice was that I thought it was not desirable at this stage of the proceeding to do so. When this Committee reports, the nature of their report will have to be considered in the House, and will no doubt be considered at length, and then will be the proper opportunity to discuss the reasonableness or otherwise of the suggestions that the Committee may make.

The amendment was declared lost.  
The motion was agreed to.

#### A QUESTION OF PRIVILEGE.

HON. MR. ALMON—I propose to call the attention of this House to the Official

Report of the Debate which took place in this House on Wednesday last. In the speech of the hon. gentleman from British Columbia, residing at present in the city of Toronto, he is reported to have said, in alluding to my conduct, that it was "captious and cowardly." The word "cowardly" did not strike my ear: and as I have not been in the habit of being called a coward, it is not likely that he could have done so without my replying to it. If that word was used by the hon. gentleman it did not catch my ear. I do not regret not having done so, because I would not have asked the hon. member to apologize, though if I had, I think the House would have supported me. I care as little for the charge that I am a coward, coming from the source it did, as for the apology, as both would be perfectly trivial in my mind. The word "coward," if it had been used at the beginning of this century under such circumstances could have had only one result, but I doubt if it would lead to that result now, or that it would even in those days, because if I am allowed to paraphrase the words of Burns:—

"The king may make a belted knight,  
A Senator and a' that;  
A gentleman's aboon his might—!  
Good faith he munna fa' that."

Therefore I do not think it would apply in this case. I ask hon. gentlemen whether the word "coward" struck their ears: it did not strike mine? If it did not I think it ought to be expunged: if the hon. gentleman did use it it may be left to stand for what it is worth.

The subject was dropped.

#### DRUGGISTS' BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a committee of the whole on Bill (J), "An Act relating to druggists."

HON. MR. McMILLAN—moved the adoption of the 1st clause.

HON. MR. DE BOUCHERVILLE—I hope the hon. member will have no objection to making a small amendment. His intention probably is to provide that nothing contained in any Act of Parliament

since Confederation shall be held to interfere with the sale of liquor under the circumstances mentioned in the Bill. Before Confederation there were Acts of the Parliament of Canada some of which are in force to this day in the Province of Quebec, which under the language of this clause would be affected by the Bill. I therefore move to insert after the word Canada the words "since Confederation."

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

HON. MR. McMILLAN—moved the adoption of the 1st sub-section.

HON. MR. POWER—When this Bill was at its second reading I think it was the leader of the House who suggested that we might let it pass without debate, and it could be discussed in committee. The hon. member from Alexandria has failed to show a sufficient reason for our passing this Bill. I have not seen any petition asking for this legislation, and the hon. member at the second reading gave no reason why the Bill should pass. He was not prepared to point to any case where abuse or inconvenience had arisen from the existing condition of the law. The law on the Statute Book makes provision which has proved by experience to be ample for the case of physicians' prescriptions, and under the circumstances the House would not be justified in going any further with this Bill unless some good cause is shown for our adopting it.

HON. MR. KAULBACH—It is strange that my hon. friend should repeat now the same objections, if not exactly in the same language, that he raised at the second reading. The House thought that the principle of the Bill was sound at the time, and there is no good reason to renew the discussion upon it now.

HON. MR. McMILLAN—This matter originated in the first place at a meeting of the College of Pharmacy, at which the following resolution, which, in my opinion, carries much more weight than any number of petitions, was adopted.

Moved by Mr. Elliot, second by Mr. Saunders,—That the Committee on By-laws and Legislation be authorized to obtain a legal

opinion, if they think it necessary, in regard to the operation of the several Acts, viz: Scott, McCarthy, and Crooks, as affecting druggists in the sale of spirits in Scott Act counties.—Carried.

"The opinion of legal gentlemen was obtained with the following result:—

(1) No druggist is privileged to sell, expose for sale, barter, or for any property consideration gave away liquor for medicinal, or any other purposes, unless he is licensed under the Scott Act.

(2) Intoxication liquor for exclusively medicinal purposes, in quantities of not less than a pint, and only on the certificate of a legally qualified physician not interested in the sale.

(3) The legal opinion of the Solicitors of the College in regard to the spirituous compounds prepared by druggists is to the effect that all such come within the general meaning of the Act, but whether any particular tincture, or spirituous medicinal compound, can be so classed is not a question of law but a matter of fact, to be determined in each particular case.

The hon. member from Halifax said there was a law on the statute book by which druggists are protected. I should like him to point it out to me. It is not likely that the druggists of Canada would be seeking for this legislation if there was an Act on the statute book which protected them. A committee was struck for the purpose of obtaining this legal opinion, and they submitted their report to the college as follows:—

During the period which has elapsed since we last met, efforts have been made by the members of the Council residing in or near Scott Act counties, to obtain the opinion of the druggists carrying on business in those counties, as to the working of the Act, and how far its provisions have been found to affect their legitimate business. In reply to letters issued, a considerable number of communications have been received from druggists residing in the counties of Simcoe, Bruce, Dufferin, Huron and Oxford, some of whom hold the Dominion license. The general sentiment expressed is decidedly adverse to the Act, and it is evident that, when literally interpreted, it bears most unjustly and arbitrarily on the legitimate business of the druggist, so much so that it becomes almost impossible for one to carry on his business without constantly violating the provisions of the Act.

Under these circumstances your committee would strongly urge on this Council to use their influence in endeavoring to secure the passage of amendments, similar to those presented last year, which were adopted by

the Senate, and, with the exception of one clause, concurred in by the House of Commons, but were prevented from becoming law for the reason that they became associated with other amendments on which the two Houses could not agree.

HON. MR. POWER—The hon. gentleman has read the report of the Committee; what was the decision of that body on that. Was it adopted?

HON. MR. McMILLAN—Yes.

HON. MR. VIDAL—It appears to me to be out of order to discuss the principle of the Bill at this stage. I think we had better go on with the details and leave any discussion of the principle of the Bill until the third reading.

HON. MR. PLUMB—The House is in Committee, and there is large liberty allowed in the discussion of the clauses of a Bill in Committee.

The first sub-section was adopted.

On the 2nd sub-section—"Physicians' prescriptions consisting of or containing spirituous liquors, if sold in quantities of not more than eight ounces at any one time"—

HON. MR. POWER—The law now authorizes the sale of liquor under physicians' prescriptions in quantities not less than one pint. If we pass this sub-section we shall be authorizing druggists in all the Scott Act counties to sell liquor in any quantity whatever.

HON. MR. McMILLAN—Under physicians' prescriptions.

HON. MR. POWER—We know what physicians' prescriptions are and what physicians sometimes prescribe. We have had reports of the working of the Scott Act in counties where it has been in force, and we find that physicians prescribe enormous quantities of liquor, which could not possibly be required for the ailments of their patients, and the presumption is that in the same way the average man will be able to get a standing prescription, from a good many doctors at any rate, authorizing him to get eight ounces of liquor

per day. Now I do not think that it is a desirable thing that we should have all the men in a neighborhood, who are fond of liquor, running into drug stores and buying liquor in such quantities.

HON. MR. McMILLAN—All that can be done now, only the quantities are larger.

HON. MR. POWER—I think the way to deal with this is to attack the Scott Act in front. If the hon. member will introduce a measure to repeal the Scott Act I shall support it, but I cannot approve of a Bill like this which I look upon simply as an attempt to render the Scott Act nugatory by a sort of attack in the rear.

HON. MR. SULLIVAN—I must repel the insinuation which the hon. gentleman has made, without any reason, that physicians would lend themselves to any such deception as to prescribe eight ounces of liquor to patients indiscriminately. I do not think he has any foundation for it; and I do not think he should make such a charge against a learned body, like the physicians of Canada, without foundation. To show the absurdity of the statement he has made, he has no objection to a prescription of a pint, but he has objections to a prescription of half a pint. This clause refers only to physicians' prescriptions. The principal evil that I see under the Scott Act is, that certain druggists are licensed. Other druggists cannot sell preparations of alcohol, and I think it is an unfair discrimination against them. It is a well known fact that most powerful resins cannot be eliminated except by alcohol, and it is absolutely necessary, in the present state of medical science, that these prescriptions should be made up with alcohol for the benefit of the community. I cannot therefore see why this should fail to be regarded as a simple act of justice to the druggists. The average prescriptions are eight ounces, and it is seldom that a prescription is for a larger amount.

HON. MR. KAULBACH—That is about half a pint?

HON. MR. SULLIVAN—Yes.

HON. MR. McMILLAN.

HON. MR. DEVER—I do not think there is any gentleman in this House who would doubt the honor of physicians in a case of this kind, but I see in the first section there are three classes included, physicians, druggists and chemists. Now we know that the druggists generally deal in many classes of goods, and from my experience I feel that there would be a very wide range given to them under the 3rd sub-section of this clause to dispose of alcohol. Under that sub-section the vendor is to decide whether patent medicines are capable of being used as a beverage. It would be a very easy matter for druggists, under such a clause, to sell large quantities of alcohol. I have known cases in which alcohol merely tinged with a little oil of lemon has been sold by druggists to be used as a beverage. I know of my own knowledge of over 150 puncheons of liquor having been sold in St. John in that way, and the revenue thereby defrauded to that extent. I therefore take exception to that section.

HON. MR. KAULBACH—When liberty runs hand in hand with intelligence, all evils of that kind will cure themselves rapidly. We cannot expect the physicians would lend themselves to any such abuses as the hon. member from St. John points out—that they would prescribe liquor flavoured with orange or lemon peel. This Bill is in the direction of temperance, because it reduces the quantity that a druggist may sell to one-half what is permitted by the Scott Act. The quantity under this Bill is half a pint, and it can only be sold under the prescription of a doctor. Although there may be dishonest physicians as there are dishonest members of all professions, I think it is unfair to brand the whole medical fraternity as untrustworthy. It is an unmerited stigma upon one of our best and noblest professions, those to whom we must trust ourselves when we fail in health. I hope that this clause will be allowed to pass.

HON. MR. GOWAN—I venture to think that my hon. friend, the senior member from Halifax, has not shown his usual logical perception of things in speaking against this sub-section. He

argues from the abuse against the use. Now this clause merely relates to the use of certain preparations under prescription of a medical man. I cannot agree with the hon. member from Halifax that the physicians of this country—and I can speak for those in a very large district, with whom I am familiar—would lend themselves to those who would improperly abuse the privileges which this bill would confer. But if they do they are liable to punishment; if, instead of prescribing medicine for a patient, they furnish him with drink to gratify his vicious appetite, they will suffer for it, especially in public opinion. I cannot believe that any honorable man would be guilty of such despicable conduct. My hon. friend's argument is that this sub-section is likely to be abused, therefore druggists should be prevented from selling medicines prescribed in the proper way by a physician. I disagree with that line of argument; I do not believe that physicians, throughout Ontario at all events, are likely to abuse the privileges granted them by this Bill.

HON. MR. McMILLAN moved the adoption of the third sub-section.

HON. MR. DEVER—I wish to move an amendment that the clause be struck out. I do not think it is wise in the public interest to give such power to the druggists.

The sub-section was adopted.

On the title of the Bill,

HON. MR. POWER said:—It is a general rule that the title of a bill should in some way indicate what its character is. Now the title of this Bill fails to do so. The object of the Bill is to allow druggists to sell alcohol in various forms, but the title does not indicate in the slightest degree that that is its object. I really think that the hon. gentleman ought to entitle the bill "An Act to authorize the unlimited sale of alcohol by druggists."

HON. MR. GOWAN—The consolidators, in determining what would be the best and most convenient title of an Act, thought that the form used in this Bill would be the best—"in relation to"—

HON. MR. POWER—The hon. gentleman misapprehends the nature of my objection. It is not that the words “in relation to” are used, but that the title does not indicate the character of the Bill. I think it should be “An Act relating to the sale of alcohol by druggists.”

HON. MR. PLUMB—But it is not such an Act.

HON. MR. POWER—My hon. friend from Niagara might contrive to differ from a member of the House in a more indirect way. If he would say “in my humble judgment it is not such an Act”, it would not be so objectionable. If he will point out to me what there is in this Bill that does not relate to the sale of alcohol I shall be obliged to him.

HON. MR. DEVER—At the third reading I propose to move an amendment to strike out the 3rd sub-section of the 1st clause,

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

The Senate adjourned at 4-40 P. M.

#### THE SENATE.

*Ottawa, Tuesday, April 6th, 1886.*

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

#### PRIVATE BILLS.

HON. SIR ALEX. CAMPBELL moved that the time allowed for receiving reports from the Select Committee on Standing Orders and Private Bills be extended from the 8th to the 22nd instant.

The motion was agreed to.

#### REPRESENTATION OF BRITISH COLUMBIA IN THE CABINET.

##### AN EXPLANATION.

HON. MR. NELSON—Before the Senate adjourns I rise to make an explanation in connection with the motion of my hon. friend from New Westminster, which was before this House on Wednesday last. I find from the report of the Debate on that occasion, that it might be taken from my remarks, whether those remarks were plain or otherwise, that I was opposed to the representation of British Columbia in the Cabinet. I want to state here now that not only am I not opposed to it, but that I am strongly in favor of the representation of British Columbia in the Government—that I think it would be a new era almost in the existence of the province if it could secure proper representation in the Cabinet. I state this because, as I have already explained, my remarks may be misinterpreted. I know that the hon. member who made the motion, from one of his remarks, did misinterpret them. I certainly did not intend to convey the idea that I did not desire the province to be represented in the Cabinet. What I did intend to convey, and what I thought I had conveyed to the House was that I was opposed to establishing anything like a cast iron rule that all the Provinces should be represented in the Cabinet, and I gave my reasons for the views I held on that question. In making these remarks I do so less for the Senate here than for the purpose of having my position known in British Columbia. I really believe that I was understood by the House.

HON. SIR ALEX. CAMPBELL—Yes quite understood.

HON. MR. NELSON—I really believe that I was understood as not being opposed to the representation of British Columbia in the Cabinet, but to having a cast iron rule that all the provinces should be represented in the Cabinet. I may add that in opposing my hon. friend's motion, I had good and sufficient reasons in addition to those which I give on that occasion. I would have stated them at the time but for the fact that it was late in the evening and the debate had extended over a con-

siderable time and I did not wish to weary the House. But if there could be any greater reason than I did advance, I think it is illustrated by the fact that while Mr. Mackenzie was in power there was but one single member returned from British Columbia to support his Government. It would have been exceedingly hard for Mr. Mackenzie to form his administration if he had been bound by such a rule as the one which my hon. friend wishes us to adopt. There could have been but one man selected. If Mr. Mackenzie had thought proper to take him into the Cabinet, he would have been obliged to return to British Columbia for re-election and the chances were that he would have been defeated. With such a cast iron rule as my hon. friend wishes to establish, Mr. Mackenzie's position would have been an exceedingly difficult one. Under all these circumstances—

HON. MR. MCINNES—I rise to a question of order. I desire to know if I will be allowed to reply to my hon. friend's remarks. He is making a second speech on my resolution of Wednesday last, nearly a week ago, which would have been very well and timely if made when it was before the House. If I am not allowed to reply to him I think it is scarcely fair to allow him to proceed, and it will lead to my raising a question of privilege at another time and making whatever criticisms I deem necessary.

THE SPEAKER—The question put by the hon. member can only be answered by the House. I must say that although the hon. member from Burrard Inlet commenced with a question of privilege, he has rather gone beyond what the rule of the House would permit and on that account the House perhaps would be disposed to let the hon. gentleman reply.

HON. GENTLEMEN—Oh no, drop, drop!

HON. MR. NELSON—I of course bow to the decision of the chair in this matter, but I thought it due to myself to make this explanation. I am sorry if, in making it and giving further reasons which I had not an opportunity of adducing at the time, they hit hard at my hon. friend, so hard that he has to rise and prevent me

speaking on the subject. I thought, as I do not often trouble the House or take up its time, that possibly under the peculiar circumstances of the case, the House would have allowed me to finish my remarks. However, as I have been ruled against I have nothing further to say.

#### BILLS INTRODUCED.

Bill (37) "An Act to naturalize Girolamo Cosentini, commonly called Baron Girolamo Cosentini." (Mr. Plumb.)

Bill (38) "An Act respecting the Niagara Grand Island Bridge Company." (Mr. Plumb.)

Bill (40) "An Act relating to the Canada Southern Bridge Company." (Mr. Plumb.)

#### THE SENATE DEBATES.

HON. MR. POIRIER—I have received several letters from newspapers in the Lower Provinces asking me that the debates of this House should be sent to them. I have tried to have their request complied with but I find that it is against the rule of the Debates Committee. The newspaper gentlemen who have written to me are the editors of the *Moniteur Acadien* and *Le Courier des Provinces Maritimes*. They are weekly papers and I find that the reports of our debates are only sent to daily newspapers. I think it is to be regretted that weekly newspapers such as those I have referred to, and many others in the Lower Provinces, cannot get the reports of the debates of this House as the daily newspapers do. Our official report is for the purpose of letting the public know what we are doing. The papers to which I have referred have a large circulation and their editors would like to bring what is being done in the Senate before their readers. Of course I cannot remedy the difficulty, but I call the attention of hon. gentlemen, especially the members of the Debates Committee, to the matter to see whether means cannot be adopted by which the reports of our debates can be furnished to the weekly press, or to such as are desirous of procuring them.



HON. MR. DE BOUCHERVILLE—I think there are only 12 copies of the Debates remaining after the distribution takes place. The rule is to send copies only to the daily papers. If we were to send to the weekly papers it would largely increase the number of copies required, and it is simply a question of expense. The hon. member did not, to my knowledge, speak to the Committee on the subject.

HON. MR. KAULBACH—Similar applications have been made to me and I have had to reply that I thought it would involve a very large increase in the number of copies sent out, as the tri-weekly and weekly newspapers largely exceed in number the dailies published in the Maritime Provinces. I should be very glad, if this privilege is granted to the newspapers mentioned by my hon. friend, to have it extended to other newspapers as well.

HON. MR. VIDAL—As a member of the Debates Committee I may say to the hon. gentleman that I do not think he can see the great inconvenience that would result from complying with his request. It would involve our supplying all the weekly newspapers throughout the Dominion with copies of our debates. The hon. gentleman himself receives six copies, and surely he and other members from his province might manage to supply such newspapers as desire to be furnished with our debates. I think it is hardly right to disturb the existing arrangement for supplying the daily papers. It would open the door for a very heavy demand on us—a larger demand than we can supply.

The Senate adjourned at 4:35 p.m.

### THE SENATE.

*Ottawa, Wednesday, April 7th, 1886.*

The Speaker took the chair at 3 o'clock.

Prayers and routine proceedings.

### THIRD READINGS.

The following Bills, reported from the Committee on Banking and Commerce without amendment, were read the third time and passed :—

Bill (F) "An Act respecting the London & Ontario Investment Co." (Mr. McKindsey.)

Bill (H) "An Act to consolidate the borrowing powers of the Canada Permanent Loan and Savings Company, and to authorize the said Company to issue Debenture Stock." (Mr. Plumb.)

### REBELLION LOSSES CLAIMS.

#### MOTION.

HON. MR. POWER moved

That an humble Address be presented to His Excellency the Governor-General; praying that he will cause to be laid before this House, copies of the Commission or Commissions, and instructions issued to the Commissioners appointed to enquire into and report upon the losses sustained in the North-West Territories during the recent Rebellion.

He said: It will be seen that the subject of the motion is a somewhat important one, and I regret that it has not fallen into better hands, and that I am not better prepared to deal with it. The general principle which governs losses of the category in which those sustained by parties in the North-West owing to the rebellion fall, is, that where the loss falls in the first instance, there it remains. We find this principle running through different walks of life. We find that, in marine insurance for instance, the acts of God and of the Queen's enemies are excepted from the operation of policies—there is no compensation in those cases,—that where, owing to the visitation of Providence in the shape of floods, forest fires and other calamities of that kind, losses take place, the parties who suffer loss are not entitled to look to the Government or to the public for compensation. If the public, either the small community in which those calamities take place or the larger community, the Province or the Dominion do undertake to relieve in any degree the sufferers in those cases, it is done not by way of compensation but by

way of free gift or charity. It is not the general rule that the sufferers by war are relieved. I do not think that as a rule the persons in the United States who suffered through the civil war were compensated by the public. It is true that those who suffered from the Confederate cruisers were compensated, but the compensation was not from the United States but from Great Britain, which paid a very large sum for the alleged damages by the Confederate cruisers. I think that these claims for damages during the late rebellion in the North-West call for special vigilance on the part of the Government; and I propose to ask for the instructions given to the Commissioners, partly for the purpose of seeing whether the Government have taken the pains which they should have taken to protect the public interest. The first precedent to which I shall refer hon. members is one almost exactly in point, it is the case of the great Indian Mutiny of 1857-58, and I propose to read to the House a portion of the despatch embodying the final decision of the Imperial Government with respect to the compensation for damages sustained during that mutiny. That case, I think, is very like our own. An outbreak took place in a great British possession, and the natives of the country were those who were exclusively in that case concerned in it. In our case the half-breeds, who may be considered to occupy, to a certain extent, the position of the natives of India, together with the Indians who are undoubtedly the natives, are the parties who were concerned in getting up the rebellion. The people who made the claims in the case of the Indian Mutiny were largely Europeans: but there were also loyal natives; and I presume that in this case claims have been made by whites and loyal half-breeds. No doubt the amount of loss suffered in the Indian Mutiny was many times greater than that suffered in ours, because the outbreak was much more serious, and the country was much wealthier and the population infinitely greater. Having said so much I will read what I consider the essential portion of the despatch embodying the final decision of the Imperial Government on the claims for compensation for damages arising out of the Indian Mutiny. The despatch I am going to

read is one to the Governor General, and the third paragraph is as follows:—

“Her Majesty’s government cannot admit that there is any ground for the claims put forward, by firms or individuals, for losses of profits which, but for the mutiny, might have been realised, or by insurance offices for loss of premiums through the death of persons whose lives have been assured.”

That paragraph disposes of a number of claims for consequential damages at once. The 5th paragraph says:—

“After full consideration of the subject, Her Majesty’s Government are of the opinion that, in granting compensation, a distinction should be made between losses on buildings, factories, or crops and losses of cash, jewels, and articles of personalty. They have accordingly determined that, in regard to the former, when the amount of the admitted loss should exceed 2,000 Rupees, compensation to the extent of one-half shall be awarded, and in cases where the admitted loss shall exceed 2,000 Rupees compensation shall be awarded to the extent of 1,000 Rupees and one-third of the sum by which the loss shall exceed 2,000 Rupees, in regard to cash, jewels, and articles of personalty, they consider it proper to limit the compensation to one-third of the admitted loss, in no one case granting a larger amount than 5,000 Rupees.”

I may observe that, a rupee is about equivalent to two shillings sterling, or a half dollar of our money.

There is another very important principle laid down there, that the public are not to compensate in full—that in no case do they compensate to more than half the admitted loss, and they allow the individual to bear the remainder of the loss. The 9th paragraph is as follows:—

“According to the information at present before me, and as far as I am able to form an estimate from the statements forwarded, the amount which will have to be provided as compensation, under the principle laid down in this despatch, will not exceed 8,000,000 Rupees; but Her Majesty’s Government desire that it should be distinctly understood that whatever may be the amount of losses substantiated, no larger sum than 10,000,000 Rupees can be granted for the payment of compensation, and that in the event of this sum being insufficient to satisfy the claims established on the foregoing principles, a *pro rata* reduction must be made. I shall be prepared to remit to you the requisite sum in the course of the ensuing winter.”

The last paragraph says:—

“It will be the duty of your Government to take care that the inquiry is so conducted that, whilst all the parties have the fullest opportunity of establishing their losses, the revenue is protected from unreasonable claims, and strict proof must be required that the

losses incurred were really caused by the mutiny and could not have been prevented by the exercise of common prudence on the part of those who sustained them."

Then there is a subsequent despatch, one paragraph of which, I propose, with the permission of the House to read. It appears that the Governor-General, in replying to the despatch a portion of which I have just read, recommended that the full amount of the ten millions of rupees should be regarded as in any case available to meet the claims, and if the claims calculated in the manner laid down in this despatch did not reach that amount, any surplus remaining should be distributed among the claimants. He is taken to task by the Imperial authorities as follows:—

"In granting one crore of rupees to meet these claims to compensation, Her Majesty's Government desired that it should be understood that whatever might be the amount of losses substantiated, no larger sum than one crore could be granted for compensation; and that, in the event of that sum being insufficient to meet the claims a *pro rata* reduction should be made. I regret that you should have encouraged any hope on the part of the claimants that, in the event of a surplus remaining out of the crore of rupees, it would be distributed rateably among them. Her Majesty's Government does not consider it expedient to alter the terms of the arrangement laid down in my despatch above referred to, or to pledge itself as to the manner in which any surplus that may remain after the prescribed allotment shall be disposed of."

Now, as I have said, I think that the action of the Home Government in the case of the losses by the Indian Mutiny gives us a very good model to copy. The next notable case where damages were awarded for losses sustained during an insurrection was in the case of New Zealand. The Province of Taranaki had been almost devastated by the Maori war, and at the close of the war the people of the province petitioned for relief. The Legislature of New Zealand gave them relief in the session of 1861; but the form in which the relief was given was different from that which we have heretofore adopted in Canada. The Legislature agreed to borrow £200,000 sterling for the purpose of setting the Province of Taranaki on its feet again; but it made that loan of £200,000 payable by the province. It bound the Province of Taranaki to repay the amount of that loan by instalments. Then we have had

in Canada two or three cases of compensation in the case of rebellions. In the case of the rebellion of 1837-8 there was compensation.

HON. MR. SCOTT—On both sides.

HON. MR. POWER—Yes. I am not going into the history of that. I am not very familiar with it, and it is perhaps a little too ancient; but the course that was adopted in the case of the rebellion of 1837 was that at a comparatively early date after the outbreak had terminated the loyalists who had suffered were compensated. The work of compensation was not completed until 1849—more than ten years after the outbreak had terminated. A commission was appointed either in 1844 or 1845, to enquire into and report upon the claims of persons in the Province of Lower Canada who had not been convicted of taking a part in the rebellion and who claimed to have suffered losses. This commission reported in 1846; but the report was not acted upon until 1849. The commissioners in their first report, which is the only one that I have read, stated that the total amount of the claims which had been submitted to them was £241,965. They pointed out certain deductions which would necessarily be made from that amount, and they concluded their report by saying they thought that £100,000 would be as much as would be required by justice; and the Act of 1849, which led to such grave consequences, proposed to give that sum to those who had suffered losses. As to the serious results that arose from the Rebellion Losses Bill, I do not propose to say anything. Most hon. gentlemen are familiar with them; but if hon. gentlemen will take the trouble to look into the history of that commission they will find that care was taken to eliminate claims for consequential damages and claims of a doubtful character generally. Then we had in the case of the first difficulty in the North-West a commissioner appointed, a Mr. Johnston, for the purpose of ascertaining the amount of damages suffered, and the total amount which I have found in the Public Accounts was something less than \$100,000. I think that the case of the first rebellion in the North-West ought to

serve as a warning to the Government to guide them in dealing with the claims arising out of the outbreak of last year ; because undoubtedly some persons in the North-West laid the foundations of their fortunes in that outbreak. Sums were received for damages which made them comparatively wealthy men, and which no loss that they had suffered could possibly have entitled them to.

Having referred briefly to a few of the precedents, I wish to say a few words as to the present case. The proposal is that the people of the older provinces who have been paying millions of dollars, every year since that country has been taken over from the Hudson Bay Company, for the benefit of the North-West—that these people of the older provinces who in addition to that sent up their young men to defend the people of the North-West and their property from the rebels, and who are now paying the several millions of dollars which the rebellion has directly cost the country, should be still further taxed in order to pay parties in the North West for any property that has been destroyed or for any damages that they have sustained. That proposition, even stated in that way as to property actually destroyed, I think is one of doubtful propriety. When we consider the immense amount of money that was spent in that country during the rebellion and the loss that the other portions of the Dominion suffered on account of the rebellion, and for which the persons who directly suffered it are not to be compensated, it seems to be unreasonable that, supposing certain persons in the North-West did sustain loss or damage, they should be compensated more than those whose husbands, sons, clerks or other employees went up there, and in some cases, lost their lives, or at any rate, deprived their employers and their families of their services for several months. I hope the Government will not object to bring down the papers, and that when they are produced it will appear that the Government have taken all the precautions that should have been adopted to prevent imposition upon the tax-payers of the Dominion ; and I hope it will appear that they have followed the example set by the Imperial Government in the case of India. There are two or three princi-

ples which I think are very important, and which I hope will be found to be embodied in the instructions to the commissioners : in the first place, that no indirect claims will be recognized—that no claims for loss of business or profits, or for consequential damages of any sort shall be recognized—that only claims for actual destruction of property shall be admitted. I trust also that, even in the case where actual damage has occurred, it is not proposed to compensate these people in full ; that they shall be only compensated in part ; and that they shall bear a portion of the loss which, through the action of the Queen's enemies has fallen upon them, and that the taxpayers of the country shall bear only a proportion. There is one other principle which I sincerely trust the Government have adopted, I hope they have made it the duty of these commissioners to ascertain, wherever a claim is put forward for compensation for damages, whether the party making the claim has made gains which will go to compensate or more than compensate for the losses which he has sustained. That is a fair and equitable principle and one which is adopted in the United States and in this country with regard to property expropriated for public purposes. If for instance a city corporation thinks it necessary to take a man's property for the purpose of widening a street or opening up a new street where one has not existed before, then under the law which prevails in our provinces and in the States of the neighboring country, the proprietor does not necessarily receive the whole value of the property taken, but the value of that property less the increase which the improvement causes in the value of the remainder of his property. In the United States that is called the Betterment Law ; and I think it is based upon a perfectly fair and equitable principle ; and that it would be unfair and unjust to the country at large to adopt any other principle in dealing with claims in the North West.

HON. SIR ALEX. CAMPBELL—That principle is recognized in arbitrations.

HON. MR. POWER—It is a safe principle to adopt. I believe that the cases where loyal subjects have suffered loss greater than the advantages which they

derived from the presence of the troops and the great expenditure of money which took place in that country last year, are very few indeed. There is one to which I venture to call attention, as being peculiarly one where no compensation should be given. I notice that in the case of the former outbreak none was given either. That is the case of the Hudson Bay Company. We do not know as yet how much the Hudson Bay Company have received or are to receive from the Government in connection with that outbreak, but in the Public Accounts for last year I find that up to the first of July they had received nearly \$1,000,000.

HON. SIR ALEX. CAMPBELL—Not for losses; for things purchased from them.

HON. MR. POWER—Certainly, but all in connection with the outbreak; that is just the point. They did not make the money in connection with losses, but the receipt of that \$960,000 was a consequence of the outbreak; and it would be manifestly unfair if, for instance, two or three buildings of the Hudson Bay Company were destroyed, that they should receive compensation to the extent of say \$50,000 or \$60,000, when they had really received as a consequence of the same cause that destroyed their buildings, the sum of \$960,000. There is no doubt that more than half of that \$960,000 was clear profit.

HON. MEMBERS—Oh oh.

HON. MR. POWER—I do not think there is anything so amusing in it; and I do not think there is anything absurd about the statement; because this money was paid largely for forage, and we know on pretty good authority that hay which the Hudson Bay Company paid only \$6 or \$8 a ton for was sold to the Government at rates exceeding \$20 a ton. I think it is perfectly safe to say that one-half at least of that large sum was clear profit. There is another fact which goes to indicate what the position of the Hudson Bay Company is as regards the recent outbreak, and that is the fact that the £20 shares of the Hudson Bay Company were worth at the close of 1885 about £3 a

share more than they had been worth a year before. It is a tremendous increase in the value of the shares of that Company; and it is perfectly clear that it would be altogether unjust and inequitable that the people of this country who are all suffering considerably from the effects of that outbreak, and who are obliged to pay so many bills that they cannot avoid paying, should be mulcted still further to pay additional sums into the treasury of a company who have made such immense sums of money out of the rebellion.

HON. SIR ALEX. CAMPBELL—My hon. friend, I think, was too rash—if I may use the expression—in drawing attention to the Hudson Bay Company without knowing whether they had ever made a claim for losses arising out of the rebellion. In truth they have made no such claim. Then as regards the stock of the Hudson Bay Company, there was a much greater rise in the stock of that company some years ago than £3 a share; there was a rise of £6, £7, or £8 a share. These things do not depend on rebellion losses, but on other circumstances connected with the business of the company—the increase of the value of the lands of the company, which is going on rapidly; the appreciation of English and other capitalists and investors who deal in stocks of the value of the shares of the Hudson Bay Company and of the facts as they arise. The company have made no claim so far as I have learned. Then as regards the motion itself, we have objection to bringing the address down and showing the instructions which have been given to the commissioners appointed. I do not remember having seen those instructions, and I would rather not discuss them until I have seen them. I will endeavor to have them brought down as soon as possible. I do not acquiesce in all the rules, which the hon. gentleman has laid down, but no doubt it is an important subject, and one to which he has very properly called attention. I think where losses have occurred in one part of the Dominion, such as those referred to, it is not an unfair thing that those losses should be met by the Dominion at large. They also in the Territories pay their taxes; they pay as much as we do in proportion to their property in contributing the money

HON. MR. POWER.

out of which the losses are paid, and stand on the same footing as we do in that respect. They have suffered specially from those exceptional causes which we all so much regret, there is every reason for our dealing with them fairly and justly, and compensating them as far as can be reasonably done for some of the losses they have sustained. I will be very glad to discuss the matter with my hon. friend when the papers are brought down, and I shall endeavor to have the papers brought down as soon as possible.

HON. MR. GIRARD—I do not wish to detain the House but I wish to endorse the good words pronounced by the leader of the House in reference to the Hudson Bay Company. The hon. gentleman who has moved this resolution has used some expressions that he should not have used towards that company. The Government and the country at large are deeply indebted to the Hudson Bay Company for what they have been doing during the last 15 years. During the trouble in 1870, the Hudson Bay Company provided for the government what was necessary for the establishment of the new *regime* in Manitoba, and even in the recent insurrection they assisted the Government by providing many things that could not have been otherwise easily obtained. They have their trading posts in different parts of the country, and it was to those posts that the troops sent for the defence of the Territories applied and they received all the necessaries that they were in need of. Under those circumstances the Hudson Bay Company are perfectly entitled to receive compensation for what they expended in the interests of the country. The bill for advances has been settled between the Government and the Hudson Bay Company, and if to-day they claim indemnity for buildings of theirs destroyed through the insurrection, it seems to me it is only perfectly right that they should be paid. The hon. gentleman has endeavored to place a condition in the commission which has been issued to commissioners appointed to inquire into the losses. It seems to me that the best condition is to repair the wrong which has been suffered by the people. It is well known that it was not from want of loyalty on the part of the people that they

are suffering. They were taken by surprise in that insurrection, so they all declare. Although they have suffered great loss, they are every day thanking the Government for what they are doing in their interest. They are now being fed and provided for by the Government, but that cannot last much longer. I do not ask indemnity for those who were the cause of the trouble—for those who have been disloyal to the Queen, but for those only who have been through ignorance and error brought into the rebellion by force of circumstances.

HON. MR. ALEXANDER—The hon. gentleman from Halifax asks for information which Parliament ought to possess. I confess that having for some years observed the ways of the present administration in selecting almost in every case mere partizan followers, especially in the North-West, and knowing as I do a large number of the persons so appointed, I regret that I cannot come to the conclusion that many of them have been appointed upon the ground of fitness for the positions which they occupy. I do not make these remarks in reference to the commissioners named in this motion, but I make them with regard to the appointments generally made in the North-West, and which have been made generally in the departments of the public service. It is a painful duty for me to make the observations I do, but I have within the last week or two gone into the departments for information, and have had such experiences—that there are many unfit to discharge the duties of their offices; and a very wide-spread feeling prevails from one end of the Dominion to the other that the present Government cannot make any appointments now in which the chief motive is not the rewarding of partisans who have served in past elections.

HON. MR. BOTSFORD—I rise to a point of order. I would ask the Speaker if the hon. gentleman is addressing himself to the question before the House.

THE SPEAKER—The hon. gentleman has certainly wandered from the question: his remarks are not relevant to the motion before the House. Under that resolution the hon. gentleman is not in order in

discussing the policy of the government appointments to offices in the public service.

HON. MR. ALEXANDER—In conclusion I will say that I hope the commissioners who have been appointed will discharge their duty faithfully, and that they will not be guided by the reasons and the motives to which I have referred; that they will deal with the public money honestly, and that when questions of loss comes up either by the Hudson Bay Company, or the Bell farm, or any other persons, they will not allow political considerations to influence their report as to the amount due to the parties.

The motion was agreed to.

### THE DRUGGISTS BILL.

#### THIRD READING.

HON. MR. McMILLAN moved the third reading of Bill (J) "An Act relating to Druggists."

HON. MR. SCOTT—I was not present when this Bill was before the House at its former stages, otherwise I would not probably have troubled hon. gentlemen with the observations I am induced to make when a measure of this kind comes before it for consideration. When in 1878 this House devoted at least three weeks to discussing the Canada Temperance Act ample provision was made and ample protection afforded, in my judgment, for the sale of liquors and spirits of all kinds under medicinal prescriptions, or for use in any art, trade or manufacture. The business proper of the druggist was in no way interfered with under that Act. He was made the channel through which liquors could be sold for special purposes. The House felt it was a proper thing that as that privilege was likely to be abused it should be surrounded with certain checks and safe guards, which would in no way interfere with the carrying out of the measure in accordance with the intention of Parliament, but would simply prevent it being made a channel for promiscuous drinking. The medical profession was given a pretty wide latitude. I do not propose now to make any comments upon the course pursued by some medical men, but I have brought before this

House, through the public reports that have been sent to the Inland Revenue Department, ample proof that there was a good deal of misplaced confidence in giving to the medical profession the right to order prescriptions of alcohol. I have heard no complaint that there has been any difficulty in obtaining spirits or liquor for the purposes of any art, trade or manufacture. I have heard of no prosecution of the druggists. I have heard no complaint from one end of this country to the other, wherever the Temperance Act has been in force, that the fair traffic of the druggists' pharmacopœia was in the smallest degree interfered with or disturbed by the Canada Temperance Act. I regard the Bill before the House as one of those cleverly-disguised opportunities to turn the drug stores into dram shops. I am sure that no physician having a regard for his profession or standing will abuse the opportunities given him by this Bill, but I do say, and I have produced evidence to show, that druggists acting in collusion with doctors have driven a coach and four through the Canada Temperance Act. It has been proved over and over again that a druggist and a medical man together have ordered four gallons of brandy for one prescription and six dozen of ale for another—liquor enough for a man to bathe in. I merely point to these facts, as I have already on a former occasion given ample proof from the Official Reports, that the powers given to druggists and to medical men have been abused to a very extreme degree. I myself felt that when a measure of this kind was passed it would be subject to very great opposition. I quite recognize that we have in this community, as in all communities, a considerable number of people who believe that this is not proper or correct legislation. They believe that they have not in any moral sense offended by contravening this law: that while it is in some degree parallel and akin to our criminal law, they may commit breaches of it without doing violence to the court of conscience. I quite recognize that fact, but at the same time I do feel that the class that ought to have observed an Act of that kind, and for whom ample provision and ample protection was made, ought not to have availed themselves of it as they have done to openly violate that law. As I said before,

THE SPEAKER.

there has been no complaint whatever, and ample provision was made under the Canada Temperance Act for all classes of cases that could fairly arise. I will read to the House one of the provisions:—

“ Provided also, that the sale of intoxicating liquor for exclusively medicinal purposes or for *bona fide* use in some trade, art or manufacture, shall be lawful only by such druggists and other vendors as may be thereto specially licensed by the Lieutenant-Governor in each province.”

HON. MR. McMILLAN—By those only, though.

HON. MR. SCOTT—By those only. It would not be perfectly fair for the legislature of any country to put on the statute book a prohibitory law unless they surrounded it by proper checks and safeguards, because it is the belief, a belief that is acted upon by those who are opposed to laws of that kind, that they can be openly violated by indirect methods. We know that this violation occurs not alone in counties where the Canada Temperance Act is in force, but a prohibitory law is violated in the State of Maine, where it has been in force for over twenty years, although it has been made a part of the constitutional law of that State. Yet a minority will violate it, and so it is in other countries. It is just one of those laws that people feel warranted in violating, and I quite appreciate the difficulty of enforcing a statute of that kind. If we think it is not wise and proper that liquors should be exposed for sale and permitted to be sold with the freedom that they are under ordinary licenses, then I say we are quite right in protecting this Act with the safeguards by which it is surrounded. It is a perfect farce to pass a law of this kind, and at the same time leave loop-holes through which it can be violated. In future years we cannot quote the experience of the country as to whether that law is good or bad if we ourselves give the opportunity for breaking it in the variety of instances in which it is proposed to violate and break the Canada Temperance Act. I say there is not, and has not been any necessity for this Bill. I have never heard of any instance which calls for such legislation, and my attention would probably have been directed to the matter as much

as that of any other gentleman had there been prosecutions against the druggists for selling the ordinary pharmacopœ where it is done honestly and candidly, and not for the purpose of breaking the Canada Temperance Act, or availing themselves of the opportunity to sell whiskey disguised with some drug. We find that under this Bill physicians can at any time order a half pint of whiskey for a person who may want it. He can get his whiskey neat, and there is no law, that I am aware of, that will prevent a druggist giving a man water with his prescription at any time. A man can get 8 ounces of alcohol, and as it is pure spirit, or assumed to be, I think it is a pretty stiff drink. That is perfect freedom. There is no check to be kept of liquor so sold; we are not to be informed by whom this law has been broken. Under the present statute, if a medical man gives a prescription which includes spirit of any kind, the druggist files it away as he does any other prescription; he is not bound under this Bill to file it away or preserve it in any way, therefore you allow the medical men to give dram drinking prescriptions *ad libitum* and to drink *ad libitum* through the drug store. I am quite aware that a large proportion of the medical profession would not stoop to do anything of the sort. I feel most unlimited confidence in a very large percentage of them, but we have to make our laws so that even the small percentage will not have the opportunity to openly violate that law, and I am sure that any medical man who respects and has a proper regard for his profession, would like to see the temptation withdrawn from those weak members of the profession who think they are not doing anything wrong in breaking the Canada Temperance Act. It is the boast of many medical men that they do not propose to be bound by any prohibitory law with respect to the sale of liquor, and they openly violate it in collusion with the druggist. The proof of that is already in possession of Parliament in the returns that have been made from time to time to the Inland Revenue Department. This Bill is to allow the sale of any patent medicine unless such patent medicine is known to the vendor to be capable of being used as a beverage. How is that to be ascertained? The vendor is not bound to make the



enquiry whether it is capable of being used as a beverage or got. He sells Warner's Safe Cure or Perry Davis' Painkiller. It is well known that Warner's Safe Cure, without adulteration contains about 30% of alcohol. It is a well known fact that in the North-West, at social parties, Perry Davis' Painkiller was a popular drink which circulated round the table until it became known to the authorities, and the sale of it had to be prohibited. The Inland Revenue authorities had an eye to two objects. They felt that it was not painkiller that was being drunk by the people, but that it was whiskey, which ought to pay to the revenue a high tax, and painkiller was therefore put upon the tabooed list and cannot be bought now in the open way it could be a few years ago in the North-West. I am not aware whether the Safe Cure has been put on the list also, but if it is not it ought to be prohibited. I think I am quite within the mark in saying that as it is sold now it contains 30% of alcohol.

HON. MR. DICKEY—That accounts for it being such a good medicine.

HON. MR. SCOTT—I have given a good deal of attention to this subject. I read the scientific papers, and my information is not such as can be displaced by an observation of that kind. In the next paragraph we have "eau de Cologne" and "bay rum." The name is rather taking. It does not take much more alcohol to make bay rum than to make Moselle. I have heard an hon. gentleman say that Moselle is a mixture of bay rum and brandy, with something else thrown in to give it the Moselle flavor. Certainly eau de Cologne occasionally has a little of the Moselle flavor, or the Moselle a little of the eau de Cologne flavor: but things have been so much mixed the last few years that it is impossible to get pure Moselle. Pure Moselle has become so subordinated to pure eau de Cologne that I have heard a very good judge say that Moselle is eau de Cologne with a little bay rum thrown in. If our laws were made for people who felt themselves conscientiously bound to observe them, there might be no objection to allow such a Bill as this to become law, but such is not the case, and I appeal to the good sense of any hon. gentleman

whether within his own experience this system of adulterating liquors of all kinds is not carried on to an extraordinary degree? I proved on a former occasion before this House that the Government of this country had for years and years—I think it was taken off the statute book at my instance last year, I think shamed off—a statute under which any person who chose to take out a license from the Government could make his own wines of various kinds—sherry, Bordeaux, Maderia—or whatever he chose. He might make his gin, his rum, or his brandy. On that occasion I read to this House the advertisement of a man in Montreal who did not say he proposed to sell pure liquors, but Canadian-made wine, rum and brandy. When we know that this is going on every day in Montreal, in this city, and in every other city in Canada—that these adulterations are being manufactured—do you mean to tell me that when we pass a Bill of this kind it is not inviting the druggists to avail themselves of the opportunity it will afford them to sell liquor when the taverns are shut up? We say close up the taverns under this law. We say to the people, "We give you the right in your district to prohibit the sale of liquors," and then we step in immediately after that law has been passed, and say, "It is quite true you have under the law debarred the hotel-keepers from selling liquor, but we are now going to give you another law under which the druggists can sell liquor *ad libitum* without paying any license, and without being open to inspection." Does the hon. gentleman tell me that that is a bill that ought to be accepted either by druggists or hotel-keepers? We have records of the most authentic kind that the traffic in liquor is playing havoc all over this world. On the authority of Dr. Richardson I see it stated that 1,000 persons a week die in England and Wales simply from the effects of intoxicating liquors—1,000 persons a week, heads of families, the bread-winners, those whom society could least spare, sent to their graves through drinking spirits or drinking beer. If ten persons go to their grave through the effect of small-pox what an excitement arises all over the land. We are at once alarmed! health boards are established; we surround the

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district affected with a cordon: there is to be no communication between those who are affected with the small-pox and the outer world. Or if typhoid fever gets into a locality the civic authorities are all on the *qui vive* to find out the cause, whence the miasma arises or why it is that the lives of the people are thus recklessly sacrificed, and yet a thousand people may die each week from this cause and nobody is to say a word or enquire whether the evil can be stopped. This House, that at least has arrived at those years when a subject of this kind ought to attract their attention, is prepared now to put on record its approval of a measure of this kind to permit liquor to be sold freely in counties where the people, under an Act of this Parliament, have declared that it shall not be sold. I say it is not right or proper, and it will not enure to the honor of this Senate. I say it will cause a stronger feeling against the Senate than anything else that has come before this House—it will develop the feeling which prevails outside of this House that a reconstruction of the Senate, as it is constituted, is necessary. It will increase the feeling that the Senate is not a body which represents the people of Canada—that it is a body which acts in defiance of the feeling of the people. (Oh, oh.) Hon. gentlemen say "Oh, oh"; I am speaking my own honest sentiments; I speak them with great regret and sorrow when I look round and see hon. gentlemen, like myself, with grey beards, who act in defiance and opposition to the spirit of the age, a spirit which is making headway not alone in Canada and the United States but in the Mother Country and in Europe. The feeling abroad is now becoming general among those men who are, at all events, outside of the centre of the circle, who feel that they are in this world for something more than to gratify their tastes, who feel that they are their brothers' keepers, and particularly if they are placed in the position of legislators, feel that they are bound to give the people the full benefit of those moral laws that the majority of the community may seek to bring into operation. I tell this Senate to-day that this continued opposition to the Canada Temperance Act and to the temperance feeling of this country is going to do more to shatter

this Senate, as at present constituted, than anything that has ever come before it. (A laugh.) Hon. gentlemen may laugh.

HON. MR. McMILLAN—Hear, hear.

HON. MR. SCOTT—The hon. gentleman says "hear hear;" he could not go back to his own constituency and be elected.

HON. MR. McMILLAN—If the issue was the Scott Act I could.

HON. MR. PLUMB—The Scott Act is not making headway in Canada.

HON. MR. SCOTT—I am talking about the intelligent opinion of the age, not merely in Canada but throughout the world. Will any man who has watched the progress it has made during the last 20 years deny that the temperance sentiment is making headway? Will any one deny that it is making progress in England? A few years ago there was but a single man in the British Parliament who supported a prohibitory measure, and that man I believe is still alive. What is the case to-day? Something over 60 gentlemen in the British House of Parliament are ready at any moment to vote for a prohibitory law.

HON. MR. VIDAL—Over 300—a majority of the House.

HON. MR. SCOTT—There are over 60 temperance men, who are in favor of a prohibitory law. I do not take the vote that was given two years ago—a majority vote that was given in the House of Commons in favor of the principle—although that might be quoted as evidence. They laid down no arbitrary lines but passed a motion in favor of a prohibitory law of some kind without defining what that law should be, whether local option, or something more general. That was carried on two different occasions in the House of Commons, the last time by a very much larger vote than on the former occasion. When I spoke of sixty members, I was referring more particularly to those who were absolutely teetotalers—blue-ribbon men—who are opposed to drinking in all shapes; but there is no

doubt, as my hon. friend has stated, that there is to-day a very large number, I should hope one-half of the House of Commons, favorable to temperance legislation. If there is not one-half to-day, hon. gentlemen may rest assured that there will be more than one-half before the next five years go over. Are hon. gentlemen not aware of the progress which has been made in Sweden, which has been one of the most debauched countries in the world? On one occasion recently the King and Queen approved of the movement and said they were prepared to adopt it themselves. Do hon. gentlemen not know what has been going on in Switzerland, where ten years ago there was free trade in drinking—where they thought it was monstrous to interfere with what are called the rights of individuals to drink and sell liquor as they please? And what was the effect of it? Absolute national degradation, until the people themselves were obliged to come to their own rescue and pass one of the most stringent laws to be found in any country in the world. Do we not know that the other day Bismarck, prompted partly by a desire to increase the revenue, but also with a view to have a better supervision over the general drinking usages of the country, wanted to take the whole manufacture and sale of intoxicating liquors into the hands of the Government? I merely quote these facts as showing what the spirit of the age is, showing that the growing feeling in favor of temperance is not only in Canada and the United States but also in other civilized parts of the world. No one can deny that the temperance sentiment has grown immensely in Canada and is spreading constantly. Any of us who looks back twenty-five years, knows from his own experience that drunkenness is much less prevalent now than it was in those days. I can remember the time when it was not considered at all disgraceful to be seen drunk. A man under the influence of liquor was "jolly." Now a man under the influence of liquor is looked upon with feelings of pity and regret, and we say "how sad it is that he has fallen away." There is a sense of shame and sorrow attending the sight of a man who has so far degraded himself as to be under the influence of liquor. This House ought to recognize what is so

apparent abroad; we ought to recognize that a Bill of this kind is not in harmony with the sentiments of the people of the country; that one of the strongest objections to the Senate, as it is at present constituted, is the fact that it is acting in open defiance of the wishes of the people of Canada. Since the foundation of the country we have always considered that laws of this kind should be given absolutely to the people in the locality—that the liquor traffic should be left to their control. In this city, for instance, the people have the right to say how many taverns there shall be, and every one who wishes to sell liquor has to get the approval of his fellowmen before the Government will issue a license to him. That is the law all over this country and has been the law, in a narrower or wider sense, for the last 30 years; yet you fly in the face of that law and say that we shall pass a Bill to empower the druggists, with the aid of the doctors, to set the Canada Temperance Act at defiance—that they shall be accountable to no one, and that the provincial and municipal revenues shall not be benefited one dollar by the traffic—that the druggists shall be permitted to sell intoxicating liquors without a license, freely to everybody. In civilized countries that have made fair progress on this question they do not permit liquors to be sold within a certain distance of a school house or college, and why? Because they know that young men are apt to be corrupted—that if they once get a taste for liquor before they reach the years of discretion they are lost. I do not need to give instances where this has been the case. The country is full of them; the graves are numerous; they are strewn all over this land; fathers, brothers, uncles, all know where they lie, and fully know the cause. In most civilized countries they will not allow liquor to be sold to a minor, yet by this Bill you say "my boy will have a right to get a prescription from a doctor and go to a druggist and drink himself to death." He may go on in that course until his life is blighted, and go down into his grave, and he will have good reason to curse the Senate of Canada as the cause of his degradation and premature death. Hon. gentlemen may think that I speak strongly on this subject; if I do it is because I feel strongly and feel that the Senate is making a

great mistake. Certainly a venerable body like this should not be the first to rush against the laws of morality—the laws that are at least aimed to protect people from themselves, to elevate them in the scale of honor, rectitude and propriety. I perhaps, have spoken too strongly; if so I can only express my regret. My remarks have been a source of amusement, perhaps, to some of you; but they may be a source of grief when it is too late to know that my words were spoken in vain. I move that the Bill be not now read the third time but that it be read the third time this day six months.

HON. MR. VIDAL—It is scarcely necessary that I should repeat to the House the motives which influence me to second the motion which has just been made. The evils which would naturally and almost necessarily result from the adoption of a measure of this kind, have not, in my judgment, been at all too strongly depicted. I do not propose, however, to enter upon the subject, much as I might like to express my views upon it, and feeling it to be a most important one. I would rather confine my remarks to the simple reason which I think ought to influence the House, apart from the general temperance one, and that is its inexpediency and its being absolutely unnecessary. Now what does it propose to do? Look at the title of it. Very properly that title has been strongly objected to in this House. Why should we place on our statute book an Act with a title calculated to mislead? "An Act respecting Druggists" might very naturally be supposed to be a measure guarding carefully the lives of our people and prescribing certain rules for the preparation and sale of dangerous and poisonous medicines, as, for instance, that they shall only be prepared by persons possessed of the necessary skill and education. We might naturally expect something of this kind, but what do we find? Not one single item in the Bill pertaining to druggists and the practice of their profession, except this of selling intoxicating liquors. Now the 1st clause shows that the Bill is really directed at the Temperance Act of 1878 and nothing else. As an hon. gentleman has observed in this House, it is an underhanded attempt,

under a deceptive title, to amend or, to a certain extent as we think, destroy the Canada Temperance Act of 1878. Why does it not say so in the outset? Why does it not say "An Act to enable druggists to sell alcoholic liquors?" Is it because the promoters of the Act are afraid or ashamed to use the proper term? Because that is the real and true intent of the Act and nothing else. It says that "nothing contained in any Act of the Parliament of Canada since Confederation shall be held to interfere, &c." I have already objected to the title and shown how defective it is. I will merely here make an observation as to the impropriety of the terms used. I think it is a very awkward expression to put in an Act like this, "since Confederation." It appears to me the proper way would be to put "A.D. 1867," or some definite and fixed date, and not to make it necessary to look up the statutes and find when Confederation took place. Of course I merely state that by way of criticism. Now, as to the necessity of this Bill, the hon. member from Ottawa has shown that it is wholly unnecessary. I should like to add just one more quotation from the Act of 1878, to show that it is entirely and absolutely unnecessary. For instance, the essential part of the Act is the 99th section, which provides that from the day the Act takes effect no person shall sell these liquors unless it be for exclusively sacramental or "medicinal" purposes. Now does not that cover the whole case?

HON. MR. McMILLAN—I would like to ask the hon. gentleman under what authority it is sold for such purposes—is it not under the certificate of a medical man?

HON. MR. SCOTT—Yes, but it has to be a registered certificate.

HON. MR. McMILLAN—It is only those who are licensed for that purpose who can sell it?

HON. MR. SCOTT—Under your Bill any druggist can sell it.

HON. MR. VIDAL—Does the hon. gentleman wish to enact that every drug-

gist in the country and every druggist's apprentice shall be permitted to sell liquor.

HON. MR. McMILLAN—No.

HON. MR. VIDAL—Well, that is what this Bill means; so long as it is a *bona fide* prescription it makes no difference.

HON. MR. McMILLAN—There is a difference between a doctor's prescription and a certificate to sell alcoholic liquors.

HON. MR. VIDAL—I do not see the difference. Suppose a doctor prescribes eight ounces of alcohol with one drop of peppermint.

HON. MR. SCOTT—It is not necessary that it should contain the drop of peppermint.

HON. MR. VIDAL—I contend that as long as a druggist honestly and fairly complies with the requirements of the law, and conducts his business legitimately, without any attempt to violate the Canada Temperance Act, he incurs no danger at all.

HON. MR. McMILLAN—But under the Canada Temperance Act other men than druggists can be vendors of whisky.

HON. MR. VIDAL—That is still further widening it. I contend that those persons who are to have licenses ought to be such as the public can trust not to sell liquor improperly. I quite admit, with sorrow, that under the temporary operation of the McCarthy Act this was unhappily not the case—that there were officers appointed, not directly by the Government, but by the commissioners whom the Government appointed, who conceived it to be consistent with their duty and with propriety to appoint in the County of Huron, tavern-keepers as the persons to hold licenses to sell as druggists. Everywhere throughout the county the same persons who kept taverns were licensed to sell as druggists. That is the way the Act was carried out. I hold it is entirely unnecessary that a single one of these provisions should be adopted by this House in order to secure the druggists the oppor-

tunity of carrying on their business without being unnecessarily and improperly interfered with. I have already challenged, and the hon. gentleman from Ottawa has challenged the production of a single case, since the Act has come in force, in which a druggist has been charged with violating the law. If there has been any such case I have never heard of it; but if such a case has occurred and it has been brought before a court, the court has dismissed it, because there has not been a single case of conviction.

HON. MR. McMILLAN—How is it that the temperance law is not sufficiently strong to put them down? They are not tavern-keepers.

HON. MR. VIDAL—We are trying to make the Temperance Act sufficiently strong to put them down, and if you would help us to do that we would be much obliged to you. But I do contend that this Bill is unnecessary and improper legislation for us to adopt, and that the evils, which have been pointed out by the hon. member from Ottawa as the probable and necessary result of it, have not been overstated; that it is opening the door to tempt respectable druggists, who have hitherto conducted their business legitimately, to make their places common drinking resorts where people can go to their counters and drink these eight ounce prescriptions without even the obligation to take it from the place. I do not think the druggists themselves desire such a thing. The hon. gentleman alluded to the licensing of druggists under the Temperance Act, and said that the number was restricted; it is true that the number of persons authorized to sell alcohol on medical certificates, or orders, are restricted to one in each township or parish, two in each town, and, in cities, not exceeding one for every 4,000 inhabitants. Now, that is a fair and legitimate subject for discussion and amendment, and I do not hesitate to say that if, after the Act has gone fairly into operation and been tried, the hon. member is prepared to come here and show that the public convenience and rights are interfered with by this restriction, and that a larger number of licensed places are required by the

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public, I do not think I should resist it. Our object is not at all to cause any inconvenience or difficulty, but to protect the weak and those who are exposed to danger through the temptation and use of intoxicating beverages. So far from a limited number of persons authorized to sell under those medical certificates being an objection, I think it is a very decided advantage. But if, on actual trial, it should prove to be an inconvenience, I would not be so unreasonable as to resist an attempt to amend the Act in the direction which my hon. friend has indicated. In the meantime I think I have given sufficient reasons why I cordially second the motion.

HON. MR. FLINT—The principles which I have endeavored to carry out for nearly 59 years are such that it is morally impossible for me to support this Bill. I think that the measure is a very dangerous one and well calculated to awake suspicion, at least in the minds of many if not all the gentlemen here, that the object is to endeavor to increase drinking in our community. Now what does this Bill say? "Physicians prescriptions consisting of, or containing spirituous liquors, if sold in quantities of not more than eight ounces at any one time." We know that if any person drinks eight ounces of alcohol it will make him pretty drunk. My hon. friend from Sarnia says that the doctor might put a drop of peppermint in it, or some ipecac or jalap, but that would not prevent a party from taking it. There are many persons who would be glad to take a whole dose of jalap if they could get rum or whiskey to wash it down.

HON. MR. McMILLAN—The Scott Act allows a pint.

HON. MR. FLINT—I never voted for the Scott Act. I have often said that if I had been here I should not have voted for it because I do not support anything that has liquor in it. If it was the intention to make this a druggists Bill, the hon. gentleman ought to have described it as an Act to facilitate the drinking usages in Canada Temperance Act Counties. If he had done that I think he would have given us to understand exactly what he meant by this Bill. I am very much surprised

that the hon. gentleman who is a physician and one who no doubt stands pretty high in his profession (I know nothing about that but I trust he does) should think proper to introduce a bill of this kind. I have no doubt that it will carry, but that is no evidence that it is wise or proper. I think he is legislating in a wrong direction. I should like to see the Bill thrown out, but I have no hopes that it will be. There has been so much said heretofore in favor of light wines, beer, and cider that I am quite convinced a majority of the members of the Senate do not share my views on the subject. I expect the Bill will pass here, but I do trust that in another place it will be thrown out.

The Senate divided on the amendment which was rejected by the following vote :

CONTENTS :

Hon. Messrs.

Allan,	Leonard,
Archibald,	Lewin,
Armand,	McClelan,
Baillargeon,	McInnes (B.C.),
Bellerose,	McMaster,
Boyd,	Miller (Speaker),
Chaffers,	Pelletier,
DeBlois,	Power,
Dever,	Scott,
Flint,	Stevens,
Girard,	Vidal,
Grant,	Wark.—25.
Haythorne,	

NON-CONTENTS :

Hon. Messrs.

Almon,	Macdonald (B.C.),
Bolduc,	MacInnes (Burlington)
Botsford,	Montgomery,
Boucherville, de	Nelson,
Campbell, (Sir Alex.),	Northwood,
Carvell,	Odell,
Dickey,	O'Donohoe,
Ferguson,	Pâquet,
Glazier,	Plumb,
Gowan,	Read,
Howlan,	Robitaille,
Kaulbach,	Ross,
McDonald (C.B.),	Sullivan,
McKay,	Sutherland,
McKindsey,	Turner.—31.
McMillan,	

HON. MR. POWER—I wish to call the attention of the Postmaster General, who was not in his place a few minutes ago, to the necessity of making a change in the title of the Bill. It is now "An Act relating to Druggists." That does not give any idea of the character of the

measure. The sole object of the Bill is to authorize the sale of alcohol in various forms and under various circumstances by druggists. I call the hon. gentleman's attention to the fact that the proper title of the Bill is "An Act relating to the sale of Alcohol by Druggists."

HON. MR. KAULBACH—No, no, it is not.

HON. MR. POWER—My hon. friend is not in the Ministry yet and is not responsible for the title of any Bill which we may pass, but the leader of the House has responsibility for the propriety and appearance of our legislation, and I submit that we should not send this Bill down with such a title as this. It might as well be an act relating to the public at large.

HON. MR. DICKEY—It can be amended in another place.

HON. MR. POWER—It is better to send it down in the proper shape.

HON. SIR ALEX. CAMPBELL—I do not think it is for the leader of the House to set himself in opposition to the majority. The House has read the Bill the 1st and 2nd time; if the hon. gentleman had drawn attention to the title of the Bill at an earlier stage perhaps it could have been altered.

HON. MR. POWER—I did call attention to it.

HON. SIR ALEX. CAMPBELL—There is no objection to the other House altering the title of the Bill, if they see fit to do so.

HON. MR. SCOTT—I shall not make any further observation, but I will ask the House to exclude from the operation of this Bill all those counties in which the Canada Temperance Act is now or shall hereafter be in force. The people having already voted, or who may hereafter vote, that liquor shall not be sold in the counties where they live except under certain restrictions, are entitled, I think, to the protection of the Temperance Act. This is a democratic country—a country which is governed by the people, and the people

have a right to say what laws shall or shall not be in operation. It ill becomes this House to say that those counties that have already adopted the Temperance Act on the faith of this Parliament shall have that law openly violated through the connivance of the Senate of Canada. I therefore move that the Bill be not read the third time, but that it be referred back to a committee of the whole House, with instructions to provide that it shall have no force or effect in those counties that have adopted the Canada Temperance Act.

HON. MR. DICKEY—I wish to point out that this motion which my hon. friend has just made is entirely contradictory to the title of the Bill as adopted by the House. It is perfectly inconsistent with it. It has been treated so throughout this discussion. That part of it was very strongly impressed on the House by the hon. member from Sarnia, and it was perfectly understood that this Act, so to speak, put all counties, and any county that had adopted the Canada Temperance Act, under any legislation of the Parliament of Canada. Therefore, it is an entire contradiction to the vote which has just been given to adopt this amendment. The Scott Act is referred to in the very first clause of the Bill: and if it is intended that this Bill shall not have that effect, it is very like the play of Hamlet with Hamlet left out.

The House divided on the amendment, which was declared lost on the following division:—

CONTENTS:

Hon. Messrs.

Allan,	Lewin,
Armand,	McClelan,
Baillargeon,	McInnes (B C)
Bellerose,	McMaster,
Boyd,	Miller (Speaker),
Chaffers,	Pelletier,
Dever,	Power,
Girard,	Read,
Grant,	Scott,
Haythorne,	Vidal,
Leonard,	Wark.—22.

NON-CONTENTS:

Hon. Messrs.

Almon,	Macdonald (B C),
Bolduc,	MacInnes (Burlington)
Botsford,	Montgomery,
Boucherville, de,	Nelson,

HON. MR. POWER.

Campbell (Sir Alex.),	Northwood,
Carvell,	Odell,
Dickey,	O'Donohoe,
Ferguson,	Paquet,
Gowan,	Plumb,
Howlan,	Poirier,
Kaulbach,	Robitaille,
McDonald (C B),	Ross,
McKay,	Sullivan,
McKindsey,	Sutherland,
McMillan,	Turner.—30

HON. MR. POWER moved that the bill be not now read the third time but that the title be amended by inserting the words "sale of alcohol" before the word "druggists."

The amendment was declared lost on the same division.

THE SPEAKER—The question is now on the main motion for the third reading of the bill.

HON. MR. DEVER—Before the bill is read the third time I desire to say a word or two. When this bill was in committee I took exception to it because I thought it was not quite in accordance with the legislation that we should adopt in this House; but since then the hon. gentleman who has charge of the Bill has made such alterations in it as to reconcile me to it to some extent.

HON. MR. POWER—What are they?

HON. MR. DEVER—In clause two I find that physicians prescriptions containing spirituous liquors to the extent of eight ounces are allowed to be sold, and I thought it was not right to give an opportunity to prescribe eight ounces of alcohol, which is equivalent to 16 ounces of whiskey, in one prescription. After consideration, I think it is not too large a quantity for a physician to prescribe in certain cases. Eight ounces of alcohol would be a large dose, but there are cases where physicians have to prescribe linaments for sprains and other outward applications, and under such circumstances I feel that a bottle of alcohol containing eight ounces would not be a very large prescription. Therefore I have no objection to the passage of the second section. I have, however, a very serious objection to the adoption of the third section. In my opinion that section opens the door for

druggists or chemists, or rather for assumed druggists or chemists, to introduce into this country the sale of liquor under the guise of the patent medicine or medicated alcohol. We see complaints in the public press that throughout the North-West and other portions of this country it is a common practice for traders with wagons to go about the country disposing of liquor under the guise of patent medicines. This is a condition of things we ought not to countenance if we know it, and, under the circumstances, I propose that this Bill should be amended so that patent medicines shall be permitted for sale only where they cannot be converted into beverages. The honest patent medicine I have no objection to, but I have great objection to a patent medicine which is merely medicated alcohol, which is a fraud on the excise laws of this country and deprives the country of revenue to a large amount, because we find under the head of patent medicines that it is imported into this country under a 50% *ad valorem* duty, whereas the ordinary liquor pays a duty of \$1.90 per gallon. Under those circumstances, I do not propose to permit this Bill to pass without making an effort to compel those parties to sell only honest patent medicines, not alcohol under the guise of sweetened or flavored essences.

HON. MR. DICKEY—I rise to a question of order. I am very reluctant to interfere with my hon. friend, but really he is not discussing the question before the House. The question is on the amendment to the title of the Bill.

HON. MR. DEVER—My hon. friend is mistaken: that has already been disposed of, and I hope the hon. gentleman will not again interrupt me. I try as far as possible to keep within the rules of the House.

HON. MR. DICKEY—I beg the hon. gentleman's pardon, I was under a wrong impression.

HON. MR. DEVER—I hope that every hon. gentleman who is disposed to act fairly and respect the law of the country will vote for my amendment. I move that the bill be not now read the third



time, but that it be referred back to committee of the whole with instructions to strike out all the words after "any patent medicine" in subsection 3 and insert the following "not capable of being used as a beverage."

HON. MR. McMILLAN—I would be willing to accept the amendment, but I will substitute these words if my hon. friend would be willing to accept them. That all the words after "medicine" be struck out in the first line, and the words "if sold for medicinal purposes only," substituted. If my hon. friend would be satisfied with that I have no objection to the amendment.

THE SPEAKER—If the motion of the hon. gentlemen from St. John is withdrawn the other can be substituted and handed in in writing.

HON. MR. DEVER—I prefer to have the vote on my own amendment and let it go to the country.

The House divided on the amendment, which was adopted on the following division:—

CONTENTS:

Hon. Messrs.

Allan,	McInnes (B.C.),
Armand,	McMaster,
Bellerose,	Miller (Speaker),
Boyd,	Pâquet,
Chaffers,	Pelletier,
Dever,	Poirier,
Girard,	Power,
Gowan,	Read,
Grant,	Scott,
Haythorne,	Stevens,
Lewin,	Vidal,
McClelan,	Wark.—24.

NON-CONTENTS:

Hon. Messrs.

Almon,	McMillan,
Botsford,	Macdonald (B.C.),
Campbell (Sir Alex.),	Montgomery,
Carvell,	Nelson,
Dickey,	Northwood.
Ferguson,	Odell,
Glasier,	O'Donohoe,
Howlan,	Plumb,
Kaulbach,	Sullivan,
McKay,	Sutherland,
McKindsey,	Turner.—22.

In the committee,

HON. SIR ALEX. CAMPBELL—I really think instead of saying "for bever-

HON. MR. DEVER.

age purposes," which is an uncertain phrase, it should be "for medicinal purposes."

HON. MR. SCOTT—Oh no!

HON. MR. McMILLAN—This amendment will do away with the spirit of the Bill entirely. I wish to substitute other words.

HON. MR. SCOTT—You have no option to change it here. The committee must obey the order of the House.

THE SPEAKER—The Bill has been referred back for a certain purpose, and no other amendment can be made.

HON. MR. BOYD, from the Committee, reported the bill as amended.

The amendment was concurred in, and the bill was then read the third time and passed on a division.

BILLS INTRODUCED.

Bill (32) "An Act to incorporate a community of religious ladies under the name of 'The Sisters, Faithful Companions of Jesus.'" (Mr. Girard.)

Bill (53) "An Act to incorporate the Calvin Company, limited." (Mr. Flint.)

Bill (54) "An Act to incorporate the Medicine Hat Railway and Coal Company." (Mr. Allan.)

Bill (60) "An Act to incorporate the Continental Bank of Canada." (Mr. McKay.)

The Senate adjourned at 5:40 p.m.

THE SENATE

Ottawa, Thursday, April 8th, 1886.

THE SPEAKER took the Chair at 3 p. m.

Prayers and routine proceedings.

THE SANITARY CONDITION OF THE SENATE CHAMBER.

MOTION.

Mr. POWER moved :—

The appointment of a Committee on the Sanitary condition of the Chamber and its surroundings, such Committee to be composed of the hon. Messrs. Scott, Botsford, Allan, Pâquet, de Boucherville, Robitaille, Almon, T. R. McInnes, McKindsey, Sullivan and the mover.

The motion was agreed to.

THE BIRRELL DIVORCE BILL.

SECOND READING.

HON. MR. PLUMB presented the certificate of the Clerk that notice had been properly posted.

The certificate was read at the table.

HON. MR. PLUMB presented a notice to the Speaker of the Senate, signed by Counsel for the Respondent, that the Respondent was present.

The notice was read at the table.

HON. MR. PLUMB moved that the Respondent, William Henry Birrell, be now called to the bar of the House and be examined as to his identity as the Respondent.

The motion was agreed to.

THE SPEAKER—Let the Respondent come to the Bar of the House to be examined.

HON. MR. DICKEY—I would like to ask if this does not come within the amendment to Rule 73, by which declaration is substituted for oath ?

HON. SIR ALEX. CAMPBELL—They are going to prove it by the party himself, upon whom the notice was served.

HON. MR. PLUMB moved that the following question be put to the witness :—  
“Are you the Wm. Henry Birrell

named in the Bill now before the Senate, entitled “An Act for the Relief of Flora Birrell ?”

The motion was agreed to.

THE SPEAKER—Let the question be put to the witness.

WITNESS—I am the Wm. Henry Birrell named in the said Bill.

HON. MR. PLUMB—If there are no further questions to be put to the witness by the hon. members, I move that he be allowed to withdraw.

HON. SIR ALEX. CAMPBELL—Have you proved service of the notice and Bill ?

HON. MR. PLUMB—He is here.

HON. SIR ALEX. CAMPBELL—He has not only to be here, but proof is to be given that copies of the notice and the Bill have been duly served upon him, and when.

THE SPEAKER—I do not think it is strictly necessary ; he has appeared.

HON. SIR ALEX. CAMPBELL—There is another question, whether the notice served upon him is a copy of the notice which has been affixed to the door of the Senate, and whether that notice and the copy of the bill served upon him were received by him 14 days ago. The fact of his coming here does not prove that he received them in proper season, 14 days ago, and there should be some proof that he had these papers within the time that the rule requires.

HON. MR. PLUMB—I move that the following question be now put to the witness :—

“Have you been served with a copy of the bill now before the Senate and with the Clerk’s notice respecting the second reading of the said bill, and when ?”

The motion was agreed to.

WITNESS—I was served with such bill and notice on the 13th of March, 1886, and I now produce the same.

HON. MR. PLUMB—I move that the witness have leave to withdraw.

The motion was agreed to and the witness retired.

HON. MR. PLUMB—Although it is usual to require that the Petitioner be in attendance below the bar, her counsel is present, and will, if called upon, show the House that she is on her way from a southern clime. She is in delicate health, and has been spending the winter in the south, and she has been detained and cannot reach here until Saturday. As the examination of the Petitioner at the bar has always, under the customs of the House, been waived, and referred to a committee, I hope that the hon. members will consent, the service on the Respondent having been proved, to dispense with her appearance at the Bar as she will be here in time to attend on the committee. I trust that this case is one in which there will be no defence, the respondent having contracted a second marriage in the United States, and being a resident of the United States with the wife that he has married there. No one in the Senate is more desirous to have the rules which govern cases of this kind more rigidly enforced than I am. We shall see probably in the course of this trial that the abuse of the privileges and rules of the divorce courts in the United States lead to cases exactly of the kind now before us. The counsel for the Petitioner, the ex-Deputy Minister of Justice, is here, and if necessary will state to the House the circumstances which have prevented the attendance of the petitioner. I observe that the rule which requires that attendance also provides that under circumstances which justify a remission of the rule the attendance may be dispensed with, otherwise I certainly would not think of asking the House to dispense with it in this case. I therefore move:

That the examination of the said Petitioner at the bar be dispensed with, but that it be an instruction to any Select Committee to whom the said Bill may be referred, to examine the said Flora Birrell generally, and also as to any collusion or connivance between the parties to obtain a separation.

HON. SIR ALEX. CAMPBELL—I do not think that that motion is sufficient;

HON. MR. PLUMB.

it proposes to dispense with the examination of the Petitioner at the bar, but that is not the only thing which the rule requires: it requires the appearance of the Petitioner. It seems to me also that something ought to be noted on the Minutes of the House of the reason for asking that the attendance of the petitioner be dispensed with. We should not waive this rule without cause, and the cause should appear on the record.

HON. MR. TRUDEL—I hope that all decisions in this matter shall be entered on the record as being carried on a division.

The motion was agreed to on a division.

HON. MR. PLUMB moved that Bill (1) "An Act for the relief of Flora Birrell" be now read the second time.

HON. MR. KAULBACH—I would suggest that the notice served on the respondent should be read. The witness admitted receipt of the notice, but whether that notice complies with the rule of the House is a fact with which the House is not vested.

HON. SIR ALEX. CAMPBELL—The notice was described in the question put to the witness and in his answer to that question.

HON. MR. KAULBACH—But we should ascertain whether that notice is sufficient of itself.

HON. MR. PLUMB—It is the notice of the Clerk of the Senate.

HON. MR. KAULBACH—That may be, and the Clerk of the Senate may have issued a notice not in accordance with the rule of the House.

HON. SIR ALEX. CAMPBELL—The notice was produced and laid on the table, and it is here for the hon. gentleman to see.

HON. MR. PLUMB—The notice that was served was brought back here and

handed in by the witness, and it is in the ordinary form.

HON. MR. KAULBACH—The notice should have been read to the House in order to satisfy members that it is in conformity with the rule.

THE SPEAKER—I consider the notice has been sufficiently identified. The witness said that he had received the notice from the Clerk, and he sent it up to the table after giving his answer.

HON. MR. KAULBACH—My contention is that we do not know what that notice is. We should know that the Clerk has conformed to the rules of the House.

The notice was then read by the Clerk at the table, and it is as follows :—

I, Edouard Joseph Langevin, Clerk of the Senate of Canada, hereby certify that Notice of the day fixed by the Order of the Senate, made on Wednesday, the twenty-fourth day of March, 1886, for the Second Reading of the Bill intituled: "An Act for the relief of Flora Birrell," was, pursuant to the Standing Order of the Senate, in that behalf, affixed upon the doors of the Senate throughout a period of fourteen days after the date of the First Reading of the said Bill, and between the said twenty-fourth day of March, A.D. 1886, and the eighth day of April, A.D. 1886. Given under my hand, at the Senate Chamber, in the City of Ottawa, in the Province of Ontario, in the Dominion of Canada, this eighth day of April, in the year of Our Lord One thousand eight hundred and eighty-six.

EDOUARD J. LANGEVIN,  
Clerk of the Senate.

The Bill was read the second time on a division.

HON. MR. PLUMB moved :

"That the said Bill be referred to a Select Committee composed of the Hon. Messrs. Dickey, Nelson, McKindsey, Flint, Turner, Vidal, Clemow, Read, and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records, and examine witnesses on oath, and that the exemplification of the proceedings to final judgement in the Superior Court of Detroit in Chancery, and the further proceedings presented to the Senate on the Petition of the said Flora Birrell, be referred to the said Committee, and that all persons summoned to appear before the Senate in this matter appear before the said Committee."

He said—I think it was my duty to have reported these names to the Speaker

and I apologize to him for not having done so.

THE SPEAKER—The rule is not to that effect. I think the last rule we had on that point was that the leader of the House, who was then Minister of Justice, should be consulted.

HON. MR. PLUMB—Then I apologize to both.

THE SPEAKER—I remarked to the House that there were reasons, holding the views that I did on the question, why I should not be called upon to supervise these Committees, and I think it was then understood that the Minister of Justice, who was then leader of the Senate, should exercise that supervision.

HON. MR. KAULBACH—I agree with what has been said, that it was supposed that the matter should be referred to the leader of the House, he being at that time Minister of Justice and a lawyer, and not to the Speaker, who, for the reasons he has given, desired to be relieved from that duty. I am very glad that I have not been named a member of this Committee. I hope that it is not packed for the purpose of getting the bill of divorce through, but I understand that generally in these cases those members of the Senate who are lawyers were appointed members of a divorce committee. Personally I am glad to be relieved of the duty, but I think it is a bad precedent to establish, apart from that rule.

HON. MR. O'DONOHUE—The circumstances of this case seem to call for some explanation. The Respondent at the bar of this House, as we are informed by the hon. member who has charge of this Bill, has already married and he is therefore guilty of a great crime. I wish to bring that fact before the notice of the leader of this House. The Respondent appears as a bigamist ; he admits that he is married to another woman besides the petitioner in this case. I merely submit whether under these circumstances he should be allowed to be at large ?

HON. MR. PLUMB—I would inform my hon. friend that the divorce in this

case is one of those cheap and easy divorces which are obtained in the State of Michigan. It is not a valid divorce in Canada, and of course under our laws he has not been married a second time. The marriage took place in the United States, and it is a matter for the lawyers to decide whether he is guilty of bigamy or not. As I have not the honor of being a member of the legal profession, I leave it for the lawyers to settle the question amongst themselves.

The motion was agreed to on a division.

### NORTHUMBERLAND STRAITS TUNNEL RAILWAY COM- PANY'S BILL.

#### SECOND READING.

HON. MR. HOWLAN moved the second reading of Bill (K), "An Act to incorporate the Northumberland Straits Railway Company. He said—This is a Bill to construct a tunnel between Cape Traverse and Cape Tormentine. The Company is to have a capital of \$5,000,000 in shares of \$100 each. The Bill gives powers to amalgamate with other lines of railway either in Prince Edward Island or New Brunswick and to build branch lines. The other conditions of the Bill are the usual and necessary conditions with regard to issuing stock, and fixing the time for the beginning and completion of the work. Since I had the honor of addressing the House last year on this subject we have gathered a good deal of information regarding the construction of this sub-way and I know that a great many hon. gentlemen here think it is a matter of very novel construction, but if we look back at the history of novelties since the commencement of this century, we will find that a great many opinions on matters, that are now beyond any question of consideration, have settled themselves. For instance, on the introduction of railways in England, in 1819, a writer in the *British Quarterly Review* stated:—

"We cannot but laugh at an idea so impracticable as that of a road of iron upon which travel may be conducted by steam. Can anything be more utterly absurd and laughable than a steam wagon propelled and moving twice as fast as our mail coaches."

HON. MR. PLUMB.

So again with regard to the introduction of gas. Many anecdotes are told about William Murdock, in connection with his discovery, towards the close of the last century, of combustible air or gas. An English paper says:—

"So little was the invention understood and believed in by those who had not seen its use, that even great and wise men laughed at the idea. 'How could there be light without a wick?' said a member of Parliament, when the subject was brought before the House. Sir Humphrey Davy ridiculed the idea of lighting towns by gas, and asked one of the proprietors if he meant to take the dome of St. Paul's for a gas metre. Sir Walter Scott made himself very merry over the idea of illuminating London by smoke, though he was glad enough, not so long after, to make his own house at Abbotsford light and cheerful on wintry nights by the use of that very smoke. When the House of Commons was lighted by gas the architect imagined that the gas ran on fire through the pipes, and therefore insisted on their being placed several inches from the wall for fear of the building taking fire. The members might be observed carefully touching the pipe with their gloved hands, and wondering why they did not feel warm. The first shop lighted in London by this new method was Mr. Ackerman's, in the Strand, in 1810; and one lady of rank was so delighted with the brilliancy of the gas lamp on the counter that she asked to be allowed to take it home in her carriage."

More recently the building of the Suez Canal was looked upon as a matter that certainly was not necessary to the age, and was scouted by the very best economists in England, and on the Continent; but we find now more than 25,000 tons of shipping pass through that canal daily, and frequently one or two days elapse before a steamer can get an opportunity of passing through. But in the matter of progress in that way perhaps nothing is more wonderful than our railway system. At the time of Confederation, nineteen years ago, there was about 2,000 miles of railway in the Dominion; now we have some 10,000 miles of railway, and so it is with a great many other matters. Last year when I introduced this project to the House as a novel matter I had not consulted many able engineers on the subject. I have since done so and I shall trouble the House with a statement of their opinions as I proceed further. Since I last addressed the House on the subject we have surveyed four lines between Cape Tormentine and Cape Traverse and ascertained the character of the bottom, a sample of which I have here

on my desk. After we take off some six feet of sand and mud we come to some 60 feet of brick clay: nothing better could be found in which to lay a tunnel of this nature. In surveying those lines we took soundings every 50 feet so that we very accurately ascertained the state of the bottom, and we found rock at only one sounding, so that we have at the bottom everything necessary for laying the tunnel. We found the depths of water vary from one to thirteen fathoms. For about two miles of the way the water is over ten fathoms, and where the two tides come together, as they do in the Straits from the East and the West twice a day, the silt which has fallen from the water has made a regular plateau under the Straits, bearing about the same comparison to a level surface as the desk I am now standing at does to the floor. Nature has therefore already done a very great deal for us. We also found that the distance across was not so great as had been anticipated—that it was only seven nautical miles from shore to shore. I have prepared a working plan which shows that the distance between the piers on the both sides is about five miles. Last year the estimated cost of the work was about \$3,000,000, but when I placed this project before engineers, the idea of our continuing or making wooden piers on either side did not meet with their approval. They thought in a great and substantial work like this the piers should be of iron, and consequently it will cost more than was at first estimated. One of the great questions which seemed to agitate the minds of many hon. gentlemen, and very properly so, was with regard to the ice. They feared that icebergs would come down through the Straits and sometimes ground, and if they grounded over the pipe they would entirely destroy the work. It was certainly a very important matter, and I have investigated it so as to be in a position to show the House that with regard to the ice there are no difficulties in the way. In the first place the Strait of Northumberland is about 150 miles south of the iceberg current. The iceberg current comes down the St. Lawrence between Anticosti and St. Paul, and is met by the Strait of Belleisle current and the united currents flow around the cape north of Cape Breton: therefore no icebergs can be

carried through the Strait of Northumberland. I have here a chart which shows clearly and distinctly where the ice currents are. It is clear therefore that no ice will be encountered in that way, but if ice could be carried to the Strait of Northumberland the first shallow water it would encounter is at a distance of 25 or 30 miles from north of Cape Traverse. From Summerside to Shediac there is a depth of three to six fathoms of water less than where we propose to put this tunnel through. But so as to set the matter at rest I made further investigations, and found that the Dominion Government had sent in 1879 a commissioner, in the person of Henry F. McLeod, to examine and report upon the building of the piers, and to gather all the information he could with regard to the crossing of the Strait of Northumberland, so as to place the Government in a position to arrive at an intelligent opinion with regard to this question of winter crossing. Mr. McLeod was given some 36 questions to which he was to get answers from persons living in the vicinity of the Strait. Amongst those questions are two, the 22nd and 23rd, that have some immediate bearing on the subject now under the consideration of the House. The 22nd question was, "What is the usual thickness of ice in Straits?" and the 23rd was "Have you ever known it to ground in mid-channel?" The first one examined was Thomas Allen, 56 years old, who had had experience in the winter crossing all his life; was contractor for the English mails at one time, and had crossed as a hand in the ice-boats; for the last twenty years had been employed in aiding the ice-boats, etc. In reply to question 22 he says that the thickness of the ice in the straits is "from two to twenty feet," and in reply to question 23, "have never seen it ground in mid-channel." The next evidence is from Smith McGlashing and David Mills, the former of whom had crossed for fifteen and the latter for nine years. In reply to the 22nd question McGlashing says, "Field ice from two to three feet," Then we have the evidence of Arthur Irving and Lewis Muttart, both of whom have had long experience in crossing the straits in winter. To question 22 both reply, "From one foot to twenty feet," and to question 23, "Never." Phil-

lips F. Irving, with fifty years' experience of crossing the straits, says the ice is "from two to twenty feet thick," and in reply to question 23 says "No."

I think, therefore, that the matter is entirely set at rest. But to prevent injury to the tunnel from ice in any possible way, we propose to sink the tunnel in mid channel to such a depth as will afford ample protection, and there is no difficulty in doing so. I may say with regard to the height of the waves in the Strait it is not more than 20 feet. Therefore, when we sink this tube, as we propose to do, to at least 36 feet below high water, there will be no difficulty from either waves or ice. Another question which seemed to agitate the minds of hon. gentlemen last year was with regard to the ventilation. Some hon. members thought the tunnel would fill up with smoke, and as a consequence very unpleasant results would arise therefrom. That difficulty can be very easily met. I took the trouble to go and see a locomotive which consumes its own smoke, and is thus described in the American Mail of November 1885.

The Brook smoke-consuming locomotive, America, now being tried on the Boston and Albany Railroad, weighs forty-three tons, and is an odd-looking machine, with the smoke stack immediately in front of the cab. The flues go forward from the fire-box in the usual way, and then doubling upon themselves return to the smoke-stack. The heating surface is thus practically doubled, and twelve of the return tubes being above the water line and larger than the lower tubes, the steam is to a great degree superheated. The gases and cinders in their long course from fire-box to smoke-stack are consumed. The inventor claims that the saving of fuel is at least 15 per cent. Thus far, the America has seemed to answer all reasonable requirements, and a machine of that nature is evidently the machine of the future.

The question with regard to smoke in the tunnel can therefore be very easily disposed of. But to show that no difficulty is likely to arise with respect to smoke, it is proposed to put in two automatic steam pumps, working one at each end; those are very like spring clocks. As soon as the indicator shows that there is impurity, they go to work and pump out the impure air, so that no difficulty can arise in the direction of ventilation. No doubt my proposition last year took very many gentlemen by surprise, but when I tell them that the same proposi-

tion, with a very little alteration, is proposed in the *Iron Age* to cross from Dover to Cape Grisnez in France, 23¼ miles, the only difference being in the thickness of the shell, and that this has met with the approval of very eminent engineers in England, they will be no longer surprised. At the present time there is being built across the Mersey a sub-way. It will no doubt be in the memory of hon. gentlemen that very recently the Prince of Wales opened a tunnel under the Mersey, and it is proposed at the present time to construct a subway also. The following article in the *Liverpool Daily Post* of February 14 will be interesting as showing the influence which the building of this tunnel has had on the steam ferry between Birkenhead and Liverpool. The article is as follows :

The Mersey Railway Company have cause to be satisfied with the great success which so far has rewarded their labors. So far an average of more than 30,000 persons have travelled by the tunnel each day. Of course, it is not to be expected that this high figure will be maintained fully all the year around, inasmuch as many persons have been impelled by curiosity to cross the river by the tunnel. Still, there will probably be no very great diminution of the passenger traffic. If the number of 30,000 is maintained through all the year the company will carry in the twelve months nearly twelve millions of passengers. They may fairly hope to enjoy an annual passenger traffic of 9,000,000. Now the returns of the first two days suggest a curious calculation. The Birkenhead Ferry carries in the year about 12,000,000 persons, or an average of a little over 30,000 a day. But it was stated at the Birkenhead Council meeting yesterday, that the takings at the ferry on the day the tunnel was opened were only £12 less than on the corresponding Monday last year. Consequently, of the 36,000 persons who crossed by the tunnel only 3,800 were attracted from the ferry. This shows as far as the experience of one day, and that the opening day, can, that the promoters were right in anticipating the development of a very large new traffic. It is stated that residents in houses in Oxtou, who formerly occupied fifty minutes in getting from their homes to the Exchange, can now cover the distance in little more than twenty minutes. Under these circumstances, many men of business who formerly dined in town, will go home to their dinners; and from this cause and many others which may be imagined, a large development of traffic will take place. All that is now required to complete the facilities for communication between Liverpool and Birkenhead is the prosecution of the subway

scheme which is at present before Parliament. Then it will be possible for one to drive straight from Birkenhead to places of amusement and social engagements in Liverpool, and opportunity will be afforded for the extension of that smaller horse traffic for which railways are not entirely suited. The excellent prospects of the tunnel will doubtless encourage the promoters of the subway to persevere in their enterprise.

So that the matter has taken a very tangible shape in other places. Another thing which has occurred to hon. gentlemen has been with regard to the weight of the water and the contraction of the tunnel. I may say that the tunnel is capable of sustaining a pressure of 4,000 tons to the lineal foot or 40,000 tons to the ten feet, and that engineers qualified to give opinions on the subject say that it is more than sufficient for the water which we have in the straits and which I shall describe presently. The tube is made of chilled white iron which is anti-corrosive. The same kind of metal has been used in a similar work in New South Wales, and after a thirteen years' use there has proved to be anti-corrosive, the only appearance of injury to the metal being a sort of hard grease which arises from the action of the sea-water, so that the difficulty would be overcome. With regard to the shrinkage of iron endways, they found that the shrinkage of the metal would be about .008 per cent. and of the concrete .009 per cent. It is proposed to put concrete inside of the tunnel to the depth of two feet eight inches in the bottom and one foot all around. To make the metal and the concrete come together it was necessary to put in strips so as to equalize the shrinkage. The reason why I propose to put two feet eight inches of concrete in the bottom instead of a greater depth is this: the bridge across the Seine in Paris is at the apex but two feet eight inches in thickness and yet it carries all the traffic. I thought that was sufficient, and on consulting eminent engineers I found them to be of the same opinion. The shell is to be two inches thick, the flanges four and a-half, and the shrinkage strips six inches thick. The difference in the temperature of the water makes it necessary that we should have the weight of water on the tube established beyond a doubt. The difference in temperature forty feet below the surface is very little. The water at that

depth is never as low as thirty-two degrees Fahrenheit, because it does not freeze, and probably is never below 39, because that is the point of the greatest density beyond which it would not sink to the bottom. Experiments made by the United States Fishery Commission steamer Speedwell, under the direction of Professor Spencer F. Baird, in Halifax Harbor show that water at from 40 to 50 feet below the surface is about 35 degrees the year around. It is known from similar examination made in lake Superior that the same state of affairs exist there. It is therefore fair to assume that in the Gulf of St. Lawrence the temperature of the water is sufficiently uniform to require no special precautions to be taken. Mechanical engineers and others who have paid much attention to the facts relating to the bearing of temperature on iron structures say that the expansion and contraction caused by change of temperature is less on short sections than it is on long sections—for instance there would be less contraction and expansion in a ten foot section than there would be in a hundred feet section, and as we propose to make this subway in ten feet sections there will be little difficulty on that account. I will now read letters from eminent engineers with regard to the construction of this work, obtained by me since I had the honor to address the House on this subject last year. The first one of whom I addressed was Mr. Light, chief engineer for the province of Quebec. He says:—

QUEBEC, May 15th, 1885.

HON. G. W. HOWLAN,

DEAR SIR,

In reply to your letter asking my opinion of your scheme for a sub-way under the Northumberland Straits, between Prince Edwards Island and New Brunswick, as explained in the pamphlet you kindly sent me, I beg to say, that I have read the same with much pleasure, and that from the examination of the Profile and Model, I see nothing that is very difficult or impracticable in carrying out the scheme. I think if once unwatered and completed its working or maintenance afterwards, will probably be attended with very trifling expense.

There may be difficulties about the ice, or danger from the anchorage of vessels, that I am not prepared to give an opinion upon, but presume that on these points, you have already obtained the information and are satisfied about the risk.

I have not gone into the estimates, and can give no opinion as to their sufficiency, the



few details given, are no doubt correct as far as they go, but you require very much more information as to the depths of water, the form of the bottom, and the material that will have to be removed, before any satisfactory working estimate can be made. Dredging will have to be resorted to before the Tube can be placed into position, and I see no reference as to the cost of this, probably because without special surveys and soundings any deductions from the Bayfield Charts, must be mere guess work. After these surveys have been made, I shall be happy to go into the estimates, but without them I should be unwilling to commit myself to an opinion as to the cost of the work.

I am, dear sir,

Yours very faithfully,

A. L. LIGHT.

I then wrote to Mr. Walter Shanly and asked his opinion, to which he replied:—  
OTTAWA, 18th July, 1885.

HON. GEORGE HOWLAN,  
The Senate.

DEAR SIR,

I have examined Mr. Vernon Smith's plans for the carrying out of your proposed sub-way between Prince Edward Island and the mainland. Of course, without complete soundings, giving an accurate outline of the ground (sea bottom) on which the tubular roadway would rest, and without equally correct knowledge of the material of which it is composed, it would not be possible to arrive at more than a problematical estimate of the cost of the undertaking, and Mr. Smith does not claim that the figures he has so far presented are others than a possible approximation to what the actual cost may prove to be, or what his estimate of cost may prove to be, when he is in possession of all the requisite and indispensable information on which to base his calculations. As for my own views all that I can now say is that I fail to detect any apparent reason why your idea should not come to be classed among the feasible projects of the engineering world.

Yours very truly,

W. SHANLY.

After the surveys that I had reference to had been made, I took the reports of those surveys with all the information I had gathered together, and submitted them to Mr. Shanly, and also to the leader of the Government of Prince Edward Island, and I will read the correspondence which passed between those two gentlemen on this question:

Montreal, January 29th, 1886.

To Walter Shanly, Esq., C.E., M.P.

Sir,—Referring to my interview of this morning with yourself, Mr. Hall, C.E., Prof. Bull and Senator Howlan, may I ask you to inform me whether, in your opinion, the construction of a subaqueous railway across the

Straits of Northumberland in the vicinity of Capes Traverse and Tormentine, is feasible and practicable. If so, within what time could such a work be completed, and what would be the probable cost of the same.

Yours, etc.,

W. W. SULLIVAN.

Montreal, January 30th, 1886.

Hon. W. W. Sullivan.

Sir,—Replying to the questions contained in your letter of yesterday touching the construction of a subway under the Straits of Northumberland between Prince Edward and the mainland—

1. Whether the construction of such a subway is feasible.
2. Within what time could be constructed.
3. Probable cost.

I consider the construction of such an undertaking on the very ingenious plan proposed by Mr. H. H. Hall, of New York, to be entirely practicable and that the work might be completed within three years from the time of actual commencement.

As to cost, I have not myself visited the locality, but have carefully examined the plans and soundings exhibited to me by Mr. Hall. I have given a good deal of valuable information, but more will be required, that is to say, further surveys and bearings are necessary before an accurate estimate of the cost of the work could be arrived at. My opinion is that it should fall within five millions.

(Signed) WALTER SHANLY.

I afterwards submitted the question to the editor of the *Engineering and Mining Journal* of the United States, who is looked upon as a great expert in these matters, and he wrote me as follows, enclosing an article published in his periodical:—

EDITORIAL ROOMS OF THE ENGINEERING AND MINING JOURNAL.

NEW YORK, 17th March, 1886.

Geo. W. Howlan, Esq.,

Senator, Dom. of Canada.

DEAR SIR,—Your letter of 11th February has just been handed me, in answer I can only repeat what I already wrote upon the subject. My remarks upon Mr. H. H. Hall's ingenious tunneling advice are confined to the engineering part and have nothing to do with the patents, which I have never examined nor am I an expert in patent law. So far as relates to this method of laying submarine tubes it appears to me to be very ingenious and well adapted to many cases where the ordinary methods are expensive or totally inapplicable. With ordinary care in construction there should be no great practical difficulty or danger in executing the work of laying a tube of almost any dimensions in this way; and usually the cost of doing the work should be less than tunneling in heavy ground. I have had some experience in sinking a shaft by the use of hydraulic jacks pushing down

a sinking frame corresponding to Mr. Hall's caisson, from the permanent lining corresponding to the tube, and from this experience I conclude that Mr. Hall's method when managed with intelligence and knowledge of shaft sinking and tunneling presents the elements of practical success. I have recently expressed the same opinions in a paper I read in the American Institute of mining engineers a copy of which I enclose.

Yours truly, R. P. ROTHWELL.

"A NEW METHOD OF LAYING SUBMARINE TUNNELS AND TUBES, BY RICHARD P. ROTHWELL.

"The device to which I desire to call the attention of the members of the Institute consists of a water-tight caisson, which is connected by a stuffing box with the tube to be laid, and the caisson is pushed forward with hydraulic jacks set against the end of the tube. The tube is of hard white iron, cast in chills in segments. These segments are carried from shore through the tube itself, in which a track is laid as the work progresses, and the segments are bolted together in the caisson, where there is ample room to work and proper appliances for handling heavy weights. As each segment is bolted on, the jacks are set against its forward end, and when the whole ring is complete, the caisson is pushed forward by the jacks, a trench having been dredged out in front of it, or, in very loose ground, jets of water under a very heavy pressure can be thrown out to loosen the ground in front of the caisson. The direction in which the caisson is pushed is completely under control, and both the caisson and the tube are loaded to the amount necessary to overcome their buoyancy.

"I understand that negotiations are now under way for the construction of a 16-foot tunnel of this kind across the Straits of Northumberland, between Prince Edward Island and the mainland, and for tunnels in several other places. One of the most interesting uses of this system is in laying water mains out into lakes. The work can be carried on without interruption from storms, etc.; and when the desired distance has been reached, the caisson can be converted into a filter, which can be easily cleaned from time to time.

The accompanying illustrations show the general design of the novel and ingenious method of laying tubes, both for railroad and water-work purposes. Full particulars and estimates are furnished by the patentee, Mr. H. H. Hall, No. 95 Liberty street, New York; but without entering into these details, which necessarily vary with the local conditions, it is evident that a tunnel of this kind could in most cases be laid at a small part of the cost of an ordinary tunnel. The iron segments may be cast at the furnace, and would therefore cost little more than pig-iron, and the operation of putting the segments together is simple and inexpensive. The tube would generally be lined with a concrete or beton lining, which would help to load it and would protect the iron from the effect of corroding

gases. White cast iron is very slightly acted upon by sea-water.

My own professional interest in this improvement was first engaged by the fact that I had devised a somewhat similar contrivance for sinking a shaft in Pennsylvania about fifteen years ago. I used a solid sinking-frame of 12-inch timbers, with a bevel iron shoe on the bottom, and into this sinking-frame a number of hydraulic jacks were let, so that when the ram was down the head of the jack rose only a little above the top of the frame. The sinking frame was pushed down, as the gravel and clay were removed, by jacking from the permanent lining of the shaft, which was also composed of 12-inch timbers. Heavy plate iron bolted to the outside of the sinking-frame lapped over at least two timbers of the permanent lining, and being pressed tightly against these, prevented the gravel, sand, etc., from entering the shaft between the sinking frame and the shaft-lining.

This method of sinking was found extremely inconvenient, and the movement of the sinking-frame was under perfect control, and the parties who used it found no drawback to it, though the frame was 75 feet long over all and 12 or 13 feet wide, the shaft being intended to have four hoistways, a pumpway, and a manway. When the sinking-frame had been pushed a sufficient distance down from the permanent lining, the jacks were lowered a few at a time, and an additional timber of the lining was slipped in and formed a new base from which to push with the jacks.

From the experience in that case, as well as from the simplicity of the problem, it appears to me possible to apply this new method of tunnel-laying without serious difficulty, and with great economy where the local conditions are favorable. And there are many cases where the question of grade, the nature of the bottom, and other conditions render the construction of a tunnel in the ordinary way impracticable or enormously expensive. This new system offers such striking advantages in such cases, as well as for laying water-pipes out into lakes, that it cannot fail to interest engineers, and in that expectation I have brought it before the Institute at this time."

I next submitted the matter to a gentleman who at one time was the chief engineer of the United States army, Mr. McAlpin, who is now, and has been for some time past, chief engineer of the State of New York. He is member of the Institute of Engineers of England and holds the "Telford" medal. He writes:—

CITY OF NEW YORK, HARLEM RIVER BRIDGE  
COMMISSION COTTON EXCHANGE BUILDING.

NEW YORK, January 23<sup>rd</sup>, 1886.

To the Submarine Tunnel and Tube Co.

GENTLEMEN,

During the last three years I have been frequently consulted by Mr. R. H. Hall in

regard to the plans of his patented process of subaqueous tunnelling and have taken occasion to examine and advise in regard thereto and have carefully considered its applicability for operating under great depths of water.

The process of securing the machine at the proper level in the bed of the channel, that of forcing it forward as the excavation progresses (aided by the water jet acting upon the earth in front) the use of an incorrosive shell for the tube and many other devices to accomplish the object aimed at with the greatest economy *have all been attained in this process.*

From the descriptions which have been furnished to me of the character of the bed of the Northumberland Straits, where it is proposed to use this process, I am of the opinion that it will accomplish the work in the most successful and economical manner that can be devised, and with judicious management there is no doubt in my mind of the complete success of this process at the Straits.

Respectfully,

WM. J. McALPIN.

I dare say the leader of the House will remember this gentlemen.

HON. SIR ALEX. CAMPBELL—Yes, quite well.

HON. MR. HOWLAN—He advised with respect to the canals of this country, and with regard to the improvement of the harbor in Montreal. I have also a letter from Dr. Bull, who is the professor of civil engineering at New York university, and has been for some forty years. He says:—

34 Gramercy Park,  
New York, March 10th, 1886.

HON. GEO. W. HOWLAN,

DEAR SIR,

For several years past, I have frequently consulted with Mr. Hayden H. Hall of New Hamburg, about submarine tunnelling.

The method of using a water-tight caisson, invented by him, supplied with all necessary machinery and tools, as a movable workshop at the head of the tunnel, where the work of construction goes on, has always commended itself to my favorable consideration as being of great value, both in regard to the safety of those employed, and cheapness in construction of the work.

The many ingenious devices adopted by him to surmount the engineering difficulties, such as the travelling speeds to counteract lateral disturbances, the hydraulic jets to remove obstructions to the free advance of the caisson, and other contrivances which are found in his plan, are guarantees of his ability to accomplish the object sought. I have no hesitation in pronouncing this method as possessing more eminent merit in respect to

simplicity, economy and rapidity of constructing subways under water, than any other that as yet been devised.

In September last, I visited with Mr. Hall, Cape Traverse and Cape Tormentine, and made personal examination of the place where it is proposed to place a submarine tunnel to connect Prince Edward Island with the main land, and after extended enquiries of those who have long lived in the neighborhood, and have been in the habit of navigating the straits both in summer and winter, we arrived at the firm conviction, that the location afforded great facilities for the object sought.

Still further, a careful examination of the surveys made by Commander Orlebar, R. N. in 1886, and the soundings made since our visit, by Capt. Philip Irving, taken at each fifty feet across the straits from the pier near Cape Traverse to the end of Jourimain Reef, shows that the bottom of the straits, is favorable for the building of the tunnel, there being no sudden depression in the whole distance, and the surface being mostly sand and gravel giving a good foundation to rest upon. Thus with ordinary care and skill there will be no great difficulty in its construction under the method of Hall's patent.

The precise cost cannot finally be determined until borings of the bottom, are furnished, yet from all that we can glean from the data now within our reach we would judge that the expense would not be far from four million and five hundred thousand dollars.

Very respectfully yours,

R. H. BULL, Ph. D.

*Emeritus Prof. of Civil Engineering,  
New York University.*

I have detained the House by reading those letters so as to show that this matter may very properly be said to be beyond the region of conjecture. Some hon. gentlemen think that we of Prince Edward Island are unduly bringing these matters before the House, and that as we have a winter steamer, we ought to be satisfied with it: but those gentlemen should remember the incidents of last winter, and the misfortunes of the steamer during the present winter, and consider that it is not a very pleasant experience for people who have to cross there. But we are told that nobody crosses there. When asked how many people cross the Straits, my answer always is that none except those who are compelled to go over, will cross—no one will make a pleasure trip of it. I shall, with the permission of the House, read a description of a night in the Gulf on that steamer when she was disabled in the ice, to give some idea of the care, anxiety and

HON. MR. HOWLAN.

sorrow that fill the minds and hearts of many people having friends on board the ship during its trouble. I have no doubt it will impress hon. gentlemen with the fact that I have stated, that no one crosses the Straits in the winter season for pleasure. The article is as follows :

In the storm of last Saturday the *Northern Light* had a terrible experience. She left Georgetown at 6 o'clock in the morning, and had got as far as Pictou Island when the storm struck her. A thick snow storm coming on, she was obliged to put about and make for Georgetown again. The return passage is described as something fearful. The sea ran mountains high, and the wind blew with a fearful velocity. The wheelhouse was carried away—Capt. Finlayson, and the pilot, Capt. McLean, barely escaping with their lives. A horse shipped by Mr. McLaughlin, of Souris, was killed, the poor animal's legs being broken by the constant pitching, and the cargo, consisting chiefly of barrels of pork, was smashed and thrown about the deck. The pumps were kept constantly going as the vessel was making water the entire passage. At nine o'clock on Sunday morning Capt. Finlayson managed to get his craft into Georgetown. He was badly bruised about the shoulders; Capt. McLean was cut in the face, Engineer McMullan was bruised in the breast, while the watchman and several of the crew, while working about the cargo, received severe injuries. Altogether it was such a storm as the *Northern Light* never before experienced—what may be called a terrible night in the Gulf."

During the consideration of the question submitted by the hon. member from New Westminster the other day, some difference arose between us with regard to the view he entertained of the statistics of Prince Edward Island. At that time I stated to my hon. friend that the statements which he made were inaccurate, inasmuch as they did not show the correct amount of revenue derived by the Dominion from Prince Edward Island. With the permission of the House, I should like to take up this question of the expenditure and revenue connected with that Province, as I know that the impression remains on the minds of hon. gentlemen that the amount of revenue collected from Prince Edward Island is not equal to the expenditures out of the Dominion treasury for that Province. I know that when they refer to the Blue Books their opinions are borne out. On reference to the Blue Book I find that we are stated to have paid into the Dominion revenue for the year ending June 1885 the sum of

\$187,642.80. I took exception to that as being an improper statement, and not a statement of what may be properly called the facts of the case. It is quite amusing to read the figures in the Trade and Navigation Returns.

HON. MR. NELSON—I shall be prepared to call the hon. gentleman to order if he behaves badly to British Columbia.

HON. MR. HOWLAN—I shall only do what my hon. friend from New Westminster did the other day, give the House a statement from the Blue Book. After having gone carefully through the Blue Book and noticing the different items given in the returns which Prince Edward Island, in common with other portions of the Dominion, pays in duties on goods not manufactured in this country, we find that she pays her proportion *per capita* with all the other provinces. I make that statement, and it can be sustained, with reference to the many items of imports, woollen goods, linen goods and foreign liquors, not the produce of this country. I shall call the hon. gentleman's attention to one fact as a sample of all the rest. In the Trade and Navigation Returns, under the head of "playing cards" we find that Ontario imported from all parts of the world 36,737 packs: Quebec 32,586 packs: Nova Scotia 4,147 packs: New Brunswick, 1,137 packs: Manitoba, 7,032 packs: British Columbia, 20,593 packs: Prince Edward Island 1 pack, on which there was duty paid six cents.

HON. MR. DICKEY—"No cards."

HON. MR. HOWLAN—So far as the morality of the question is concerned, if there is any morality connected with it I shall leave it to my hon. friend to explain why British Columbia with a population of 16,000 should find it necessary to import 20,000 packs of cards, while there was only one pack imported into Prince Edward Island which has a population of 120,000.

HON. MR. DICKEY—I should like my hon. friend to explain where they get their cards.

HON. MR. NELSON—I do not see

anything inamoral in a quiet game of cards.

HON. MR. HOWLAN—I do not question the morality of the people of British Columbia, in referring to this return. I find that in 1860 the total imports of Prince Edwards Island amounted to about \$747,000, on which we had then a duty of 12½ per cent., which gave us a revenue of \$93,000. In 1872, just prior to confederation, our imports were \$2,104,134 and with an average duty of about 15 per cent. we had a revenue of \$304,397. It is hardly a true representation of the affairs of that Province to say that with an increase of trade and population the revenue from Prince Edward Island, as set down in the blue book, should only be \$187,642 twelve years afterwards. Supposing that Prince Edward Island had been standing still, and no progress had been made since 1872 up to 1884, it would be a strange fact that under a 15 per cent. tariff we had a revenue of \$304,000, while under the present tariff of the Dominion we are only credited with a revenue of \$194,000. The answer to this anomaly is not hard to find. Previous to that time the majority of our people imported their own goods from the different parts of the world in which they were manufactured: at the present time 88 per cent. of the goods brought into Prince Edward Island are bought in Montreal, Toronto, Hamilton, St. John and Halifax. As a consequence, if you take up the blue book you will find that Ontario is credited with \$32,000,000 imports, and Quebec with \$37,000,000. We know how that arises, because the goods consumed in Ontario have been entered and duty paid on them in Montreal. I have proof that will bear me out in the statement that the exports of Prince Edward Island in 1861 to all the countries were \$793,810: and in 1872 the exports had risen to \$1,497,058, or about 88⅓ per cent. of an increase. It is hardly in the nature of things that our exports have not increased since that time, and with an increasing export, it is the rule of all countries, there is a corresponding growth in the purchasing power of the people. If you follow out that increase from 1872 to 1884 it will be, found that

the revenue has increased three times over since Confederation. The last census credits Prince Edward Island with 55 head of live stock for every 100 acres of improved land, whilst the other provinces show only 38 head per 100 acres. To every acre of improved land we show a yield of 100 bushels, as against 61 bushels in the other provinces. Take the value of our fisheries as against the whole of the other provinces, we have \$17 per head as against \$3.50 for the rest of the Dominion. Take our savings banks, certainly the best indicator we have of our prosperity, they show a deposit of \$16 per head as against \$7 per head in the other provinces. From our isolated position we do not show as well in manufactures, which are only \$31 per head to \$72 for the rest of the Dominion.

HON. MR. POWER—The savings banks deposits show there were no better investments to be had for the surplus money of the people, and they are no indication of prosperity.

HON. MR. KAULBACH—Will my hon. friend tell us the value of the whole Island?

HON. MR. HOWLAN—I can tell him the value of the whole Island if my hon. friend would tell us the value of Lunenburg. I will tell him what we have in area: we have 2,114 square miles of the best land on the continent. We have not a lot of rocks such as they have down at Lunenburg. If the hon. gentleman wants to know what the soil is like, I will give him an authority on that point too. I will give him English, not American, opinion—I will give him the opinion of Professor P. J. Sheldon, professor of agriculture at the Wilts and Hants Agricultural College, who visited Prince Edward Island in 1880, and in his report says:—

“In some respects this is one of the most beautiful provinces of the Dominion, and it has probably the largest proportion of cultivable land. The soil generally is a red sandy loam of one character throughout, but differing in quality. On the whole, the grass land of the island and the character of the sward, consisting as it does of indigenous clovers and a variety of the finer grasses, reminded me strongly of some portions of old England.

• • Prince Edward Island is covered with a soil that is easy to cultivate, sound and healthy, capable of excellent crops of roots, grain and grasses—an honest soil that will not fail to respond to the skill of the husbandman. The island grows very good wheat, and probably better oats than most other parts of the Dominion. • • • The island is noted for its large crops of excellent potatoes, which not uncommonly foot up to 250 bushels an acre of fine handsome tubers. Swedes make a fine crop, not uncommonly reaching 750 bushels per acre of sound and solid bulbs.

Speaking of the mussel-mud, Prof. Sheldon says:

“The island possesses one advantage which is unique and immensely valuable. I refer now to its thick beds of ‘mussel-mud’ or ‘oyster-mud,’ which are found in all the bays and river-mouths. The deposit, which is commonly many feet thick, consists of the organic remains of countless generations of oysters, mussels, clams and other bivalves of the ocean, and of crustaceous animals generally. The shells are generally more or less intact, embedded in a dense deposit of mud-like stuff, which is found to be a fertilizer of singular value and potency. The supply of it is said to be almost inexhaustible, and it is indeed a mine of great wealth to the island. A good dressing of it restores fertility in a striking manner to the poorest soils. Clover grows after it quite luxuriously, and, as it were, indigenously. • • • It may be regarded as a manure of great value. • • • Nor is it soon exhausted, for the shells in it decay year by year, throwing off a film of fertilizing matter.”

Now, I will give the opinion of Sir Wm. Dawson. He says:—

“The great wealth of Prince Edward Island consists in its fertile soil, and the preservation of this in a productive state is an object of imperative importance.”

HON. MR. POWER—We all admit that—carried.

HON. MR. HOWLAN—No, my hon. friend sitting directly alongside of me, (Mr. Nelson), does not admit it. He does not admit that we grow anything at all.

HON. MR. HAYTHORNE—I appeal to the Speaker to put a stop to the interjections of the hon. gentleman. To my province the remarks of the hon. gentleman from Alberton are most important, and he should not be interrupted while making his statement.

HON. MR. KAULBACH—I do not

think, unless the hon. gentleman who is speaking is opposed to it, that any objection should come from this side of the House; but I will now ask what the remarks of the hon. gentleman has to do with the Bill before the House. The question before us is a Bill to authorize a company to construct a subway under the Straits of Northumberland. It has nothing to do with the revenue and expenditure of the Dominion or the products of the soil. It may hereafter be a matter of importance whether this project is to be a paying one, or whether the Island is prepared for such an undertaking, but that is not now the question. What we are considering is a Bill for the construction of this subway, and I do not think my hon. friend is in order in the remarks he is making to the House. That is my point of order.

THE SPEAKER—There are two points of order now before the House. The hon. gentleman from Charlottetown is perfectly right in calling attention to these interruptions, and I request hon. members not to interrupt the hon. gentleman if he does not wish it.

With regard to the other point of order I think the hon. gentleman from Alberton was not in order in referring in the remarks which he has been making, to what took place in a previous debate: but on an occasion of this kind, on the second reading of a Bill, where the matter under discussion may have some relevance, it would be hardly fair to rule him out of order. The Bill, contemplates a large public expenditure.

HON. SIR ALEX. CAMPBELL—No, private expenditure.

THE SPEAKER—In that case I think the hon. gentleman is wandering away from the question before the House.

HON. MR. HOWLAN—When I first commenced my remarks I stated distinctly that I knew I was departing from the rule of the House, and there was no objection raised to it. When this question came up the other day I then stated that I would take another occasion to correct the remarks made by the hon. gentleman from New Westminster, and before doing

so to day I asked permission of the House, I said then that I would make a statement of what Prince Edward Island received from the Dominion, and what we paid towards the Revenue, to set the matter right. What we received from the Dominion Government, and the amount they assumed and paid for us and are still paying for us, taken from the public accounts of 1883-84 is as follows:—

Interest on debt of Island, assumed by Dominion at Confederation, viz., \$596,000, at 4 per cent . . . . .	\$ 23,840
Interest on cost of Prince Edward Island Railway including Cape Traverse Branch, \$3,654,356 at 4 per cent . . . . .	146,174
Interest on amount paid by Dominion Government for purchase of Proprietary Estates, \$747,976.71, at 4 per cent . . . . .	29,919
Subsidy to Province . . . . .	164,510
Postal expenditure, including \$13,386 to steamboats and sailing craft, and \$13,722 to Prince Edward Island Railway . . . . .	59,809
Expenditure by Militia, say . . . . .	9,769
Paid to Indians . . . . .	1,993
Judges' salaries, etc . . . . .	18,800
Lieut. Governor's salary . . . . .	7,000
Maintenance of Northern Light . . . . .	19,539
Lighthouse and Coast Service . . . . .	19,059
Fisheries . . . . .	2,767
Half cost Telegraph to Mainland . . . . .	2,000
Excise . . . . .	2,345
Weights and Measures . . . . .	1,383
Gas Inspection . . . . .	309
Quarantine . . . . .	885
Collecting Revenue . . . . .	21,249
Auditor's office, Charlottetown . . . . .	4,585
Saving's Bank, Summerside . . . . .	200
Public Buildings . . . . .	7,361
Harbors and Rivers . . . . .	15,382
	\$558,908

P. E. I. RAILWAY.

Locomotive power . . . . .	\$65,402
Car Expenses . . . . .	36,718
Maintenance of Way and Works . . . . .	70,421
Renewals . . . . .	11,532
Station Expenses . . . . .	24,452
General Charges . . . . .	11,826
	\$220,351
Less Receipts of Railway . . . . .	144,504
	75,747
	\$634,655

HON. MR. POWER—If the hon. gentleman will excuse me, for interrupting him, I think he will find that the Public Accounts show there is a deficit in the working of the Island Railway of \$100,000.

HON. MR. HOWLAN—I gave them credit for \$75,000 the year before, and I gave them credit for the interest on the railway and the loss of working it, and I do not think that these figures can be disputed. Now if we take the Public Accounts for 1883-84, we find that the average amount of Custom duties per head of the population paid by Prince Edward Island was \$4.93. Estimating the population of Prince Edward Island at 120,000, which would give about the natural increase 1881, we would have the following as the Island's contribution :

From Customs . . . . .	\$591,600 00
“ Excise . . . . .	136,400 00
“ Railway . . . . .	144,504 12
“ Post Office . . . . .	30,000 00
“ Northern Light . . . . .	6,206 00
“ Sick Mariners' Fund . . . . .	684 46
“ Steamboat Inspection . . . . .	269 72
“ Weights and Measures . . . . .	657 14
“ Gas Inspection and Law Stamps . . . . .	791 51
“ Fishery Licenses . . . . .	80 00
“ Customs Seizures . . . . .	230 00
	\$911,422 95

That is the amount which Prince Edward Island contributes to the Dominion Treasury instead of \$195,000 set down in the Public Accounts. The difference between the two statements is \$716,000. That amount the people of Prince Edward Island contribute to the Dominion Treasury in excess of what she is credited with, and the amount of revenue derived by the Dominion from the Island is \$276,000 more than the Island costs the Dominion. I might remark *en passant* that this annual sum would be more than sufficient to build the subway across the Straits of Northumberland, to broaden the gauge of the Prince Edward Island Railway, so as to make it conform with the railway system of the continent, and build branch lines when the traffic would warrant, particularly from Charlottetown through Belfast to Murray Harbour, and again from county line on Bradalban through to New London and Rustico thus tapping the fisheries of the north and south sides of the Island. But that has nothing to do with the question at all. I did not make any use of these figures for the purpose of drawing any deductions from them but simply for the purpose of showing hon. gentlemen in this House and out of it what Prince Edward Island pays

into the revenue of the Dominion. I do not think that is a fair way to treat the case, but I wish to put an end to the oft repeated statement that Prince Edward Island costs the Dominion more than the Dominion receives from her. Prince Edward Island came into the Dominion of Canada, joined the brotherhood of Provinces which form this Dominion, and whether the Island is rich or poor has nothing to do with this matter: I do not think it is fair or right to be continually referring to it and other small provinces as being a source of expense to the Dominion.

In bringing this matter to the notice of the House last year, a great many men shook their heads when the project was broached, and I thought it my duty to place before the Senate such facts regarding this question as would put it beyond any doubt or ridicule. It is true a great many enterprises have, during the last few years, been taken up in this Dominion. The sound still echoes in this Chamber of the ridicule which greeted the first mention of the Pacific Railway project. Many hon. gentlemen laughed at it and said the whole resources of the country would not be equal to its construction; but the railway has been built, and I hope we shall all live to see this tunnel completed. In closing I have to apologize for having taken up so much of the time of the House in the consideration of this measure. I know to some hon. gentlemen the question has not that importance which it possesses for us down by the sea, but I say this, that there are more commercial travellers visiting Prince Edward Island to-day from the great cities of the Dominion than perhaps any other class of the community. We always receive them kindly and are glad to see them because we belong to the same great country. I hope the time is not far distant when many of our members here will be able to visit Prince Edward Island; then they will aid us by their influence and their votes—they will give us this Bill of incorporation to enable a company which is broad minded and liberal enough to take up this great work, and make it one of the greatest engineering works in the world.

HON. MR. POWER—I wish to ask my hon. friend for one item. He gave us

the exports of Prince Edward Island in 1861 and 1871; they rose from something over \$700,000 to something over \$2,000,000. The hon. gentleman did not give us the exports in 1881 or 1884.

HON. MR. HOWLAN—No, there is no way by which we can get them.

HON. MR. POWER—Are there no returns of the exports from Prince Edward Island?

HON. MR. HOWLAN—A great many of our exports go to St. John and other ports and are credited to those ports.

HON. MR. POWER—They must clear from the ports of Prince Edward Island.

HON. MR. HAYTHORNE—I presume that there will be no serious opposition to this Bill, but I desire to bear my testimony to the industry energy and ability with which my hon. friend from Alberton has persevered in getting up his case. The Bill before the House is simply one to incorporate a company for a special purpose, but I think every hon. gentleman will understand perfectly well that there is an ulterior object behind it, and that ulterior object is that in some shape or form the Government of this Dominion will so subsidize or make such arrangements with that company as will enable them at long last to fulfil the original terms of confederation with Prince Edward Island, not merely as they have attempted to do heretofore, but actually in the very spirit and letter of the original agreement. If this were simply an ordinary Bill to incorporate a Company it would not have been necessary for my hon. friend to have enlarged upon it in the manner he has done, nor would it be necessary for me to rise to offer any remarks upon it. The Bill would naturally go before the proper committee and receive a thorough sifting. But as this differs from ordinary cases when a Bill for the incorporation of a Company comes before the House, I am justified in offering some observations upon it. Hon. gentlemen cannot suppose that the people of Prince Edward Island in whose favor those terms of Confederation were made as long ago as 1869, were not fully sensible of the great difficult-



ties under which they labored in the matter of their commerce. If they were to become a part of the Dominion and to assume an equal share of the public burdens with the people of Canada for the construction of public works on the mainland, it was absolutely necessary that they should have very prompt and easy access in common with the rest of the Dominion so as to enable them to make use of those works at all seasons of the year ; and with a view to so enable them, the condition which has so often been referred to, of establishing and maintaining continuous steam navigation winter and summer, was first inserted in the terms of Confederation offered to Prince Edward Island in 1869. And it was with a full sense of the essential importance of those terms that they found a place in the subsequent terms which were proposed and agreed to. Naturally the people of the island considered that if they became joint proprietors of the Intercolonial Railway and of the projected Pacific Railway, and bore a share of Canadian taxation—if they resigned their own tariff in favor of Canada and permitted the Dominion to impose Canadian duties on them, they ought to be placed in as full and complete position to take advantage of all those great works as a Nova Scotian, a New Brunswicker or an inhabitant of any other part of Canada. It was specially that clause of the agreement, to which I have referred, and which implied the establishment of continuous steam navigation winter and summer between the Island and the mainland which contributed very largely to induce the people of my Province to accept the terms of Confederation at all. Before that period they were in possession of an independent constitution. Their appeal in all cases was to the Imperial Government. They resigned all that and cast in their lot with this Dominion. I do not say that those terms of Confederation could be literally fulfilled by means of powerful steamers, and it is for that reason that I hailed the introduction of a Bill such as this with the greatest pleasure. I do not assert or insinuate that the Government of the Dominion of that day or any government which has since existed, has at all sought so escape from its liabilities. They have simply felt the enormous diffi-

culties which beset the question, and while willing, probably, if they could see their way clear, to fulfil them, did not like to embark on an uncertain and possibly unsuccessful undertaking. It is therefore the more desirable, when an opportunity is afforded them of literally fulfilling the conditions, although no ship should be employed in this service, still steam would be the motive power, that such opportunity should be adopted, and the terms of Union literally fulfilled by means of the projected tunnel with the least possible delay. I am not at all desirous of occupying the attention of the House at any length in this matter. The main point which I insist upon with regard to this is that the people of the Province of Prince Edward Island entered the Confederation upon these explicit terms, and that these terms, for reasons which are obvious and which I have referred to, cannot be literally fulfilled by the old ordinary method, and that here is a project which if successful will enable the Dominion Government strictly to fulfil those terms, and therefore it is most desirable that this Bill should have a thorough sifting to establish the practicability of the work and put its cost beyond a doubt ; though if it is undertaken by the company that is a matter for them more than the Dominion Government to look after. I do hope that no obstacle will be thrown in the way of this project by the members of the Government. They have now an opportunity of showing their good will and their integrity of purpose as regards our Province by acting in a prompt and ready manner in regard to my hon. friend's Bill. I believe that the question, as brought by him before numerous meetings of the people of Prince Edward Island, has been received by them in a most welcome manner. They presumed that if all the statements made by the hon. gentleman were correct and could be sustained, that at least a means was likely to be found to relieve them of the great and most serious difficulty under which they labor. I do not think I need weary the House with many further remarks. My hon. friend mentioned the several difficulties which had always been spoken of in connection with his project and I think met them all successfully. As to the nature of the sea bottom, with which

he had to deal, I think he showed it was favorable; he showed also that the anticipated dangers from the grounding of ice and causes connected with that point were without foundation, and also the easy manner in which the smoke difficulty could be avoided. It is scarcely necessary in a chamber where so many hon. gentlemen are themselves intimately connected with business to enlarge at any length upon the great disadvantage it is to our Province to shut down its business matters possibly in the month of November, to remain in a quiescent state so far as imports and exports are concerned, for five consecutive months. The amount of loss which is thus incurred by the province can be more easily imagined than actually related. The opening of this tunnel would have the effect of placing our province in the same position which other portions of the Dominion occupy. No longer would it be necessary for us, on the approach of winter, to increase our imports, often at a great loss, or to export our products to Halifax and other ports in such quantities as to glut the local market and thus reduce their value. The tunnel once successfully constructed these matters could be attended to from time to time throughout the whole winter. Many articles of export which are now held over until spring, until they are greatly deteriorated in value and in quality, would now be daily transported through that tube, and the consequence of its construction would be a complete change in the whole commercial life of the province. I believe that, in conjunction perhaps with other improvements, it would materially increase the wealth of our province—not merely add to its commerce, but add to the value of its landed property, and very likely tend to retain at home a large and valuable portion of its population who now seek their fortunes in other parts of the world.

HON. SIR ALEX. CAMPBELL—I have listened with great interest to the speech which my hon. friend has made on this Bill. I do not think a speech has ever been delivered by him in this House more interesting than the one to which we have listened on this occasion. It is full of information, full of assuring knowledge, showing great research into various points which, up to this time, had seemed

to members of this House to throw considerable doubt on his project and to put it in the category of things which appear to be almost impossible of execution. I think the hon. gentleman has, by his speech and by the information he has brought before the House, removed his measure from that category and placed it in the list of things which are certainly possible, leaving the question of expense to be yet considered. I congratulate my hon. friend on the result he has already attained, and which is owing largely to his own resolute industry and persistence of purpose. There are some parts of the Bill which will require great attention on the part of the Committee of Railways & Canals, to which, I presume, it will be referred. The enterprise is one of an entirely novel nature, involving great risks of an unusual character, both as regards public and private interests, which I think ought to receive, and I am sure will receive, the very careful attention of the Committee. I think too, that the connections of the tunnel with the railways on the Island and the mainland should be subject to the approbation of the Governor in Council the same as the sub-way itself is, because the Government has made a connection between the Island Railway and the Strait on one side, and a private company has made a similar connection between the Intercolonial Railway and the Strait on the other side, and the connections between these lines and the sub-way, should it be constructed, ought to be subject to the approbation of the Governor in Council.

HON. MR. HOWLAN—There is no objection to that.

HON. SIR ALEX. CAMPBELL—I am glad to hear my hon. friend say so. I rose also to state that the Government must inform the House that the Bill cannot be accepted and is not accepted by us in the light in which the hon. gentleman opposite (Mr. Haythorne) puts it. The measure before the House does not involve any subsidy. It is not the first step towards the accomplishment of such a project as the hon. gentleman opposite me describes—that is, the obtaining of a subsidy. The Bill is a measure on its own merits, for the creation of a private Company for the

purpose of constructing this subway, and does not involve any undertaking, direct or implied, on the part of the Government, I felt that if I sat still and allowed the hon. gentleman to assume that it did I should not be discharging my duty to the House. We do not assent to it in that spirit; we do not look upon it as involving any question of that kind. We believe faith has already been kept with Prince Edward Island, so far as faith could be kept with them. We have done our utmost in every way to accomplish that object, but it does not follow from our assenting to the second reading of this Bill that there is any implication that we are going to subsidize this subway.

HON. MR. KAULBACH—I would not have risen if the hon. member from Marshfield had not shown such irritation at the remarks which I interjected when my hon. friend from Alberton was speaking. They were not made in a spirit of antagonism to my hon. friend, and I know that he was pleased to hear them. My hon. friend (Mr. Haythorne) must not think that he can impress the country with the idea that the terms of Confederation with the Island necessitate the construction of a sub-marine Railway.

HON. MR. HOWLAN—I think the hon. gentleman is out of order; the question of the terms of Confederation is not before the House.

HON. MR. KAULBACH—I am speaking in reply to the remarks of the hon. member from Marshfield. He says that the Dominion is bound to carry out the terms of Confederation by establishing continuous steam navigation between the Island and the mainland, summer and winter. The House and the country must know that Prince Edward Island, would never have been admitted into the Dominion on such a condition as the hon. member mentions—that there should be a sub-marine railway constructed, or that there should be steam communication at all seasons of the year and nothing else. If they ask for terms which cannot be carried out, they are nugatory. The hon. gentleman should not lead the people of Prince Edward Island to believe that the Government is wanting in good faith and integrity

if it does not aid the project which is contemplated by this bill. The terms given to Prince Edward Island, liberal as they were, never contemplated anything of the kind. All that was contemplated has, I believe, been fully carried out by every Government that has been in power since the admission of the province into the Confederation.

HON. MR. POWER—The hon. gentleman from Lunenburg is perhaps right as to the facts, but the feeling of the people of Prince Edward Island is not an unnatural one. The province of British Columbia had, at the last census, a white population of about 12,000. This country agreed to build a railway to British Columbia, and has expended about \$100,000,000 in establishing a railway connection with these 12,000 white people. I do not think it is very unreasonable or unnatural that the 120,000 people in Prince Edward Island should expect the Government to spend \$5,000,000 to establish connection between that province and the rest of the Dominion. I think it right to say that if expectations have been raised which the Government are not prepared to fulfil and to meet, then the Government themselves are largely responsible for it. Their conduct in the past in aiding undertakings of a more stupendous character than this has naturally led the people to believe that they will go on in that course. One circumstance has struck me about this undertaking, that this plan of making sub-marine roads is a comparatively new thing, and it has not been established—not by experience at any rate—that a road of such a length as this is a practicable thing. The longest sub-way now existing I think, is not more than a mile in length.

HON. MR. HOWLAN—Three and a half miles.

HON. MR. POWER—Very considerable doubt must still exist as to whether a sub-marine road of this length is practicable. There is one other point which I think deserves some consideration. No doubt, the Minister has said that it is not the intention of the Government to assist this Company with a subsidy, but it may be that next Session the Government will have changed their minds.

HON. MR. HOWLAN—We will raise no objection to that.

HON. MR. POWER—This deserves some consideration—that the Government have subsidized a railway leading from the Intercolonial Railway to Cape Tormentine, and subsidized it chiefly with the object of facilitating the communication with Prince Edward Island. They have built within the last two years several miles of railway on Prince Edward Island, a railway which is operated at a very considerable loss to the country. They built that also for the purpose of facilitating intercourse between Prince Edward Island and the mainland. During the past year they have spent some money in establishing what they think is an improved mode of crossing the Straits. I think myself, from the evidence taken before the committee on that subject in the other House that there is still room for improvement, and that it will be the duty of the Government to put on one or two small steamers. But when the Government have done that they will really have done all that the bargain with Prince Edward Island binds them to do. At any rate, having gone to that expense, it is unfair for the hon. gentlemen who insisted upon having all this money spent to establish winter communication, to come now, before that system of communication has had a fair trial, and insist that another and more costly system should be established. If the representatives of the Island were going to look for this tunnel or sub-marine railway they should not have insisted upon the great expenditure which has already taken place, and it is only fair to the people at large—who have to pay for all these things—that the present mode of communication, with the improvements which have been indicated, should be tried before the country is called upon to pay a large sum for this new system. It is perfectly certain that when the terms of union were agreed upon neither party dreamed of the building of a tunnel or subway, and, therefore, that cannot be claimed as necessary to the fulfilment of the terms of the agreement.

HON. MR. GOWAN—I have great pleasure in voting for the second reading

of this Bill. I think my hon. friend has made out a very clear case for the establishment of this subway, and he has managed to invest a subject, usually very dry, with a great deal of interest, and I think it is quite germane to his subject to speak of the traffic that would probably pass through this tunnel if it should be constructed. It may be that the Bill covers entirely new ground. It refers to the construction of something that never was attempted before in this country, and it would be very proper for the committee to whom it may be referred to consider carefully how far it may affect the navigation of the Straits, and to guard against the public being in any way injuriously affected by the approaches on either side. Then the adoption in general terms of all the railway clauses would require to be very carefully considered, for many of the clauses in the Railway Act would not suit exactly a tunnel such as is here proposed, and the necessary work to be done upon it. I must say I have listened with a great deal of interest to what my hon. friend has said, and I think the people of his Island are very much indebted to him and his colleagues for the very able manner in which he has presented the claim of this company to build a work of great importance to their province, and I think also of very great importance to the whole Dominion. In supporting this measure, no one would feel himself pledged to vote for a subsidy for it in the future, and in voting for it and giving it all the support I can, I do not feel myself under any such pledge.

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

## CONSENTINI NATURALIZATION BILL.

### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (37), "An Act to naturalize Girolamo Consentini, commonly called Baron Girolamo Consentini." He said: This is a somewhat unusual Bill, but it is placed in my hand by a member of the other House who is a distinguished lawyer living in Sherbrooke, Mr. Hall. He explained to me that the gentleman whose naturalization is intended by this

Act is a very elderly gentleman of high standing who has taken up his residence in Sherbrooke. He is desirous of getting an Act of Naturalization passed to enable him to deal with his affairs as a British subject. He is now in Italy, where he has estates, and he has, in anticipation of the passage of this Bill, performed the necessary duties in taking the oath of naturalization, and performing other acts required by the law. I have no doubt his counsel will be able to show that before the Committee, to whom I would ask that this Bill be referred. The object of the Bill is to obtain naturalization prior to the three years' residence required by the law, as he has only been six months in this country.

HON. SIR ALEX. CAMPBELL—I do not oppose the second reading of the Bill, but I think some change will have to be made in the Committee: otherwise I feel that I shall be obliged to oppose it when it comes before the House for third reading. Hon. gentlemen know that there is a general law under which naturalization is open to anyone after three years' residence in the country. It is always a dangerous thing to depart from the general law and to enact special laws in particular cases. There is nothing in this Bill which shows that this gentleman should be allowed special legislation for himself. It may be that certain facts may exist which would warrant the House in passing such a Bill; but if they do exist they should appear in the preamble of the Bill to show why this gentleman should be allowed to depart from the statute governing all the rest of the community. This also should be borne in mind: my hon. friend says that he asks under this Bill to do something in Italy as well as to accomplish some purpose here. It is not very safe for us to enact by special legislation any change in this man's position which would enable him to do something in Italy which he would not otherwise be able to do. I can understand if he is advanced in life and has property in Canada why he should wish for naturalization more quickly in this country than he could obtain it under the general law, if he desires to make conveyance of his property, or to make his will here, but

such an explanation as that should be inserted in the preamble of the Bill. If we legislate in this case, we shall certainly be asked to do so again by others, and we will be departing from the safe principles which should govern all classes and all persons who wish to be naturalized. This is the safe plan, and one which the House will be disposed to pursue unless this gentleman shall show some special reasons which special reasons ought to be stated to the satisfaction of the committee and recited in the preamble of the Bill.

HON. MR. PLUMB—I quite agree with the leader of the House that the facts which I have stated here are perhaps not sufficient to warrant a departure from the general law under which those who are desirous of becoming naturalized should come. At the same time, if the Bill is referred to the Private Bills Committee it will be possible to see that there is nothing which will prevent the Bill from being referred back to this House when it is before the committee, I will see that such information as has been suggested by my hon. friend will be forthcoming. The motion was agreed to and the Bill was read the 2nd time.

### NIAGARA GRAND ISLAND BRIDGE COMPANY'S BILL.

#### SECOND READING.

HON. MR. PLUMB moved the 2nd reading of Bill (38), "An Act relating to the Niagara Grand Island Bridge Company."

He said—This is a Bill to extend the time for the completion of the Niagara Grand Island Bridge. This Company was chartered some time ago for the purpose of making communication between the Canada Southern system and the New York Central system of Railways across the Niagara River by Grand Island. There has been reason for the delay, and I do not think there can be any particular objection to the 2nd reading of the Bill, and when it goes to the proper Committee no doubt some one will be present representing the Company who will make the necessary explanations.

The motion was agreed to and the Bill was read the 2nd time.

HON. MR. PLUMB.

CANADA SOUTHERN BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the 2nd reading of Bill (40), "An Act relating to the Canada Southern Bridge Company." He said: This is a Bill very much of the same nature as the other. It was intended by this Company to build a tunnel under the Detroit River, and there have been a good many difficulties connected with it in the surveys, and other matters which can be explained before the Committee.

The motion was agreed to and the Bill was read the 2nd time.

The Senate adjourned at 5:45 p. m.

THE SENATE.

Ottawa, Friday, April 9th, 1886.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THE BIRRELL DIVORCE BILL.

FIRST REPORT OF THE COMMITTEE.

HON. MR. DICKEY, from the Committee to whom was referred Bill (I) "An Act for the Relief of Flora Birrell," presented their first report. He said—As this is a mere formal matter connected with the proceedings of the Committee, for which they had to come to the House for authority, I beg to move that the report be now adopted.

The motion was agreed to on a division.

THE CANADIAN PACIFIC RAILROAD AS A TRANS-CONTINENTAL MAIL ROUTE.

MOTION.

HON. MR. GIRARD moved—  
That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid

before this House, correspondence between the Imperial and Dominion Governments, relating to Subsidy to any line of Steamships sailing between Vancouver, the Pacific terminus of the Canadian Pacific Railway, and Japan, China, India and Australia; also, relating to the carrying of Her Majesty's mail and troops for the East, via Canadian Pacific Railway from England.

He said—It is with some degree of hesitation that I rise to speak on this question, which to my mind is one of the greatest importance, and my regret is that I am not better qualified to perform the duty which I have undertaken to discharge. At all events I shall take the liberty of making a few remarks on the great event which, it seems to me, interests the whole world, the opening of the Pacific Railway. We naturally see with a certain amount of pleasure that before many days this wonderful work will be in operation from ocean to ocean. It is interesting not only for the Dominion as a whole, but has a special interest for the British Empire. We are all interested in maintaining the high position now occupied by the Mother Country. It is our pride to assist in its glory, and to contribute as well as we can to any means by which England will retain her position as one of the first nations in the world. The question has been more than once discussed, by what means we can cement more strongly the tie that unites us to the Mother Land. We have spoken of Imperial Federation as giving us representation in the Parliament of Great Britain. I do not know if anything of that kind will at any time come to pass, but I submit to hon. gentlemen my humble opinion that the construction of the Canadian Pacific Railway will certainly contribute very largely to the maintenance and continuance of that connection with the Mother Land which we all appreciate so much. When we have a line of steamships starting from Vancouver, the terminus of the Canadian Pacific Railway, making regular communication with China, Japan, the East Indies and Australia, our position as one of the colonies of the Empire will be completely changed. It will be now easy for England at any time to transfer troops and munitions of war to afford protection to her millions of subjects in the East, and at the same time it will be an easy matter

for England to receive from those colonies that assistance which has been loyally and cheerfully given in the past, when circumstances arose that demanded it. The completion of this great work has certainly a great importance for us. We must feel proud to have within the limits of our Dominion railway works which are rightly considered as wonders of the world—I refer to the Victoria Tubular Bridge and the Canadian Pacific Railway, which is now about completed. The authorities of England are united in their congratulations to the Dominion on the completion of our great national highway, and they have given most serious consideration towards the utilization of our railway as a mail route across the continent. At a meeting which took place in London on the 18th March last of the Executive Board of the London Chamber of Commerce they authorized their secretary to represent to the Secretary of State, that having considered the arrangement proposed by the Canadian Pacific Railway Company for the organization of steamship communication between Vancouver and Japan, China and India, the Committee are deeply impressed with the importance of the same, and that, in their opinion, the commercial and Imperial value of the proposals cannot be estimated. I have read also in a late issue of the *Ottawa Citizen*, the 29th March, that a private cable despatch received in Ottawa had contained the important announcement that in reply to a question asked in the British House of Commons that afternoon, it was officially stated to be the intention of the Imperial Government to subsidize the Canadian Pacific Railway Company line of steamers between British Columbia and China. "This fact," says the *Citizen*, "we may regard as an indication of the probability of the present administration following out the determination of Lord Salisbury's Government to utilize the route for Imperial purposes, a proposal which was strongly urged by Sir John Macdonald during his recent visit to England." Then again, we have the important appreciation of our great national highway by the authorities in England in the fact of tenders having been called for the transfer of Her Majesty's mail between Vancouver, China and Japan,

the trade of which is of very considerable importance to our American neighbors, who, I find in 1884 imported from China alone, \$16,292,000; Japan, \$11,762,000, and the Sandwich Islands, \$8,857,000, being a total of \$36,911,000. The exports for the same year were \$12,500,000, consisting exclusively of cotton, wool, boots and shoes, leather, blankets, soap, liquors, petroleum, &c., &c. Here, then, there is an opportunity presented to our enterprising business men of Canada to compete for this trade, now that they possess the shortest and cheapest transportation to the east, and this is small in comparison with the vast English trade of India, Ceylon, and our Pacific colonies, in addition to China and Japan, which will be of such vast importance to the Canadian Pacific Railway and the trade of this country, the vast resources of which have lately drawn the attention of all Europe, through the efforts of our Governor-Generals, in giving to the world their travelled experience throughout our great North-West during the last 15 years. At the same time they have shewn themselves the faithful representatives of their sovereign and the devoted friends of Canada.

We must all rejoice at the great interest manifested, not only in England, but throughout the whole civilized world, in the successful prosecution of this great national highway, the Canadian Pacific Railway, induced by the far-reaching foresight and vigorous policy of the Canadian Government, the wisdom of which policy is now acknowledged. The construction of the road has become an accomplished fact within the short space of five years. This magnificent line of railway is the longest under one management in the world, and in its luxurious accommodation and comfort for the traveller stands unrivalled. There is something almost marvellous in the idea of those magnificent sleeping and dining cars—fitted up like the abode of royalty, and each costing a small fortune—being built to traverse the wilderness of the far North-West, into which the light of civilization has only just begun to dawn. Besides, this great railway is the shortest across the Continent of America. The distance from San Francisco to New York by the Union Pacific Railway is 3,363 miles, while

that from Vancouver to Montreal is only 2,830, or a difference of 633 miles in favor of our Canadian route, which will shorten the passage from Liverpool to China, in direct distance, more than 1,000 miles.

To demonstrate the practical utility of this grand railway communication, it is sufficient to mention the fact that in 1861 the troops were occupied from 11 to 12 days in traversing the distance from Halifax to Quebec. During the time of the North-West troubles in 1870, the transfer of the troops from Quebec to Red River by the Lake Superior route required 11 weeks, and from Toronto to Winnipeg it took 95 days, while to-day that long distance is traversed in 6 days. When the line of steamships is established between Vancouver and Japan and Hong Kong, the distance between Liverpool and Japan will be traversed in 26 days, and Hong Kong and Shanghai in 34 days. To-day the voyage between England and Yokohama, by the shortest route, occupies from 40 to 44 days, and by the Straits of Gibraltar from 49 to 53 days. I shall now, with the permission of the House, give a statement of the distance between Liverpool and Japan and China by the Canadian route, and compare it with the distance by the United States route. It will be found in the annual report of the commerce of Montreal for 1875, and is as follows:—

UNITED STATES ROUTE.

	Miles
Liverpool to New York .....	3,040
New York to San Francisco .....	3,370
San Francisco to Yokohama .....	4,470
Yokohama to Shanghai .....	1,045
Total .....	11,925

CANADIAN ROUTE.

	Miles
Liverpool to Montreal, via Belle-Isle	2,790
Montreal to Port Moody, C.P.R. ....	2,870
Port Moody to Victoria, B.C. ....	90
Victoria to Yokohama .....	4,108
Yokohama to Shanghai .....	1,045
Total .....	10,903

Difference in favor of Canadian route 1,022 miles.

Then follows this statement:—

“It is, therefore, evident that the shortest line of communication between Great Britain and Japan and China will certainly be the one

through Canada, the difference in time being a most important consideration. Passenger travel would undoubtedly prefer that northern route, while its advantages for transmission of mails and merchandise are evident: and, most important of all to the Imperial Government, there will be the opportunity for transporting troops, either in time of peace or war, entirely through British Territory to the Pacific Ocean without risk of impediment,—an advantage the greatness of which cannot be easily estimated.”

I think we will all agree with these remarks. The Imperial Government is greatly interested in this new means of communication between Great Britain and the far east. At the present time there is only one means of communication between England and its vast possessions in India and Australia—the Suez Canal. It is pretty well established that the navigation by that route may be interrupted at any time. In such an event it would be of the greatest importance to England, having such great interests in the east, to possess a route through Canadian territory which can never be closed. I will here take the liberty of reading a few words from an engineering authority, one who was largely interested in the construction of our Pacific Railway, Mr. Sanford Fleming. He has written a book entitled “England and Canada,” in which he shows the importance of the completion of the Canadian Pacific Railway to the Empire. He speaks also of a system of submarine telegraph cables which should follow at an early date, to establish telegraphic communication between Canada and Japan and China. He says:—

“They will be extended to India, Australia and New Zealand. Great Britain may then be in close relations with her possessions in every quarter of the globe by lines of communication under the protection of her flag without passing through an acre of foreign soil. Egypt owing to its geographical relationship with India and Australia, is constantly a source of anxiety. Lord Wolsley gave as his opinion that the destruction of the Suez Canal could be effected by the means of a few old canal boats loaded with stone, or one effective torpedo exploded in a well selected spot. Notes of warning in other forms have frequently been given. Three years ago an insurrection in Egypt, out of the fold of Imperial policy, but claiming consideration from the aspect it assumed with regard to Indian interests, exacted British interference. Two-thirds of the available naval power of Great Britain was called into service to keep open the canal. Even then the possibility that the canal may



at any hour be rendered unnavigable and the telegraph destroyed, what other conclusion can there be than the words of Lord Wolsley, that it is suicidal to depend on the route through Egypt as the means of communication with the East.

"The Imperial character which this consideration gives to the lines of communication now being constructed by Canada is indisputable. They offer a constant reliable communication with the eastern possessions of Great Britain when European complications shall assume a threatening attitude, or when Egyptian difficulties have led to the stoppage of the navigation of the Suez Canal. Canada will consequently add greatly to the common safety by the completion of her national Railway from the Atlantic to the Pacific seaboard. Its two termini have the common excellence of possessing within command inexhaustible coal deposits, where ships may be supplied and naval arsenals may be established on any scale. The railway itself passes through a territory a great part of which, east of the Rocky Mountains, is not surpassed in fertility by any soil in the world, while immediately north of the line the fertile belt presents a field for immigration for centuries, where bread and butchers' meat will be plentifully produced to meet the most extended requirements which the future may create."

Not only have the people of the Dominion approved of the plan of which I am speaking, but it has received the high approbation of our American cousins. I have made the following extract from a recent report from the Hon. Mr. Ordway, of Concord, New Hampshire, who was Governor of Dakota under the Garfield administration :

"We are forced to acknowledge that the North-West is a splendid country, in regard to its large extent, by the future in store for it; with its great trans-continental artery, binding the two oceans, Canada has opened an enormous country, that will be in possession of a trade practically illimited. This road is a legitimate cause of pride for the Canadians; no country can boast to have realized, to the present day, an undertaking of that importance."

I shall now, with your kind permission, read a short extract from a speech made in the British House of Commons by Lord Harrowby, as reported in the *London Canadian Gazette* of the 11th March last. He said :—

"To start a great line of mail steamers from the city of Vancouver, the terminus of the Canadian Pacific Railway, to Japan and Hong Kong, it was felt that this would be the crown of the Pacific Railway scheme, one of the greatest and most marvellous works of our times. It was impossible to speak too highly of the energy, the indomitable zeal

and patience of our Canadian fellow-subjects in carrying the enterprise through. They ought to be proud in this country of having for fellow subjects men who have been able to overcome so successfully, and so rapidly, such great difficulties as were opposed to them, and in this connection it was impossible to avoid mentioning the names of Sir George Stephen and Sir John Macdonald, to whose exertions the enterprise owes so much.

I perfectly concur in every word of this, and agree with the speaker that the road will be of great value to the empire. I do not see why British troops should not be stationed on our Pacific coast as well as at Halifax. They would be ready a great deal sooner to be transported to the scene of action should any difficulty arise in the east. We all remember the old adage—"In time of peace prepare for war." It would be of immense advantage to Great Britain to have a military and naval station on our western coast, ready for any emergency that might arise in the Australian colonies or India. I hope the time is not far distant when steps will be taken to carry out some such scheme. The policy is so evidently in the interest of the empire that I expect to see it adopted ere long, and I hope we will live long enough to see, either by means of an Imperial subsidy or some other way, a regular line of powerful steamers running between the western terminus of the Canadian Pacific Railway and Asia. I hope and believe that the result will be to vastly increase the commerce of the Dominion, and I do not despair of seeing Winnipeg, in which we are all so much interested, and which is actually the centre of this Dominion, becoming to a certain extent the centre of the world, the great entrepot of the trade between Asia and Europe. (A laugh). I suppose it is nothing but right to hope, and though I may appear rather sanguine I hope to live long enough to see my prediction realized. When that time comes gentlemen will have reason to rejoice that they were wise enough to incur large expenditures for developing our great North-West. Though you may think it has been a source of heavy expense up to the present time, it will yet yield to the Dominion treasury an abundant revenue. I feel great difficulty in addressing the House in the English language, and dealing with this important subject in a fitting manner. I wish in closing to refer to an article pub-

ished in *Good Words* by one of our former governors, the Marquis of Lorne. I think you will all approve of what he says, and I am glad to have an opportunity to bring his name before this hon. House, and express my appreciation of all that he has done and is doing in our interest. It is well known that ever since he left us he has been exerting himself constantly to advance the interests of Canada. The following is from the article to which I referred:—

“I am sure it will be the wish of all patriotic men, be they British or Canadian, that this back-bone of the Dominion may, year after year, draw ever-increasing profits. Troops and freight may thereby be sent by a route twelve hundred miles shorter than any other to China and Japan. Mail service, if sent over by this way, will be greatly accelerated, and none but British ground, and none but British ships, need be touched from London to Hong Kong. It is a noble work, nobly performed.”

HON. MR. MACDONALD (B. C.)—I desire to say a very few words on this important subject. I think the House has reason to thank the hon. member from St. Boniface for having introduced a matter of such universal interest to the notice of the House. He has dealt with the Imperial, the commercial and the luxurious sides of the question. It is highly gratifying, I am sure, to every member of this House to find that the immense importance of our great trans-continental highway through the empire is so thoroughly understood. Earl Harrowby has taken a great interest in the matter and he thoroughly understands what he is speaking about; and although the reply of the Secretary of State, Lord Granville, was not quite definite yet its tone was hopeful. I observed last night in one of the city papers here the announcement that a subsidy has been granted by the Imperial Government of £100,000 annually for ten years in aid of a line of steamships between British Columbia and Asiatic and Australian ports. I hope the announcement is correct. That subsidy, together with any help which the Government of this country can give, ought to insure the establishment of a first class line of steamers on the Pacific Ocean. The subject of this motion is one of very great importance to the whole trade of Canada, and almost necessary for the successful working of the

Canadian Pacific Railway. It is earnestly to be hoped that the Imperial authorities, the Dominion Government and the Canadian Pacific Railway Company, may see their way to placing a line of steamers on the Pacific Ocean before very long.

HON. MR. KAULBACH—This is a matter of very great importance at the present time, when the subject of Imperial federation is receiving so much attention. I think that Canada has done as much, or more, to bring about a closer union of the empire physically if not politically, as any other part of the British possessions, not excepting Great Britain itself. It must be evident to every one of us that our great Pacific Railway has done more to consolidate and strengthen the empire than any other means that could be devised. As my hon friend from British Columbia has said, a cable dispatch, which has appeared lately in the press of Canada, announces that the British Government have decided upon subsidizing a line of steamers to run between the Pacific terminus of the Canadian Pacific Railway and Hong Kong and Australia. I hope the leader of the Senate will be able to give us information to-day which will confirm that report. The announcement from an authentic source would be most gratifying to the public of this country, demonstrating as it would, that the mother country is alive to the immense importance of this new highway through the British possessions, increasing the commerce and the military strength of the empire. The recognition by the Imperial authorities of the value of our Pacific railway to the empire will prove of very great benefit to the Dominion. My hon. friend from St. Boniface has shown how easily the Suez Canal could be blocked in time of war. He has fortified his opinion by reading the views of eminent military authorities on the subject. It is, therefore, of very great value to the empire to possess within its own territory a means of communication between Great Britain and her distant possessions which is at once safe and speedy. We can all remember the gloomy days of the Pacific Railway enterprise, when the government of this country was overthrown by calumnies in connection with that great project, and a general impression was created throughout this country that the road would be

a burden on the Dominion and would never pay even for the grease for the wheels of its trains. Our people were told that the project was of the wildest and most visionary character, that it was impracticable and would eventually ruin the Dominion. In view of the events of the past ten years it is most gratifying to every patriotic man to witness the success which has attended the enterprise, and we must all feel that this government is entitled to a new lease of power for having accomplished such a gigantic work, if for nothing else—that they are entitled to the public confidence for their faith in the future of the country, for their earnestness, courage and indomitable perseverance in bringing this great enterprise to such a successful conclusion. When their predecessors were in power the policy pursued was marked by vacillation. They showed a want of confidence, and a lack of integrity in this matter which was deplorable, and attended by the most demoralizing results. The country must feel that the present administration are entitled to their gratitude and confidence for having advanced not only the interests of Canada but also the interests of the empire in the speedy construction of this great highway across the continent.

HON. MR. NELSON—It is a matter for very great gratification to the members from British Columbia that this question has been brought before the House by a representative of Manitoba. For myself I can say that I am very glad that this important matter has not been brought up by a British Columbian, and I think that is the feeling of all the representatives of that Province in this Chamber. We are glad that it has been introduced by a gentleman, whom we all know and respect so highly, and who, coming from the centre of the Dominion, can view the question impartially, without any leanings towards either the east or the west. The City of Winnipeg, from which he comes, may now be regarded as occupying a position midway between the Pacific and the Atlantic. I think for that reason this question is given much greater weight than it would have had if a member from British Columbia had brought it up. In that case it would have been received in the old way—as an

attempt on the part of the representatives of British Columbia to bring the importance of their own province before the public. The hon. member has referred to the enormous advantage of our Canadian route to the empire in the event of European complications. The Suez Canal, situated as it is in the neighborhood of many powerful nations, might at any time be closed up. The threatened trouble between Greece and Turkey may at any time result in an extensive war and it might possibly be difficult for British ships to go by the Red Sea route to India. There is another view to be taken on this question. My hon. friend from Alberton dwelt at considerable length yesterday upon the importance of the trade of Prince Edward Island. I think it is appropriate to this subject to say something about the trade of the Province of British Columbia. A great many persons, in speaking of our Pacific Railway, compare it with the Union & Central Pacific Railway and point to the fact that the latter has its western terminus at a great city in a populous state. From this they conclude that the Central Pacific will have a great advantage over our line. British Columbia is, however, a very large territory. My hon. friend from New Westminster dwelt on the area of British Columbia and the necessity of having it represented in the Cabinet, but it is a very large territory with a very small population. Our existence before the world, and particularly so far as the Dominion of Canada is concerned, dates from the time of Confederation. I think it will not be inappropriate at the present time if I read a few tables of the Trade and Navigation returns to show that British Columbia, taking into consideration her small population, is making tremendous strides. I do so to a certain extent from the fact that an hon. member of this House took the opportunity yesterday to dwell upon the importance of another province, which in his opinion had been greatly decried. I think no province of the Dominion has been more decried, and, to use a common phrase, more black-guarded, than British Columbia.

HON. MR. KAULBACH—"A sea of mountains."

HON. MR. NELSON—Yes, a sea of

mountains, and many other hard things have been said against it, especially for being such a source of expenditure to the Dominion. We are frequently told that our province has increased the debt of the Dominion enormously. I am happy to think that the day has passed when the Province of British Columbia will be derided on the floor of this House or the House of Commons. I think the day has gone by when the Pacific Railway can be regarded as a white elephant on the hands of the Dominion Government. I think it is now recognized as a work which will be of immense benefit to the whole Dominion—as the means of developing our great North-West, which my hon. friend from St. Boniface so well represents. I think it is recognized now that the present Government of Canada took the only step it could possibly take to make a great country of the Dominion. The Trade and Navigation returns, from which I am about to quote, are open to every member of this House, but probably few hon. members from the eastern provinces have paid any attention to the figures concerning British Columbia. I do not think they have watched, as we who represent that province have done, the great growth of the trade and revenue of British Columbia. I will take the exports first. They are as follows:—

In 1872 when we entered the Union our exports were \$1,912,167: for what was supposed to be a population of 10,000, this I think is no mean export. The next year our exports were a little less, \$1,792,347. In 1884 they reached \$2,120,624, in 1875 \$2,824,812: in 1876 \$2,755,787. I may say that they gradually increased until they amounted to \$3,237,804, in 1885. In 1883 they amounted even to a little more, \$3,383,342. These exports show that although they may, from some temporary cause, have decreased for a year or two, still the exports, and consequently the general prosperity of British Columbia, have steadily increased, and as a natural consequence our population is also growing. I now come to the imports. I will not take the trouble of reading them over, but I may say that they have grown from less than \$2,000,000 in 1872 to \$4,023,452 in 1885. I may say in connection with this that it has been stated very frequently and very prominently, that the cause of

the great increase in our imports and in the amount of duties collected, was the building of the Pacific Railway and the moneys expended in the province in connection with that great work.

I grant that the amount of imports has largely increased from that very fact, but I certainly take the strongest exception to what has often been stated in this House, that the great increase in our imports was almost altogether due to the building of the Canadian Pacific Railway. I think that that assertion can be set aside by the fact already quoted, that our exports in 1885 amounted to \$3,237,804, or a little under a million of dollars less than our imports. So that the House and the people generally will understand that the whole increase in our trade is not entirely due to the building of the Canadian Pacific Railway. I may say, in regard to figures, I have quoted from the returns of last year—although the imports and the duties collected on imports were much greater than in former years, still the amount expended in the construction of the Canadian Pacific Railway for that year was much less than it had been for two or three years previous.

HON. MR. McINNES (B.C.)—And Pacific Railway material came in free of duty.

HON. MR. NELSON—Material connected with the building of the Canadian Pacific Railway, such as iron and things of that kind, did; still the number of people engaged in the building of the Canadian Pacific Railway had to be fed and clothed.

HON. SIR ALEX. CAMPBELL—I quite agree with the hon. gentleman; the exemption did not relate to a great many articles of consumption in the way of clothing and things of that sort.

HON. MR. NELSON—It has been put forward again and again, that the great increase in the prosperity of British Columbia was only apparent; that it was temporary, and due entirely to the building of the Canadian Pacific Railway; such is not the case. The fact that our exports amounted last year to very nearly as much as the imports, shows that the country is

making material progress. Perhaps at no very distant day, in regard to local trade, the province having communication across the great Pacific Ocean, and having a great country lying behind it like the North-West, in which we expect to have a large population, our trade must very materially increase. I do not think I need go any further into these returns; I only remark that my hon. colleague the other day in quoting the returns of duty paid during the last five years, unfortunately left out the last year of which we have any statement—the year 1885.

HON. MR. MCINNIS (B. C.)—I could not get it at the time.

HON. MR. NELSON—It is published in the Trade and Navigation Returns and made the amount some half a million of dollars more than the hon. gentleman quoted. I find that the total amount is \$4,037,812.29. I tried to correct him then, but he did not adopt my figures; so that apart from the general view that my hon. friend from Manitoba took in this case there is the other view that although British Columbia is a country with a small population, she has been making rapid strides in commerce, and her population must have vastly increased within the past few years. With such opportunities as she will now have through the construction of the Pacific Railway, the population must continue to increase, and having a market in the interior of the country for our products we must expect that the progress of the trade of our Province will be very rapid in coming years.

HON. MR. SUTHERLAND—I do not rise with the intention of detaining the House, as my hon. colleague from St. Boniface has so clearly set this question before us, that there is little or nothing left for me to say than to add that I entirely endorse all his statements. I think it is very proper that this question should come before the House, and I am very much pleased to find the sentiments with which the statements of my hon. friend have been met. I do not suppose I can add anything more to what he has said; we all appreciate the importance of the

completion of the Canadian Pacific Railway, and the parties to whom my hon. colleague has referred in connection with that great enterprise certainly have deserved very great credit. We all know the doubt with which the project was met at its first inception, and I am most happy, as I am sure the House is, to find to-day that the expectations of the most sanguine amongst us at that time, are now more than realized.

HON. MR. ALEXANDER—The hon. gentlemen from St. Boniface has brought this important subject before us with his well known ability and candour. If there has been any correspondence, it should be laid before Parliament. Of course we are all most anxious that the Canadian Pacific Railway, which has swollen so largely the public debt of the country, should be at the earliest moment utilized in every possible way and we may indulge without harm in sanguine visions as to our establishing commercial connections in the West with Japan, China and Hong Kong. If they even prove to be sanguine and are not realized there cannot be much harm so long as we do not lead the Dominion to expend too many millions in promoting such objects, especially before such service is required. There is wisdom in inspiring our people with a lofty ambition. No one objects to large expenditures to attain great national objects so long as the views are practical and bringing fruitful results. Now this Railway has been declared to be a great Imperial work and the first Minister (Sir John Macdonald) openly stated at a public meeting that the Imperial Government regarded it of great Imperial value. If this is really the case, I think it will be desirable that such should be announced in both Houses of Parliament at home, and I confess it will be still more satisfactory if they would give us some substantial evidence of that fact by voting a large subsidy to such ocean steamers on the Pacific as have been referred to. The hon. gentleman has stated that he understood that the Imperial Government had granted £100,000 a year for ten years as a subsidy. Where did the hon. gentlemen see that?

HON. MR. MACDONALD (Victoria)—I saw it in the newspapers.

HON. MR. NELSON.

HON. MR. ALEXANDER—That is no authority at all, and I do not think we are justified in making such statements on mere rumors published in newspapers. Look at the announcements that have been made through the press during the last two months with regard to the Pacific railway!

HON. MR. KAULBACH—That statement appears in the *Globe* newspaper, which the hon. gentleman usually considers a good authority.

HON. MR. ALEXANDER—The *Globe* is a paper that has done an immense deal of good to the country, and I do not know what would become of the country if we had not the ability of the *Globe*, and the fidelity of the *Globe* and its editors to show up the mal-administration of the Government. In reply to the statement that has been made by the hon. gentleman from Victoria "taken from the papers," what did we see on the 28th March last? That Lord Carnarvon had asked the question in the House of Lords as to whether the British Government had determined to give such assistance as £100,000 for ten years to the Pacific railway, upon which Lord Granville, the Colonial Minister, replied that the Government has not yet been able to form an opinion.

HON. MR. MACDONALD (Victoria)—What is that taken from?

HON. MR. ALEXANDER—From the record of the debates in the House of Lords.

HON. MR. MACDONALD—Is it from a newspaper?

HON. MR. ALEXANDER—It is taken from the London *Times*; it is not a newspaper statement, it is from the report of the statement of Lord Granville in the House of Lords as published in the London *Times*.

HON. MR. MACDONALD—But the hon. gentleman does not believe in newspaper statements.

HON. MR. ALEXANDER—There is

no use in arguing that point at present. All sorts of announcements have been made by the papers and in after-dinner speeches by Sir John A. Macdonald, and amongst other utterances a prominent engineer of the Dominion made the public statement that mails and troops could be carried from Liverpool to Vancouver in 11 or 12 days. Now what good can such statements do? This must be an exaggeration, and it is undesirable that our public men should upon any occasion make such colored statements, which can never help the case. It is possible to force an engine without cars across the country so as to make the trip perhaps in 15 or 16 days; but to make the announcement that mails and troops can be carried from Liverpool to Vancouver in 11 or 12 days is absurd. I have no faith in this sort of statements at all; I do not think they are honestly made, and I do not think any responsible man ought to make them. They never benefit the enterprise. They only do mischief. Do hon. gentlemen, or the people of this country, think that any such statements will have any effect with the practical men of the House of Commons in England? The members of the British House of Commons are practical men; they do nothing in a hurry, and they will make the most careful examination of the figures as to the ocean stretches on the Pacific and Atlantic, and will consider carefully any difficulties that we are likely to encounter in running our inter-oceanic line of railway. They take no action on the mere *ipse dixit* of an engineer in any part of the world, made for one particular object, but everything is computed on business principles, and that is one of the reasons why the British Government has not yet given an answer—they have not yet been able to weigh that matter with the calmness which they always do before they arrive at a decision. I believe that Gladstone's Government at the present moment do not know what they are going to do with regard to a subsidy for the Pacific Railway. If the leader of the Government can, on official authority, state that it is otherwise, I shall be very glad to know it.

HON. MR. NELSON—I beg to correct the hon. gentleman in one particular. I

think the statement is perfectly true that Port Moody can be reached from England on the 12th day, or even on the 11th day. Take the speed of the steamer *Oregon*, that has lately gone down, and with a steamer like her the distance from Liverpool to Montreal might be made in 6 days. She has made equally great speed, and it is within the range of possibility that more can be done, and we know that from Montreal to Port Moody can be accomplished in five days—possibly less. The distance from New York to San Francisco has been accomplished in five days—in five and a half days certainly, and we have an advantage over the Central Pacific and Northern Pacific routes. From Liverpool to Montreal six days, and from Montreal to Vancouver five days, would make, for the total distance, eleven days.

HON. MR. ALEXANDER—As regarding rumors in the paper that the British Government are about to station a large body of troops in the North-West Territories and in British Columbia, so as to be in a position to transport them suddenly to India, every member of this House knows that such rumors breathe more of romance than of reality. Any man who has attended a country school and has acquired a knowledge of the geography that the children of the country schools learn, knows that the statement is simply ridiculous—something like the statement of a Minister of the Crown on one occasion when he said we were prepared to give the last shilling and the last man to assist in the Russian war. If we give the last man how are we going to raise our wheat? What is the use of this romancing? Ministers of the Crown ought to be exceedingly careful that their statements are perfectly true. I do not believe in postprandial statements such as are reported to have been made by some Ministers in England. What would the people of England think of this country if they heard a Minister of the Crown talking of spending the last shilling, and the last man, or talking of taking troops from Liverpool to Vancouver in eleven days? Why they would say that the whole nation was dishonest and untruthful, because the first Minister would be considered as reflecting the

opinions of his people. We never heard Gladstone or Lord Granville, or the Lord Chancellor, or any Minister of the Crown in England speak otherwise than truthfully, honorably as to the facts of a case; but our Canadian Government are drifting into such ways and methods that they are not only bringing the country into embarrassment but dragging—

HON. MR. BOTSFORD—I rise to a point of order.

HON. MR. ALEXANDER—Will the hon. gentleman sit down? I am done.

HON. MR. HAYTHORNE—Notwithstanding the deprecatory tone which the hon. gentleman from Woodstock assumed during his address, I think it would be only fair to remind him that at his period of life he must be able to carry his recollection back to the practical completion of a vast number of undertakings that were previously regarded as impossibilities. Quite likely this very point on which he now casts a doubt may within the next few years be carried into effect before his eyes. I do not think the hon. member from St. Boniface, who introduced this subject to the House, had any occasion to apologize on account of his supposed inability to do it justice. The question is of the first importance, and I may say that the hon. gentleman did it very full justice, especially when we remember that he was speaking in a language not his own. Having completed this great work, the Pacific Railway, it is of course incumbent on us not to leave it unemployed. Having finished the building and equipping of that road we have now to find work for it, and it seems to me that to have led that road down to the Pacific ocean and to leave it unemployed would be one of the most unwise policies that the Dominion could possibly pursue. I wish this afternoon for a very few moments to call the attention of the House to the character of those countries into connection with which we may be brought by a few days' steaming with the assistance of this great road of ours. There are two old countries, Japan and China. Looking at Japan, to begin with, it is one of the most intelligent and civilized of the Eastern countries. I think nearly twenty

years must have elapsed since Japan inaugurated its railway system, and it has since continuously displayed a most remarkable love for literature, science and the introduction of all the useful European arts. One remarkable instance I will relate to the House connected with its own domestic literature, and the literature of Europe. The character of Japanese writing was of the most intricate and difficult description, rendering access to the literature of the country almost impossible to foreigners. The Japanese observing this fact, adopted the ordinary European type, and thus they not only by introducing this into their educational establishments, facilitated the progress of their own scholars in European literature, but they opened the door of their own to those of Europe who wished to study it. That is a remarkable instance of the intelligence of the nation whom we were at one time accustomed almost to regard as barbarians. Their interest in education is also most remarkable. There then is one nation with whom we are almost brought into the contact of near neighborhood by means of the Pacific railway and the fast steamers of the present day. Then, if we take a glance at China, we find that country waking up from a lethargy of ages. She is getting over a great number of those prejudices which so much interfere with her intercourse with foreigners. I see it stated that the food of the Chinese, which used to be principally rice, is now rapidly changing to flour, and the United States of America provide a large quantity for use in China. Here is an instance of what the opening up of routes can do. So long as there were no Pacific railways and no Pacific steamers, the possibility of interchanging rice and flour between the United States and China would have been an utter impossibility. Then we have our own Australian colonies. It is an undoubted fact, and I think all who have read Froude's recent work "Oceana," must be conscious of the fact that the Australian colonies provide a market of the most extensive kind. Although the population is small, they are earning vast annual wages. The returns for profitably employed labor in working of gold mines, the production of fine wools and manufactures of various kinds, are large. It is a remarkable fact which anyone can see

for himself who will turn over the pages of "Oceana," that the laboring class earn from 8 to 13 shillings a day, and a population paid at that rate are obviously capable consumers of every description of manufactured goods and luxuries that can be placed before them. These men choose to live in comfortable, well finished buildings, in such buildings as are constructed from the pine easily produced and manufactured in this Dominion. These facts I think ought to encourage us to hope that when steam navigation supplements the completion of our Canadian Pacific Railway, there is a fair prospect open to us for future prosperity in connection with that trade. I wish further, to call attention to the undeniable fact, that if we look back to the history of other countries we find that whatever nation has controlled the trade of the East, has speedily become a wealthy and influential people. Take for instance the Venetian Republic at a very early age. It for a long time held the keys of India, and it became a country of the greatest importance in Europe. It expanded its originally narrow boundaries to a great extent; its flag was flying in all the waters of the Mediterranean and of the civilized world at that time, and the Venetians themselves became well known as a people of intelligence, lovers of fine arts, and for general prosperity in every respect. It may be remembered that our own poet, Byron, spoke of that country in glowing terms. He called her:

... A ruler of the waters and their powers,  
And such she was: Her daughters had their  
dowers  
From spoils of nations, and th' "exhaustless  
east"  
Pour'd in her lap all gems in sparkling  
showers.  
In purple was she robéd, and of her feasts  
Monarchs partook, and deemed their dignity  
increased.

Thus Byron spoke of the "exhaustless east," as he observed it in the history of the Republic of Venice. In the course of time Venice lost her hold of this trade. The discovery of the Cape of Good Hope changed the course of Eastern trade. Thus Venice lost her monopoly. That same traffic then fell into the hands of Holland, the great commercial nation of that date, and she held it for a considerable time until the English superseded



her, and, as we all know, the English have held it by one route or other ever since; and long may she hold it. But I do not think the British people are so narrow-minded, so bigoted, or so selfish as to deny to this her youngest child, who has exerted herself in such a fashion as to serve her own as well as Imperial interests, a fair share, or whatever share we can fairly earn of that same eastern traffic. True, that eastern trade is not what it used to be; it is not now what it was in the days of George III., when the nabob merchants made their remittances in jewels, and successful soldiers passed through a native treasury with gold to the height of their shoulders—returning to the Old Country the possessors of immense wealth. Such days are gone. I take it that more peaceful times are before us now, and what they gained by victories and by conquests we have to gain by commerce, and I see no reason why this great Dominion of ours should not take a prominent part in such enterprises. Talking of the possibilities of the Australian trade, we are speaking this evening of establishing of a line of steamers between the terminus of the Pacific Railway and China, and the possibility of those lines of steamers carrying mails from Vancouver to the Australian colonies. That service has been performed for many years via San Francisco and New Zealand, partly by American and partly by English steamers, and the result of the Americans carrying that trade in their own vessels has been evident, if we take up an Australian or New Zealand paper, we will find many American advertisements of agricultural implements and other articles in the manufacture of which our cousins to the south of us excel. This is just an instance of what may be the result of opening up a mail route to the East by the Canadian Pacific Railway. Probably had the American flag not flown on those Pacific steamers, American manufacturers would not have found their way so rapidly into the Australian colonies. I think we can fairly conclude that if once we see established a suitable line of steamers upon the Pacific Ocean, having for their port of departure some place on the coast of British Columbia, we will then have inaugurated a prosperous period for the Dominion. For myself, although

I am politically connected with the Eastern Provinces, I must say I do not begrudge in the least degree whatever prosperity British Columbia or the west of our country may gain through the completion of this great road, believing that our time will come, sooner perhaps than some hon. gentlemen suppose.

HON. SIR ALEX. CAMPBELL—**I** do not think the time of Prince Edward Island can come sooner than everyone in this House hopes for at all events. I think the hon. member from St. Boniface is quite right in believing that the construction of the Pacific Railway will very much alter the course of commerce on this continent. It seems to me that is a prediction which we can safely make. My hon. friend has referred in general terms to the course of business which he thinks is likely to result from it. I think in his remarks he had no occasion to apologize for any want of knowledge of the subject, and as little occasion to apologize for want of knowledge of the English language. He speaks it as perfectly as any of us, and there is this advantage which hon. gentlemen from Lower Canada constantly have, that when they speak in English, somehow or other they always avail themselves of the most useful and apposite word. I have noticed that repeatedly, and my hon. friend from St. Boniface has that advantage over us who speak the English language in the ordinary and common way—my hon. friend speaks it in a most forcible and unusual way. My hon. friend's attention has been drawn to this subject, naturally, by the fact of the Canadian Pacific Railway passing by his door. Amongst the changes which I think may be looked forward to confidently in connection with the Canadian Pacific Railway are these: I have no doubt a more rapid communication across the Atlantic will be the early result of the opening of the Pacific Railway. The present communication between Liverpool and Quebec is very good and for the times that have passed quite sufficient, but for the future it is not rapid enough. I have no doubt that we shall see in a very few years a more rapid transit between Liverpool and Quebec. I may say in this connection and it will be of some interest to the House to learn that the Department

over which I preside is already, with the sanction of the Government, preparing an advertisement for tenders for a more rapid service between Liverpool and Quebec.

HON. MR. POWER—And Halifax?

HON. SIR. ALEX. CAMPBELL—And Halifax in the winter. The present service averages 12 knots or so an hour. We propose to advertise for a service which will average between 14 and 16 knots. If we have such a service at all—say 14 knots an hour—it is probable that the transit between Liverpool and Quebec or Montreal in the summer, and Liverpool and Halifax in winter can be accomplished in six days. Another arrangement which I think will probably follow, will be the creation of a line of high class steamers between Vancouver and the extreme east. The notice which appeared in the papers to which my hon. friend from Victoria drew attention has not been confirmed by any official communication from the British Government. I do not desire to throw doubt upon its accuracy because of that, since a little time must of necessity elapse before official communications take place. For the most part these communications do not come by telegram. The information to which my hon. friend has referred has come by cable, and I shall look forward with some hope—my hon. friend from St. Boniface uses the word hope and I avail myself of the expression—I express the hope more than any mere confident expression that that information will be confirmed by a communication that will reach us by mail. I know that recently, during the visit of Sir John Macdonald to England he and Sir George Stephen, the President of the Pacific Railway Company, waited upon members of the Government there to urge upon them the advantage of the creation of a mail line of rapid steamers between Vancouver and the extreme east, and they urged on the English Government that it was an essential feature of the scheme that these steamers should be rapid, because they were obliged to compete, in order to succeed, with steamers from San Francisco, which are good and rapid steamers, and therefore it was of no use to advertise, as

was done by the Imperial Government, for a service between Vancouver and the east by steamers which could do at least 12 knots an hour. I think that was the advertisement, but I am not quite sure whether it was so much—11 or 12 knots an hour. It was urged by Sir John Macdonald and the President of the Pacific Railway that there was no use in such an advertisement, that that would not bring or keep trade; that what should be advertised for, and the line they should subsidize, was a more rapid line doing 15 or 16 knots an hour. If they advertised for and subsidized such a line then there would be a probability of their being able to compete satisfactorily with steamers running from San Francisco to the extreme east, and I know that view was taken by the late Government, the one preceding Mr. Gladstone's. I hope—again to use my hon. friend's phrase—that the view of the Government expressed in the interview held at that time will be the view of the present Government and that, in order to compete with the line which runs from San Francisco to the east, steamers which will run at least 14 knots an hour will be subsidized. It was suggested to the English Government by Sir John Macdonald (who has one of the most practical minds in all that concerns statesmanship which we ever meet with) that these steamers should be able not only to carry mails but to carry soldiers should need arise, to the extreme east, and therefore it was the concern of the empire more than of this Dominion that such a line of communication should be established. I believe that a great impression was made, and I hope and think that the result will be that a complete communication from Liverpool across the Atlantic to a port on this side, Quebec or Halifax, from there across the continent by the Canadian Pacific Railway, and from there to Hong Kong by rapid ships running at least fourteen knots an hour will be the result and that such a line will be established before long. The suggestion made in England was that a passenger, or Her Majesty's troops, might embark in ships of the character I have mentioned at Liverpool, be transported rapidly across the Atlantic, sent on by rail through Her Majesty's dominions rapidly across the continent, and embark on the other side

on ships flying the English flag, and be transported to the extreme East. It was also further suggested that China is now rapidly opening her eyes to the importance of railway communication and that it is quite possible that a railway communication towards Calcutta will be opened through that side of the Asiatic continent. Of what immense advantage such communication, taking the whole of it together, to the Crown and Empire in case of difficulties in India, concurrent with European troubles, is patent to everybody. Instead of being obliged to yield to the difficulties which may present themselves in the use of the Suez Canal, of its possible destruction, the British Empire would be able to avail itself of the sea upon which it is still supreme, of its own territory across the American continent, which it controls, and by ships of its own or flying its own flag, across the Pacific ocean to the extreme east, and thereby be enabled with great facility and at comparatively reasonable expense to at once apply such measures as might be necessary to subdue troubles arising in India, or to meet our foes there. About the course of commerce I am not able to speak with knowledge at all equal to that possessed by others. The commerce of the East coming this way has perhaps been exaggerated in the minds of many. I think so because I happened when in San Francisco one or two years ago to see persons connected with the Pacific Railways coming this was from San Francisco and found that the traffic from the east was not by any means so great as we had been led to suppose here. I found for instance that in San Francisco they had a line of steamships arriving from the extreme east once a fortnight; that these vessels brought only 11 or 12 car loads of cargo intended for the eastern parts of the continent. That is not a very large amount of trade; but it may grow. The business of British Columbia no doubt will increase. I quite agree with my hon. friend from British Columbia that the business of that province will grow and no doubt a vivifying influence from the Pacific Railway will be felt all along its line. A railway cannot run through a country without producing to all about it a beneficial effect, and it cannot fail to increase the population. Such I believe will be the influence of the Pacific Railway

in Canada. It has been brought about by the present Government and no one is entitled to credit for it so much as the eminent statesman, Sir John Macdonald.

HON. MR. POWER—I wish to say a very few words before the resolution passes. The hon. Minister who has just sat down has been candid enough to tell us with respect to this Canadian Pacific Railway that it is not likely to have much freight coming this way from the far East. I simply rise for the purpose of adding the further observation that unless the fiscal policy of this country is altered there will be very little export from Canada to the extreme east. Any hon. gentleman who has paid any attention to the Trade and Navigation Returns must have remarked that during the past few years the exports of manufactures from this country have fallen off, and we cannot expect to compete in the markets of Australia, China, and other eastern countries with manufacturers of the United States and England unless our fiscal policy is altered and we are in a position to manufacture as cheaply as our neighbors. (Hear, hear.) Hon. gentlemen do not seem to think that is a grave matter, but I think it is a very serious fact. The hon. gentleman from Marshfield referred particularly to the exportation to Australia from the United States, and he hoped from Canada, of agricultural implements. Now, what is the fact? The fact is that we import largely agricultural implements into this country from the United States, simply because the tariff has been so arranged that we cannot manufacture those articles as cheaply and as well as the United States.

HON. MR. BOTSFORD—That is a mistake.

HON. MR. POWER—The hon. gentleman may say it is a mistake, but we have the evidence of the blue books. What was predicted by gentlemen on this side of the House has happened; the tariff has made our manufactures dear and consequently we cannot export. We may have our own market to ourselves, but we cannot compete in the markets of the world with other countries.

Consequently I do not look, until there has been a considerable change in our fiscal policy, for any very large commercial advantage to arise from the construction of the Canadian Pacific Railway.

HON. MR. KAULBACH—We have the same policy as the United States has.

HON. MR. POWER—I was rather struck by the remark made by the leader of the House, that Sir John Macdonald was a very practical business man.

HON. SIR ALEX. CAMPBELL—I did not say that.

HON. MR. POWER—That has not been the reputation he has hitherto enjoyed. I was not under the impression that he was known as a practical business man.

HON. SIR ALEX. CAMPBELL—I did not say that he was a practical business man. I said that he was a practical man, and I meant in statesmanship.

HON. MR. POWER—The hon. gentleman referred to the line of steamships to be established on the Pacific, and the practical suggestion which Sir John Macdonald had made with reference to that line.

HON. SIR ALEX. CAMPBELL—As a matter of statesmanship.

HON. MR. POWER—I think it is much more probable that the practical suggestions came from Sir George Stephen, who is very much interested personally in the line being established. Sir John Macdonald has the reputation of being a practical politician; there is no doubt about that. The object of the politician is to remain in power, and Sir John Macdonald has shown great skill in maintaining himself in office, but beyond that I do not think his reputation stands very high. I had hoped that the Minister would have given us some information as to what the government are doing to bring about the result spoken of by the hon. gentleman. It is perfectly true as the Minister said, and as I think he stated, that the Premier had said that the Canadian Pacific Railway, and

certainly the lines of steamers connected with it, were more a matter of Imperial than Canadian concern. It strikes me that it was the imperative duty of this Government to urge on the British Government the claim of Canada to Imperial assistance, if not in connection with the railway, certainly with the line of steamers which was to be put on more for the benefit of the empire than of Canada; and I must express my regret that we had nothing at all from the Minister—outside of the conversation which he said the Premier had with the Imperial authorities in England—to indicate that the Government had done anything to bring about the result which we all so much desire.

HON. SIR ALEX. CAMPBELL—What could be more earnest than the Premier's voyage across the Atlantic and waiting on the Imperial Government to present the subject to their notice? All the dispatches in the world could not be as effective as a personal interview of that kind.

HON. MR. POWER—That would have been true perhaps if there had been no change of Government in England; but the effect produced on the late ministry by Sir John Macdonald's conversation would not necessarily affect their successors in office, while the dispatches would be there for reference no matter who held office.

HON. SIR ALEX. CAMPBELL—What communications have past since then would appear. How could Sir John Macdonald know that there was going to be a change of Government in England? He could not know that. He made the proper representations to those who were in power at the time of his visit to England. What has since been done the papers will show. I would ask the hon. member from St. Boniface to alter the motion so as to include communications between the Government here and the Agent General.

HON. MR. MCINNES—Before this debate closes I feel it my duty to say a few words. All the other representatives from the far west have spoken, and for fear my silence might indicate a lack of appreciation of the great line of railway which has

just been completed, or practically completed, and of this projected line of steamers between the Western terminus of the Canadian Pacific Railway and Asiatic ports, I feel called upon to say something on the subject. I sincerely hope and trust that the negotiations that were entered into or, I should have said, the conversation Sir John and Sir George had with members of the Home Government, was very likely to lead to negotiations which would result in a large Imperial subsidy being granted to a line of steamers on the Pacific in connection with the Canadian Pacific Railway. The statement made by the leader of the House about the Asiatic trade in connection with the Central Pacific Railway, corroborates the statement I made to the House some time ago. I took the liberty last year when the Canadian Pacific Railway Bill was before the House, to mention that the Asiatic trade which was expected to be attracted by the building of the Canadian Pacific Railway was not of that magnitude or of that importance that very many people in the Eastern Provinces supposed it would be, or the Government and Canadian Pacific Railway Company would lead the public to believe. I have heard a great deal and read a great deal about the enormous Asiatic and Australian trade that was likely to be attracted by the Canadian Pacific Railway, owing to its shortness, and superior character, and I have paid a little attention to the question for the last year or two, and I am forced to the conclusion that the existing trade, or any trade that is likely to be developed in the near future, between the Orient and the Occident, will be very small indeed, and will not contribute much to the support of the Canadian Pacific Railway. The only articles that will bear transportation *via* the Canadian Pacific Railway are some of the superior grades of tea, silks, dye-stuffs and medicines. Now the contract with the Pacific Mail Steamship Company, which was largely subsidized by the United States Government and, I believe, by Australia, to carry the mails between those two countries, expired a year ago last March, and so unremunerative was that trade that the Steamship Company could not be induced to renew their contract. I mention this in order to show that the great

trade which the Pacific Railway Company appear to expect from the extreme East is not likely to be realized. There is another thing also which in my opinion will militate very much against that trade. No doubt every hon. gentleman is aware that the Panama Canal is well under way and is likely to be completed within the next two or three years. If that canal should be completed and I think there is no doubt it will be within the time I mention, it will revolutionize the commerce of that portion of the world. However, from the Imperial stand point, I was very much pleased to hear the able and patriotic remarks made by the hon. gentleman who introduced this motion. In fact the most of his able speech was more appropriate to be delivered in the House of Commons in England than here. That portion of it I fully and thoroughly endorse and I sincerely hope, as I said before, that not only will the proposed line of steamers between British Columbia and China, Japan, and Australia succeed, but I also hope sincerely that the Canadian Pacific Railway itself will be a success financially. However, I do not think that the people of this country are justified in expecting any great amount of trade and assistance to come from the extreme East. That road will have to depend, in my humble judgement, for its success on the settlement of the great North West and British Columbia. Upon that they must depend to make their road pay running expenses. However, I do not wish to take a very gloomy view of the future of the Canadian Pacific Railway for fear I should be charged, as I was unjustly once before in this House, with being unpatriotic and decrying the country. However, I feel it to be my duty to state that I do not believe the trade that will be attracted by this line of steamers will warrant the sanguine hopes and glowing anticipations persistently indulged in by our daily press. Such statements will be found to be misleading, and eventually do more harm than good.

The contemplated line of steamers will be of the greatest Imperial importance, and of great convenience and importance to the Dominion.

The motion was amended to include correspondence with the Agent General, and adopted.

## THE SENATE DEBATES.

## MOTION.

HON. MR. ALEXANDER—moved That the contract with the Messrs. Holland Brothers be changed, enlarged and extended to enable the *Hansard* Debates of the Senate to be sent to the County and Local Papers and other parties throughout the Dominion.

He said—Believing that the majority of this House approve of this motion I simply move it without making any remarks.

HON. SIR ALEX. CAMPBELL—I do not think that the resolution ought to pass the House, probably not at all, but certainly not until a statement is laid before the House of what the proposed extension will cost. The papers that are published weekly or fortnightly, which this resolution is supposed to favor, can, I think, readily get copies or the debates if they choose to ask for them. Each member receives five copies, and I do not think there can be any difficulty in having the weekly papers supplied. If the House is to furnish them, then we ought to know how many weekly and fortnightly papers there are, and see what it will cost. The notice of motion is very large. I think it would be far better if there had been an inquiry as to what the cost would be. I hope the House will not grant the motion until we know what the cost will be of this proposed increase.

HON. MR. ALMON—I quite agree with the leader of the House. We receive five copies each. I send three of mine to my friends, and I have two remaining, which I do not know what to do with. I am like the old patriarch, Job, who wished his enemy had written a book: I wish to Heaven I could find some one who would undertake to read my copies of the debates.

HON. MR. DICKEY—I quite agree with what has fallen from the leader of the House, that it is not wise to “go it blind” and pass a resolution of this kind without knowing what the results will be. But I oppose it for another reason: This whole question has been committed by the House to the Debates Committee,

and therefore it is trifling with our time to bring the question here.

HON. MR. KAULBACH—My hon. friend has anticipated what I was going to say with regard to the question before the House, but independent of that there are hundreds of these papers sent away all over the country now. There are seventy-seven members in this House who receive five copies each, and the two hundred and eleven members of the House of Commons are also supplied. These copies are distributed all over the country, and I am sure there is not a newspaper in any of the provinces that is not supplied with copies of our debates, either through members of this House or through the representatives of this province.

HON. MR. BELLEROSE—There is another view to take of this question, and it is this—that before such a change is made, there is another increase in this connection which should suggest itself to the favorable consideration of the House. According to the constitutional law of the country, the French members have the right to ask for a translation of the reports of the debates into French. We have not done so, and I do not propose to ask for it now, because I know that it would largely increase the expenditure, and as I believe that it is most important for the country at large that we should have an official record of the utterances of the members of this House, I think it better not to press for a French translation that would cause so large an increase of the expenditure. If the hon. gentleman was serious in proposing this resolution, I would move an amendment in the direction I have indicated, but I do not think the hon. gentleman is in earnest, as it is well known that the newspapers that are desirous of publishing those reports can easily obtain them.

HON. MR. DEBOUCHERVILLE—I have some information on this subject which may be of interest to the House. There are four hundred and sixty-four weekly, and about forty semi-weekly and tri-weekly newspapers published in the country, and to supply each of them with a copy of the Debates would involve an increase of the daily edition from seven

hundred up to twelve hundred copies, which would involve an additional outlay of some four or five hundred dollars. The Committee have had no demands from any other papers for the Debates, and it is not considered advisable to incur this increased outlay.

HON. MR. ALEXANDER—When we consider that we are paying \$7,000 for reporting and publishing the debates of the Senate of the Dominion, it must be the desire of every member of the House that a knowledge of what transpires here shall reach the great body of the people. Now you may traverse every Province, and every county in each Province, and you will scarcely find one individual who ever know anything of the public action of the Senate. I have always maintained that we ought to extend and widen the circulation of the reports of our debates to the county and local papers, and have we not found, within the last three days, two senators state publicly on the floor of the House, that they had letters from their constituents making the complaint that they never could learn anything of what transpired here? Do hon. gentlemen not desire that the Senate shall stand high in public estimation, and how will it stand high in public estimation if the people have no means of knowing what are the utterances of the members on the floor of this House on questions of public interest?

HON. MR. POWER—I should think it would stand just as high in the estimation of the people if some utterances on the floor of this House were not reported.

HON. MR. ALEXANDER—It is just the sort of remark I should expect to fall from a gentleman of his order of mind—an old member of Parliament who ought to feel that the people are desirous of knowing what is transpiring in this House. We do not publish the Debates for our own reading. We fiddle away thousand of dollars every year, and while we spend millions every year in the public service, for the sake of an extra paltry thousand dollars we would deprive the people of the country of a knowledge of what transpires in Parliament. Is that the character of the hon.

gentleman from Amherst? I have observed the course which he has pursued for many years as a member of that Committee. I refer to it, because he is just the kind of gentleman always put on the Committee to prevent information from going to the people.

HON. MR. GOWAN—I rise to a question of order. It is really too bad that the time of the House should be occupied in listening to a personal assault on a member of this House. The last remark that was made by the hon. gentleman from Woodstock is, I think, utterly uncalled for. I feel an interest in not having the time of the House wasted while measures are to be considered, and as no other member has interfered I rise to call the hon. gentleman to order.

HON. MR. ALEXANDER.—I rise to an explanation.

THE SPEAKER—A point of order having been raised, I desire to state, and I have stated it frequently, although no attention has been paid to it, that the hon. gentleman is bound to take his seat, and cannot again address the House without leave. That rule applies not only to the hon. gentleman from Woodstock, but to every member of this House. I desire to say, with respect to the point of order raised by the hon. gentleman from Barrie, that the hon. member from Woodstock was out of order in saying that the hon. gentleman from Cumberland was in the habit of being put on committees for improper purposes.

HON. MR. ALEXANDER—I would ask leave of the House to say that the hon. gentleman from Barrie seems more qualified to rise to points of order than to discharge any other duty before the House.

HON. MR. FLINT—I am not surprised at anything that falls from my hon. friend from Woodstock. I think, however, that as regards the question of furnishing information to those papers that do not receive them, it would be a good thing if it could be done without too much expense. But I would like to ask the hon. gentleman from Woodstock, as he

receives a number of copies of the debates every day, what he does with them? Does he send them to those papers, or does he not? If he does not send them to the papers why does he not do so? If he wishes to give information which he thinks necessary, he should endeavor, as far as he can, to inform those in his own particular riding. If he neglects to do that he has no reason to complain because the House does not see fit to incur extra expense for the purpose of furnishing them. Does the hon. gentleman desire that the debates should have larger circulation, for the sake of giving the people throughout the country an idea of the number of speeches that he makes here, and the personal attacks that he makes on members of the Senate? If that is the object of the hon. gentleman, I think it is better it should be opposed, because in my opinion it would only make the hon. gentleman more of a laughing stock than anything else. I am sorry to have to speak in the way I do in reference to this matter. I wish to be friendly with the hon. gentleman, I try to be, and I try to advise him from time to time in reference to these matters, but he does not seem inclined to take my advice. If he will give us his views on any subject of public interest, which I know he could do in an able manner if it were not for his erratic disposition and his desire to attack somebody, he would certainly do a great deal of good for the country. But instead of that he cannot speak unless he slaps into some person, and if it is not the Postmaster General it is Sir John Macdonald or the hon. member from Amherst, or some other member who must take a tongue-lashing every time the hon. gentleman gets up. I am sorry this is the case, and I do hope he will not do it any more. We have every desire to listen to what he has to say on public questions, but when he comes down to personal abuse it is high time to stop it, and I wish there was some way to induce the hon. gentleman, if it is in his power, to address this House without using the violent language that he does from time to time. I should like to see every paper in the country have a copy of our official report, but it seems to me it cannot be done without considerable extra expense. It is true that it would be a

very small amount in comparison with other expenses, but the question arises, if the papers do get the reports will they publish them? The putting them into the hands of the editors of the newspapers does not give them publicity as long as the editors do not see fit to publish them. Even the daily papers pay very little attention to what goes on in the Senate. Occasionally you find a paper publishing something that the hon. gentlemen from Woodstock has said and endeavoring to make a little fun of it, but that is all; they do not pay any attention to it. Our debates have not the same interest to the public as those of the House of Commons. In the other House the members are responsible to the people, and the public like to see what they are doing, what are the questions likely to come before them in the next election, and what subjects have been brought before the House by their representatives. In conclusion I would say that the hon. gentleman should recollect, when he gets on his feet, to treat his fellow members with respect, if he does so he will stand high in the estimation of the House, and in the estimation of the public also.

HON. MR. ALEXANDER—I rise to explain.

HON. MEMBERS—Order! Order! Chair! Chair?

The motion was declared lost.

## BRITISH TROOPS IN THE NORTH-WEST TERRITORIES.

### INQUIRY.

HON. MR. GIRARD enquired whether the Government have any knowledge or information of the intention of the Imperial Government stationing troops in British Columbia or the North-West Territories, so as to be in more convenient readiness for service in India or elsewhere in the East, when regular steamship communication is established to connect with the Pacific terminus of the Canadian Pacific Railway.

HON. SIR ALEX. CAMPBELL—I can only give my hon. friend an answer in the



negative. There is no information on that subject.

### FAITHFUL COMPANIONS OF JESUS, BILL.

#### SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (No. 32) "An Act to incorporate a community of religious ladies under the name of the Sisters Faithful Companions of Jesus." He said: The object of this Bill is to incorporate a community of religious ladies whose object is the instruction of youth and the practice of works of Christian charity. They ask for just such powers as have been granted to other communities of a similar kind.

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

### CALVIN COMPANY BILL.

#### SECOND READING.

HON. MR. SULLIVAN moved the second reading of Bill (53) "An Act to incorporate the Calvin Company (limited)." He said: The object of this Bill is to facilitate the winding up of the estate of the late D. D. Calvin of Garden Island, Ont., and to enable the heirs of the estate to carry on and extend the business.

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

### COLONIAL BANK OF CANADA BILL.

#### SECOND READING.

HON. MR. MCKAY moved the second reading of Bill (60) "An Act to incorporate the Colonial Bank of Canada." He said: This Bill is to incorporate a new Bank having its head quarters in Montreal. There is nothing particularly new in the Bill, it is almost word for word the same as charters that we have frequently passed in this House incorporating other banks.

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

HON. SIR. ALEX. CAMPBELL.

### BILL INTRODUCED.

Bill (18) "An Act to incorporate the Anglo-Canadian Bank." (Mr. Dickey).

The Senate adjourned at 5:45 p.m.

### THE SENATE.

*Ottawa, Monday, April 12th, 1886.*

The Speaker took the Chair at three o'clock.

Prayers and Routine proceedings.

### VITAL STATISTICS.

THE SPEAKER presented a Return of of baptisms, marriages and burials in the district of Gaspé during the year of 1885.

HON. MR. DEBOUCHERVILLE—May I be allowed to make a suggestion with reference to these Returns?

THE SPEAKER—With the permission of the House.

HON. MR. DEBOUCHERVILLE—Would it not be right to inform those municipalities that they are not bound to send these reports? A few municipalities in the Province of Quebec, I see, send reports thinking they are obliged to do so. It gives them some trouble and causes them some expense. Would it not be proper for the Clerk of the House to write to them and inform them that they should send those reports to the Local Government and not here?

HON. SIR ALEX. CAMPBELL—Yes, I think that might be done. There is no obligation to send those reports. It involves a good deal of trouble and expense. If the House agrees, I see no reason why they should not be notified that it is not necessary to send these returns here.

THE SPEAKER—Is it the wish of the House that I so instruct the Clerk?

The suggestion was adopted.

TERMS OF UNION WITH PRINCE EDWARD ISLAND.

INQUIRY.

HON. MR. HAYTHORNE enquired

Whether any letters, telegrams, Minutes of Council, or Memorials, have been received by the Government of the Dominion, from the Local Government of Prince Edward Island, or any deputation from that body, since the 1st January last, on the subject of the fulfillment of the terms of Confederation between that Province and the Dominion, and, if so, whether the Government object to lay the same on the Table of this House, together with the replies made thereto; also, whether any letters or telegrams on the same subject from the Secretary of State for the Colonies, bearing date since January 1st, 1886, have been received, and, if so, whether the Government will lay them on the Table of this House, together with any replies which may have been made thereto?

He said: I put the subject to which this motion refers in the form of a question rather than an address for papers, because I was uncertain as to whether there were any such papers in existence. It is therefore only necessary for me to make the enquiry.

HON. SIR ALEX. CAMPBELL—I cannot give my hon. friend the complete satisfaction that I would like to give him, because the correspondence which has been going on between the Government of Prince Edward Island and this Government is not yet concluded. There are papers such as the hon. gentleman describes; I do not know the exact character of them, whether they are letters or minutes of council, but there are papers which have passed between the two Governments. A deputation came up here and made certain representations to the Privy Council. They were asked to put their views in writing which they did, and that paper is one which might ultimately be brought down. They then decided, I believe, to represent their views to the Imperial authorities, and letters were given to them, either then or subsequently, to give them the opportunity of making their views known to the Colonial Office. Since their return to Prince Edward Island we have had no representations from them, but we believe that the correspondence is not yet concluded, and therefore we think it would

be prejudicial to the interests concerned to bring them down or to make known their contents. That is the answer I give my hon. friend just now. Should anything occur hereafter which would enable us to bring down those papers, without prejudice to the public services, they will be produced.

HON. MR. HAYTHORNE—I learn to-day that the legislature of Prince Edward Island has met, and that the announcement is made in the Speech from the Throne that the papers, if any such exist, will be brought down. When I made this motion I was not aware that the legislature would meet quite so soon. I was under the impression that some delay would be likely to take place, and I therefore put this enquiry on the paper.

HON. SIR ALEX. CAMPBELL—Has my hon. friend any authentic information that the papers to which he refers have been brought down by the Government of Prince Edward Island to the Legislature there?

HON. MR. HAYTHORNE—Nothing further than the announcement in the Lieutenant Governor's Speech than they will be brought down.

HON. SIR ALEX. CAMPBELL—If we are to understand that no further correspondence with us is intended, there can be no objection to bring them down, but I have had no reason to believe that the correspondence is completed. Perhaps my hon. friend will allow the motion to stand, and we will know in the course of a few days whether the correspondence has reached such a stage that it can be laid on the table.

The motion was allowed to stand.

SEIZURE OF DYNAMITE AT HALIFAX.

MOTION.

HON. MR. POWER moved—

That a humble Address be presented to His Excellency the Governor General; praying that he will cause to be laid before this House, copies of of all communications

between the Dominion Government, or any Department or officer thereof, and any person whomsoever, respecting certain dynamite imported into Halifax, Nova Scotia, during the year 1885, by Messieurs H. H. Fuller & Co., and seized by the Customs authorities for alleged under-valuation.

He said, with the permission of the House, I should like to add the following words to the resolution, "and also of all certificates and other documents accompanying such communications." Messrs. Fuller & Co. are a very respectable firm of hardware merchants doing a large business in Halifax, and are extensive importers. In the spring of 1885, in the month of April, this firm imported 200 cases of dynamite from German manufacturers at Düsseldorf. The goods were shipped in the steamer "Dentholme" at Hamburg and landed at Halifax. The dynamite was invoiced at 90 shillings sterling per 100 pounds, and the importers paid duty at that rate in the regular way, the duty amounting to \$938. Afterwards, owing to representations, as I have understood not from the officers in Halifax but from some other source, those goods were seized by the Customs authorities for undervaluation, and there has been a long correspondence in connection with this seizure in which different parties have taken part; and I propose to call the attention of the House to some of the correspondence which has come to my knowledge. In the first place, it may be well to state very briefly what the law of the Customs is in this matter. Those goods were seized on the allegation that they were entered below their value. The Dominion Appraiser, whose decision governed the matter, held that the goods instead of being invoiced at 90 shillings per 100 pounds should have been invoiced at 130 shillings. I shall read the law so that hon. members will understand the point in question:—

"The fair market value of all goods, wares and merchandise imported into Canada shall be understood to be the ordinary wholesale price at which the same are sold for home consumption in the country where they are purchased or manufactured."

"It shall be the duty of the Appraiser of Canada or of the Collector of Customs to ascertain, estimate and appraise the true and fair market value and wholesale price of the merchandise at the time of exportation,

and in the principal markets of the country where the same has been imported into Canada."

From this it will be seen that the rate to be ascertained was the market value in Germany at the time that the goods were invoiced to this country. After the goods were seized, and the importers were notified of the seizure of the goods, there was a correspondence as to the exact nature of which I cannot speak. Then there was a letter from the London agents of the German manufacturers covering a certificate from the British Consul at Düsseldorf, and with the permission of the House I shall read the certificate. Düsseldorf is near the place of manufacture:—

"I, Thomas Robert Mulvany, Her Britannic Majesty's Consul at Düsseldorf, do hereby certify that a number of letters of contracts closed for 1885 have been produced at this Consulate by the Rhenish Dynamitfabrik at Opladen, near Coeln, for supply of dynamite of superior quality, also returns of sales made through agents in England, and that according to said authentic documents prices obtained ranged, during this year, from 70 shillings to 90 shillings, and only in two exceptional cases from 96 shillings to 112 shillings per 100 lbs. English. That on the average, prices obtained so far have been 85 shillings per 100 lbs. English, franco place of consumption. I do further certify that, according to information I have obtained from consumers, therefore quite independent sources, superior dynamite can now be obtained franco place of consumption, at 84 shillings to 86 shillings per 100 lbs. English. Taking into consideration that the prices named are, in many cases, for small quantities, which have often to be transported across country very considerable distances, per cart and horse at great expense and that the dynamite, 200 cases, forward by the Rhenish Dynamitfabrik per SS. "Dentholme" bound from Hamburg to Halifax in April last being a consignment, has not been undervalued at 90 shillings per 100 lbs. English, which under this circumstance, is a fair value at which to levy duty. In witness whereof, I have hereto set my hand and consular seal at Düsseldorf, this 30th day of July.

(Signed) THOMAS ROBERT MULVANY."

That was one piece of evidence furnished to the Department, and there was a letter from the agents of the manufacturers, and also a letter dated 23rd of July from the secretary of the New Albion Gold Mining Company of London to a gentleman in Halifax offering No. 1 dynamite at 90 shillings. As far as I can gather, the difficulty in this case did not arise with the officials in Halifax, but with some other parties. The communi-

cations that I have mentioned, and this certificate, and I think some other communications, were forwarded to the Minister of Customs. The Minister handed these documents over to Mr. Fraser, the Chief Appraiser, and Mr. Fraser made a report on the 1st of September to the effect that they would not change his decision, and that the goods should have been invoiced at 130 shillings per 100 pounds instead of 90 shillings. That decision was not satisfactory, and further correspondence took place. It may be noted that Mr. Fraser, in this case, to a certain extent acted as a Court of Appeal from his own decision. The appeal of the parties was not to Mr. Fraser but to the Minister. After being informed of this decision, the importers wrote to the Minister of Customs, and the first letter to which I shall refer as coming from them is one dated the 17th of September, 1885. From that I shall read the following extract:—

“We are in receipt of your favor of 4th inst. acknowledging ours of 20th Aug. with affidavits, &c., and regret to observe that they were referred to the Dominion Appraiser, as he had already decided as to the value of the explosive. We were in hopes that an appeal from him to the Minister, supported by such testimony as we could furnish would have been sufficient to convince you that the Appraiser's valuation was not tenable.”

That letter, I should have said, was forwarded before Messieurs Fuller & Co. got word of the Appraiser's second decision. In reply to that the Minister of Customs wrote to the importers as follows:—

“I have yours of 17th inst., and note that you object to my reference of your case as submitted to me to the Dominion Appraiser. You will readily understand that it was impossible for me to come to a decision in a question of the kind without calling to my aid such evidence as the Appraiser had, and which, he considered, justified the demand for duty on a higher value of the explosives; and when he presented to me evidence of a higher rate from the firm, the only course left me was to submit the facts to you.”

Naturally, that was not satisfactory, because, as I said before, and as the importers had mentioned, they had appealed from the Appraiser's decision; and it does not seem to be in the usual course of business that an official should be appointed to hear and decide an appeal from his own decision; and further correspondence took place. The next ex-

tract I shall read is from a letter dated October 10th, 1885, from the German manufacturers to the Minister of Customs. In the beginning of their letter these gentlemen are very respectful; they address the Minister as “Right Hon. Sir Bowell, Minister of Customs, Ottawa.” They say:—

“We received from our London Agent a copy of the report which the Dominion Appraiser, Mr. Wm. H. Fraser, has addressed to Your Excellency on the 1st September re seizure of dynamite at Halifax.

In this report is stated that after a cablegram, and also a letter from one of the largest manufacturing companies, a combination of British and German manufacturers of explosives have adopted a uniform price for Great Britain and the Continent, and that £130 per ton is the ordinary price.

We should be glad to know the name of the competing company who has made these false communications only in the intention to injure our company; we should immediately sue them at law. That company was doubtless aware of their falsehood, for everybody who is selling dynamite knows that only for some markets various combination prices ruling, but that never a uniform price for Great Britain and the European Continent has been adopted. Further, every dynamite dealer knows that the Dominion of Canada is not included in the list of convention markets; also, that in Germany everywhere 75 per cent. dynamite can be obtained at a lower rate than 90 shillings per 100 lbs. English weight, and that we are therefore much satisfied when we later obtain indeed such net proceeds of the dynamite which we have consigned to an open market.

We are irritated that the affidavit of Her Britannic Majesty's Consul at Düsseldorf (see enclosed copy), the Hon. Mr. Thomas Mulvaney, which has been submitted by our Halifax Agents, Messrs. H. H. Fuller & Co., and which certifies after many careful enquiries that our consignment has not been undervalued at 90 shillings per 100 lbs., could be belied by the malevolent communication of any competing company.

If necessary we shall claim the intervention of the Halifax German Consul, and even of Reichskanzler, the Prince of Bismarck, but we confide in the love of justice of Your Excellency that these measures will be superfluous, and that you will command the immediate restitution of the goods and of all expenses that are incurred by the unmerited seizure.”

These gentlemen use strong language; but perhaps it is not to be wondered at. Then, there is another communication from the same company, dated 13th October, also addressed “Right Hon. Sir Bowell,” which I shall read to the House:—

"We beg to confirm our letter of the 10th instant, meanwhile we received from the Nobel's Explosives Company, Limited, at Glasgow, the enclosed telegram, wherein they state :

"We sent no telegram or letter to Canadian Appraiser, but we understand, your German price was about ninety pounds, at which you would be entitled to invoice.  
"Letter follows.

NOBEL."

This telegram is the reply of the Nobel's Company to a letter, wherein we had informed them of the seizure of our 200 cases Dynamite and wherein we requested their assistance in order to cause the restitution of the goods.

The announced letter to our Company will explain the refusal to confirm also to the Dominion Appraiser by letter and telegram that the German price does never exceed 90 pounds per 2,000 lbs., but from the telegram itself your Excellency will be sufficiently convinced, that as the largest competing Company certifies that we have not undervalued our shipment to Messrs. H. H. Fuller & Co. at Halifax, we have been much wronged."

I shall next read an extract from Nobel's letter, which is referred to in their telegram. It is addressed to the manufacturers in Germany :—

"We are in receipt of your favor of 10th inst., and have to-day telegraphed you as per enclosed copy. We were certainly not appealed to by the Appraiser of Customs in Canada in reference to your shipment to Halifax, and we are not therefore 'the largest manufacturing company' who are stated to have telegraphed and written to that official on 6th August. Our own impression was that your convention price in Germany was about £90 per ton, and if therefore you have invoiced at that price and the Customs insist on pricing the dynamite at £130 per ton, we think you have a very good case against them."

They send the German Company an extract from the Dominion Law which I have already read, and go on to say :—

"From the foregoing it is perfectly evident that you are quite entitled to invoice the dynamite at the current rates chargeable in Germany. We note from the letter addressed by the Dominion Appraiser to the Minister of Customs that the former official appears to be under the impression that the fixed price of £130 per ton rules both in Great Britain and Germany. As to this you ought to find no difficulty in convincing him that he is *entirely wrong*."

I think that that letter, coming from a company competing with the Rhenish Dynamite Company ought at least to have carried conviction, even had there been no other evidence, but it did not. I shall

next read a short extract from a letter from Messrs. Kraftmeier, of London, the agents of the German Dynamite Co., addressed to the importers in Halifax. I presume that Messrs. Kraftmeier had called the attention of the High Commissioner in London to this matter, and he mentioned what the High Commissioner's opinion was. The letter says :—

"The High Commissioner assured us that the Canadian Government had no intention whatever to hamper the importation of foreign manufactures, and that, on the contrary, the Government would be only too glad to help the mining and railway industry by putting the same into a position to obtain dynamite at lower prices than hitherto. If the Government does not do us justice in this matter our works are fully determined to claim the intervention of the German Government, but we trust this will not be necessary."

It is certainly strange that the Minister of Customs and the Appraiser seem not to have taken the slightest notice of the certificate given by Her Majesty's consul at Düsseldorf, to the effect that after careful enquiries he had ascertained that the value of dynamite is not higher than 90s. per 100 lbs. This certificate should be pressed upon the attention of the authorities there; they are in duty bound to attach higher importance to the same, than to the statement of a competing company, which naturally has an interest in keeping us out of the market and not allow consumers the opportunity of getting the dynamite at lower prices than hitherto.

The best way to avoid similar difficulties in future would be for the Canadian Government to fix a duty of — cents per lb., which is the method adopted in most other countries where duties are levied."

The next communication is one from the importers at Halifax, dated 30th October, and addressed to the Minister of Customs :—

"We wrote you last 17th ult., and had your reply 22nd id. We are just in receipt of a communication from the London agents of The Rhenish Dynamite Company enclosing copies of letters addressed to you by the principal House at Opladen, under dates 10th and 13th inst. These certainly seem to us very conclusive evidence, though rather, strongly put, that your Appraiser's department have allowed themselves to err in the question at issue, under the influence, we fancy, of misrepresentation from some inimical source. We hope to learn at your early convenience, that your good judgment has led you to the same conclusion and that you will cause definite instructions to be at once issued in the premises."

The Minister answered that in a letter of the 2nd November, and said :—

"I have your favor of the 30th ultimo, and by the same mail received a number of documents from the High Commissioner's office in reference to the value of dynamite, but have not had time to give the matter the attention it deserves; and, as my Chief Appraiser is absent, I fear it will be a few days before I shall be able to decide the question."

Then there is a letter from Kraftmeier's of London, dated 12th Nov., from which I shall read an extract simply to show the action of the High Commissioner:—

"In the meantime the High Commissioner of Canada has written the Minister of Customs there on this matter, enclosing him a letter of Messrs. Nobel's (Glasgow) to our Works, in which they substantiate our statement that 90s. per 190 lbs. is the market price for dynamite in Germany, etc., etc., and we had hoped that his letter would have had the desired effect and caused him to release our dynamite."

I shall now read a short extract from the same parties' letter of the 26th November:—

"Our Works are now thoroughly disgusted with the delay caused by the Customs there, and in consequence have placed the matter in the hands of the Foreign Office at Berlin and the German Consul at Halifax."

So that hon. gentlemen will see that the matter ceased to be a private matter, when it got into the hands of the German foreign office. On the 29th December the importers at Halifax, not having heard anything from the Minister of Customs, wrote him asking to know what the result of their application was; and on the 15th January last the Minister wrote them the following note:—

"On receipt of yours of 29th ult., I again referred the question of the seizure of dynamite to my Appraiser, and beg to enclose you his reply."

This is the Appraiser's final decision:—

"I have the honor to report in reference to the letter handed to me by you, and in compliance with your instructions I have carefully gone over all the correspondence in this case, and also of similar correspondence on same class of goods imported at other ports, and I cannot see that I would be justified in modifying or altering my report of Sept. 1st, 1885. A cablegram and other documentary evidence sustains said report, and justifies the decision arrived at by the Commissioner in this case."

It does not appear that the Appraiser had taken any pains to secure further information after making his first report, and I think it must strike every hon. gentlemen that it is a most singular way to transact public business—that where an

importer appeals from the decision of the Dominion Appraiser the appeal is to be decided by that officer. The natural inclination of the officer is to uphold his first decision. I think after the correspondence that I have taken the liberty of reading to the House, and other documents which are not before us are considered, one would suppose that the Minister of Customs would have done something else than to refer the whole matter for a final decision to this same officer. I think it is a complete denial of justice to the importer, and a violation of all principles of justice, common sense and law. The appeal was from Mr. Fraser's decision, and it is an extraordinary and unprecedented course of proceeding that the appeal should be submitted to the very man from whose decision it was taken. I make no charge against Mr. Fraser but we know the construction to which his conduct is open. I know that in Halifax there were people who thought that, as some of the other dealers in dynamite who export their goods to Canada were capitalists, there was really nothing at all to hinder an officer from acting for a consideration, as a friend of the competing company.

I do not say that that is the case at all. I only say that the conduct of the officer leaves him open to that suspicion in the minds of people who are interested on the other side—the people who have suffered. I think that the Government must see that the mode of procedure adopted in the Customs Department is not one that is calculated to give satisfaction. In this case the people who are competing with this German Company are not home manufacturers, but they are other manufacturers abroad; and I think it is the duty of the Government to give equal justice to all outsiders; and even if there were parties manufacturing dynamite in Nova Scotia or in other parts of Canada, it would still be the duty of the Government to see that the importers got fair play. They are just as deserving a class as the manufacturers. They employ a great many men and contribute largely to the revenue. The Government put a very considerable duty on dynamite—in fact a high duty—and I think they ought to be satisfied with getting that duty and giving the importers fair play. It is clear that in this case,—

that is as far as we can see—the importers have not had fair play. I may mention that they paid the increased duty and have abandoned the idea of importing further. The consequence is that the business of the port of Halifax suffers to a certain extent, and the miners and other people in Nova Scotia who use dynamite suffer also, because they do not get the article as cheaply as they would have got it if this importation had been continued. I may say although I am not going to enlarge on it, that there is an impression in the lower provinces that in the matter of the imposition of customs duties they suffer, as compared with Montreal and other upper ports. It has been shown pretty clearly by prominent merchants in Halifax over their own signatures that the same grade of sugar pays in Halifax a higher duty than in Montreal; and the natural tendency of that policy and of the policy that appears to have been adopted in the present case is to drive business from Halifax, and I presume from St. John and other lower province ports, and to compel people to import through Montreal. I do not think that is the desire of the Government: it certainly should not be.

I do not know the mode of procedure usually adopted, but it occurs to me that a case of this kind involving a very important principle, which was considered important enough to be referred to the foreign office in Berlin, was important enough to be referred by the Minister to the Treasury Board here; or that if the Minister did not wish to do that, he should have done what the importers desired in the first instance—he should have looked at the evidence for himself and taken his Appraiser's decision only as evidence in the case but not as decisive, and then given his own decision. If he was not able to make up his own mind, then I think the matter should have been considered by the Treasury Board and the question settled for good. One reason why this matter has been brought before the attention of the Government now is that the importers in Halifax are naturally anxious to know whether the Customs Department will continue to act as they have acted in this case, or whether they will allow goods honestly imported at the fair market value of the country in which

they are manufactured to come into Halifax, as I imagine they come to other ports. I beg to move the resolution, with the addition which I have here—"and also of all certificates and other documents accompanying such communications." I may add that we do not want the papers which we already have, but the cablegram and other papers which have not been sent to the importers.

HON. SIR ALEX. CAMPBELL—Will my hon. friend give me the list of papers which he has not, or of the papers which he desires to have?

HON. MR. POWER—I can give a list of the papers I have.

HON. SIR ALEX. CAMPBELL—The Government have no objection whatever to the papers being brought down and the fullest information placed before the House. I think my hon. friend in making the motion should have been careful not to cast imputations upon this officer, who, he says, leaves himself open to suspicion that he may have been influenced by money considerations to deal with this matter in the way he has done. That is a very grave suggestion to make, and one which I hope my hon. friend has not made without having more ground for it than anything he has stated to the House. This officer's character stands very high and is as precious to him as my hon. friend's character is to himself. I apprehend that he is far above giving a decision on any business transaction on the ground which my hon. friend or other people suspect him of having done. Then my hon. friend, too, is wrong in supposing that there has been any discrimination, either knowingly or without care being taken to prevent its being made, against any port of the Dominion in the entry or valuation of goods. The desire of the Government—the desire of any Government—must be that the Customs House transactions should be conducted on the same basis, and that the valuations should be uniform at all ports in the country. Every effort has been made by this Government and, I am sure, by our predecessors, to attain that result. My hon. friend says there is a suspicion in Halifax that goods are entered in Montreal or the

west on better terms than at Halifax. Let me tell the hon. gentleman that there is a suspicion in the West that the reverse of this obtains, and that goods are entered at Halifax, notably sugars, on better terms than in the West. These suspicions are without foundation, I believe, on both sides. With reference to sugars, a complaint of this kind was made by Mr. Jones, formerly in the other House, and occupying, I believe, the position of Chairman of the Board of Trade of Halifax, and an investigation took place. It was established, beyond all controversy, I think, by the very best tests that could be used, that the valuation in Halifax was based upon precisely the same ground as the valuation of sugars elsewhere. There was no unfair or any other difference between the valuations there and elsewhere. I am persuaded that, so far as the exercise of care and industry can go, the valuations at one port are on the same basis as the valuations at other ports. If we take my hon. friend's statement as being full and complete—I am quite sure it is accurate as far as it goes—he has made out a strong case against the Custom House officers and their proceedings certainly. It is always safe, however, to hear the other side, and I am quite confident that when the other side of this case comes to be heard it will be seen that this officer has, at all events, endeavored to do his duty. He may have made a mistake—I know nothing of the facts—but I am quite sure he has endeavored to do his duty. That this case should have been referred by the Minister of Customs to some other person than the one who first made a decision upon it may or not may not be right: I do not know what the practice of the Department is or how far the original statement made by an officer is capable of being revised by another officer, or whether that is a safe thing to do, but it is not proper for the House to decide upon a single case. It may not be a safe matter to refer the decision of an officer upon the value of an article, such as dynamite, to some other officer who may have a different opinion, the one opinion being perhaps as valuable as the other; or it may have been better to refer the decision of the first officer to another for review; that I cannot say, but I hope, and I am sure, the House will reserve its

judgment respecting the case until all the papers are before it, and until it has an opportunity of hearing both sides and seeing whether there is any foundation either for the suggestion that there is a suspicion against this officer, or the other suggestions that a different rule obtains in Halifax from other ports in the Dominion or that the Government has not endeavored in this case to obtain the real value of the dynamite and charge the duty upon it. The natural presumption is that they have done so. It would seem that the valuation is high; what the explanation of that is I do not know, but when the papers come down we will know and I shall be quite prepared to discuss the question then with the hon. gentleman.

HON. MR. POWER—The statement of the Minister is satisfactory. I am sorry that he should have supposed that I meant to express myself any opinion whatever as to Mr. Fraser's character. Mr. Fraser is a gentleman, so far as I know, whom I have never seen. I know nothing about him, good, bad or indifferent. I did not know who he was or what position he held until I heard it in connection with this matter, and consequently I did not myself mean to cast the slightest imputation upon his character. What I said was a fact; that people in Halifax who were aware of this transaction did some of them draw conclusions which were not favorable to Mr. Fraser's character; and I think that it is to be regretted that any officer should be placed in a position where his conduct would be open to suspicions of this sort. With respect to the over-valuation of goods at Halifax, I may say that within the last little while I have seen in one of the Halifax papers a letter from Mr. Jones in which he gives an instance where the same class of sugar was rated lower in Montreal than in Halifax. However, I do not propose to say anything about that; but the point I was anxious particularly to bring home to the Minister does not seem to have struck him as forcibly as I could have wished. Granting that Mr. Fraser's character is beyond reproach—as I hope and presume it is—still, when his decision was appealed from on grounds that the Minister himself must see are pretty strong, it occurs to me that when the second appeal was



taken, the Minister's own sense of what is becoming and just must show him that the appeal should not be to the person from whose judgment it was taken. I do not say it should have been to another officer; it might have been to the Minister, and he might after weighing the evidence have decided: but it appeared to me that the natural court of appeal would have been the Treasury Board, whose duty it is I suppose to deal with difficult questions that arise in connection with the financial and commercial business of the Government, and which require the benefit of the judgment of different Ministers, including the Minister of Justice.

The motion was agreed to.

#### BILLS INTRODUCED.

Bill (47) "An Act respecting the Railway from Esquimalt to Nanaimo, B. C."—(Sir Alex. Campbell).

Bill (72) "An Act respecting the Union Suspension Bridge"—(Sir Alex. Campbell).

Bill (76) "An Act respecting the Burlington Bay Canal"—(Sir Alex. Campbell).

#### INSURANCE BILL.

##### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (G), "An Act respecting Insurance."

In the Committee,

HON. SIR ALEX. CAMPBELL said: When the Bill was up for the second reading I explained that it was principally a compilation of the laws as they exist at present. The several laws affecting this subject of Insurance found in the different parts of the Statutes were put together by the Commission to revise the Statutes. They met with some difficulty and they added some clauses of their own and in that way it was proposed to consolidate the Statutes, inserting the changes which this Bill now presents for the consideration of the House. But afterwards, upon conferring with the members of that Commission, it was thought, I believe quite

rightly, that the more convenient way would be to re-enact the law altogether from the beginning, taking the old clauses and inserting them in this Bill, and adding the few new clauses which the Bill proposes, and then passing a single Act which might be bodily transferred to the Statutes of this session. If the House will consent to this being adopted I think the easier way would be for me to go through the Bill clause by clause, and only call attention to what is new. The old clauses having received the sanction of Parliament, being in fact now law, I apprehend there is no necessity to discuss them unless some member of the House desires to draw attention to or seek some change in them, in which case we might discuss those particular clauses.

HON. MR. POWER—I think it is a pity to incur the expense of having this long bill printed and our time taken up with it for the few amendments which are proposed. As I understand, the only amendments that are being made in the Act, as reported by the Commissioners to consolidate the Statutes, refer to the mode of recovering penalties. It would have been more convenient to have just passed a short bill making those changes.

HON. SIR ALEX. CAMPBELL—My hon. friend mentioned that at the second reading, and I explained to him then that I was at first of the same opinion, but on conferring with the Commissioners I yielded to their view that it was better to enact a new law and transfer it to the Consolidated Statutes.

On sub-clause G of clause 2,

HON. MR. POWER asked why the recommendation of the Parliamentary Committee was not concurred in by the Government?

HON. SIR ALEX. CAMPBELL—The reason is that the Custom House Service and the Registration of Shipping Act in England formerly extended to the harbor of Montreal, which is supposed to be the head of tide water, although I believe the tide only extends to Three Rivers; but that is the point where English jurisdiction, as contradistinguished from ours,

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ends. Therefore it is better to adopt that and say "all above the harbor of Montreal" is inland marine, and all below it is sea.

The clause was adopted.

On the 36th clause,

HON. MR. HAYTHORNE—I ask the hon. gentleman if this section will interfere with the proceedings of some of the benevolent insurance companies that exist in many of our towns? I know that considerable anxiety is felt by the managers of some of those societies lest they should find themselves interfered with by some act of this parliament, and it would be very gratifying to them to have it known that no interference with their operations is intended by this Bill.

HON. SIR ALEX. CAMPBELL—There is no intention, by any clause of this Bill, to interfere with such societies, unless the interference may be by some of the earlier clauses which requires them to deposit a certain sum in the public treasury. There is a clause in the Bill which requires that all insurance companies doing business in Canada shall pay a certain amount into the treasury of Canada as security for their policy holders, and I do not think that those benevolent companies are exempt from it. The clause is:—

3. The provisions of this Act shall not apply—

(a) To any company transacting in Canada ocean marine insurance exclusively; or—

(b) To any policy of life insurance in Canada, issued previously to the twenty-second day of May, in the year one thousand eight hundred and sixty-eight, by any company which has not subsequently received a license; or—

(c) To any company incorporated by an Act of the legislature of the late Province of Canada, or by an Act of the legislature of any Province now forming part of Canada which carries on the business of insurance wholly within the limits of that Province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such Province; but any such company carrying on the business of life insurance may, by leave of the Governor-in-Council, avail itself of the provisions of this Act, and if it so avails itself, the provisions of this Act shall thereafter apply to it and such company shall have the power of transacting its business of insurance throughout Canada.

If that will exempt them, then they are exempted, but I will inquire further.

HON. MR. DICKEY—There was an Act passed last year upon the subject of insurance and the companies to which such legislation should apply, and I should like to know whether there is any change as to the companies to which that legislation shall apply.

HON. SIR ALEX. CAMPBELL—No, none, because the clause of this bill is an exact transcript of what it was last year.

The clause was agreed to.

On the schedules,

HON. MR. POWER—I wish to call attention to something in these schedules which has apparently been copied out of the Consolidated Statutes. It is an unusual thing in an Act. If the Minister will look at the end of each schedule, he will see that there is a citation at the end of it. For instance 38 Vic. C. 20, S. 20, : 40 V. C. 42, S. 20, etc. They are calculated to mislead. They were in place, of course, in the report of the Commissioners who were consolidating the laws, as showing where they got them, but being inserted in this Bill they are calculated to make any person who is making up a statement or declaration of this kind believe they were part of the statement.

HON. MR. KAULBACH—This bill does not affect Marine insurance association in Nova Scotia?

HON. SIR ALEX. CAMPBELL—I do not know that it does unless under the language I have referred to. If the hon. gentleman will send me a note of his question I will try and have it answered by the superintendent of insurance. The citations at the ends of the schedules, referred to by my hon. friend from Halifax, might be struck out.

HON. MR. WARK was understood to enquire of the hon. Postmaster General if it would not be expedient, in consolidating the laws relating to insurance, to make provision for more complete information in the annual returns, which mutual in-

insurance companies were obliged to make, to the superintendent of insurance.

HON. SIR ALEX. CAMPBELL—I am much obliged to my hon. friend for the suggestion. I believe that the returns which those companies make are very full, but I will endeavor to get one of them and show it to him: and if there is anything we can add to the form, I think we have power under the present statute to require it. If my hon. friend will point out to me what other additional information we can ask from those companies, not already provided for in those returns, we will endeavor to have it supplied.

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

The report was received.

## OFFENCES AGAINST THE PERSON BILL.

### SECOND READING.

HON. MR. GOWAN moved the second reading of Bill (N) "An Act to amend the Act respecting offences against the person." He said: This short Bill proposes to deal with one of the sections in the Act relating to offences against the person, by making the law upon the points covered by the Bill uniform all over the Dominion. The Bill proposes to enact that the wife shall be a competent witness in prosecutions by indictment against her husband for wilfully and without lawful excuse refusing to provide food or other necessaries for his wife or his child. In Ontario it has been decided, and the law is, that in such cases the wife is not a competent witness. In Lower Canada it has been decided that she is a competent witness, and so, in at least one of our Maritime Provinces, and I think one if not two other provinces.

HON. MR. GLAZIER—It is not the law in New Brunswick.

HON. MR. GOWAN—I am not aware that a decision of the full Court has been given in any of those cases. In Lower Canada I know that it has not from the

case I refer to, which was before a single judge only. I am unable to say, for I have been unable to find any case decided in the Maritime Provinces, whether there has been any decision on this point by the full Court.

HON. MR. POWER—Men never treat their wives badly down there.

HON. MR. GOWAN — Nevertheless, there have been cases at *nisi prius* in which that question came up. Possibly they were acquitted, but some such cases arose. I am not aware that the point was formally decided—at any rate it was not raised as it was in Ontario, and decided by the full Court on Appeal from the decision of the inferior tribunal. Doubtless, it has been held in provinces, where it has been so decided, upon the principle that it came within the exceptions to the rule of common law relating to the security of her person and her liberty. As I have said, therefore, one of the objects of the Bill is to secure uniformity in the law all over the Dominion, for it must strike everyone as a matter of paramount importance that the Criminal Law should be the same in every Province of Canada. The section designed to be altered, or perhaps, I should say more fully developed, is section 25. The first part, so far as it relates to this Bill, reads in brief as follows:—

Whosoever being legally liable \* \* \* as a husband \* \* \* to provide for, any person, wife or child \* \* \* necessary food, clothing or lodging wilfully and without lawful excuse refuse or neglects to provide same \* \* \* is guilty of a misdemeanor.

To the natural duty of every man to provide for his wife and his family it has unfortunately been found necessary to superadd the enforcement of law, and it must, I think, meet the approval of every Christian man. An offence against the law of God for a husband and father to wilfully neglect those in close relation to him, it is by this particular clause, section 25 of the Act relating to offences against the person, made also an offence against the law of the land. Every hon. gentleman will recognize this as a natural duty. He will see plainly that it is a natural duty, and every one with a human heart will say that any provision that the law has made for the enforcement of this

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natural duty should not be made difficult in application by technicalities of any kind, and the enactment I have quoted ought to be made as perfect as possible to carry out the benevolent intention of Parliament. It must, I think, strike everyone, and it is known to lawyers, that it is a most difficult thing to sustain a conviction under this statute unless the wife is made a competent witness, she above all others being most likely to know of the facts, for she is the sufferer by the brutal neglect of her husband—no, I will not say brutal, it would be a libel on the brute creation to compare such men with the beast of the field whose instincts teach them to provide for and guard their mates and their young—but it is she who is the person injured, and she herself is the most competent person to give evidence in matters of which she has particular knowledge. As the law has been construed in Ontario, if not elsewhere, she is not a competent witness, she cannot be allowed to utter a word. The general rule of law, as most hon. gentlemen know, except in cases affecting her liberty or her person, the wife is not a competent witness in Upper Canada. In the case of the Queen vs. Bissell this question received a very full consideration. It was an appeal from the inferior court. It was very ably argued on both sides both for the Crown and for the prisoner. All the authorities upon the point were very fully reviewed, and the decision of the court was prepared with a great deal of care, and the whole subject very fully entered into. One point upon which the case turned in the Queen vs. Bissell was that it was an act of non feissance, and therefore did not come within the general exceptions of the Criminal Law. The very learned Chief Justice of Ontario, in his judgment on the case, possibly felt somewhat pressed by the moral aspect of it; at all events he said in giving judgment, “as a matter of opinion, it might be wiser to allow the evidence, but as Lord Blackburn said on the same point “that is a matter for the Legislature and not for us.” Well, the matter is now before the House, and this Bill seeks to provide a remedy. I may say, I have had the honor of knowing the learned Chief Justice who gave this judgment in Ontario, for a period of fifty years, and he possibly made an ex-

ception in my favor from the reticence which sometimes prevails with judges: at all events he has written to me in reply. In his letter he says:—

“I fully approve of the Bill admitting the wife as a witness. The Queen vs. Bissell to which you refer me shows the necessity for the proposed change and the abolition of a rule so highly technical.”

I might doubtless rest upon this expression of opinion from the Chief Justice of Ontario, but I shall also read an extract from the judgment of Mr. Justice Armour who differed from the majority of the court in the decision in that case.

“The law,” said this learned judge “under which the prisoner was indicted is in my mind a most wholesome enactment and it must in my opinion in nearly every case like the present be a dead letter, unless the wife against whom the offence is committed by her husband be permitted to testify against him.”

The Honorable Chief Justice Cameron, who was also my fellow student some 45 years ago, has been kind enough to express an opinion to me on the point, and I am glad to be able to state that he also entirely approves this measure. My friend the learned Chief Justice Cameron, and Chief Justice Haggarty were the two judges that held in the negative as to a wife being a competent witness. Mr. Justice Armour differed from them and thought that she was. Chief Justice Cameron writes me upon this subject as follows:—

“With reference to the Bill it seems to me that while it is just that the wife should be a competent witness, a conviction ought not to take place without some evidence of a corroboratory character.”

Last year the Bill that I introduced had no provision of the kind, though my hon. friend from Lunenburg suggested such a clause. I had not thought of it before, but when he made the suggestion it at once commended itself to my judgment as a reasonable one, and I dare say he will not feel displeased to find that so able a judge as Chief Justice Cameron touches the very point that occurred to him at the second reading of the Bill last year. The present Bill provides for a corroboration. I have introduced this Bill after a good deal of consideration and no hon. gentleman in this House can feel more strongly than I do upon the sacredness of the

marriage tie. But I believe that every-one with a spark of manhood or humanity in his soul must desire to see technical impediments which stand in the way of punishing brutal persons, who ill-treat their wives or children, removed. The Bill reads as follows :

“1. Section twenty-five of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled : ‘An Act respecting offences against the person,’ is hereby amended by adding thereto the words following: ‘and in any prosecution of any person under this section, for refusing or neglecting to provide necessary food, clothing or lodging for his wife or child, his wife shall be competent and compellable to give evidence as a witness, either for or against her husband.’”

So far it was contained in the Act of last session. The words following, “but such evidence shall not be sufficient to sustain a conviction, unless it is corroborated by other evidence,” have been added. As I have already observed, this addition was suggested by my hon. friend from Lunenburg last session and adopted by me and incorporated in this Bill; it is the very point that my hon. friend Chief Justice Cameron spoke about. I made the suggestion on the spur of the moment last year, more in deference to my hon. friend opposite, and there was another amendment proposed by my hon. friend the senior member for Halifax, which I accepted at the time but on further consideration I find that I am unable to do so. Indeed, I fear that the adoption of it might imperil this Bill, as I know the strong feeling of the leader of the Government, as well as the majority of the House on the subject of admitting prisoners to give evidence on their own behalf, which I heartily share. I have therefore eliminated that from the Bill. I accepted it last year at the instance of my hon. friend from Halifax, but I feel now, on reflection, that it would be an unsafe thing—that it would be, as it were, an entering wedge for a most objectionable alteration in the law of evidence. I have therefore left it out. I was glad to hear the suggestion, as I am always glad to hear suggestions from my hon. friend who is conversant with every subject he speaks on and shows a desire to arrive at the best conclusion. I am sorry that I cannot on this occasion accept his views and introduce that clause, as he

proposed it, into the Bill. With these explanations I move the second reading.

HON. MR. ALMON—I am sorry that it is my duty to move that the Bill be not now read the third time but that it be read the third time this day three months. My reason for doing so is this: I disapprove of tinkering with the law. I believe that no Bill of this kind should be introduced in this House unless it has the imprimatur of the Minister of Justice. We do not know what law this Bill would interfere with: we all know that according to the British law man and wife are one—“Those whom God hath joined together let no man put asunder.” That principle has been acted upon even in cases of murder: the wife is not allowed to give evidence against the husband. I remember one case where the evidence against a man accused of murder showed that he was living in the same house with a woman he had seduced under promise of marriage; I remember the judge saying to him “your sin has found you out; had you fulfilled your promise and made this woman your wife, she would not have been allowed to give evidence and you would have escaped the sentence which it is my duty to pronounce on you.” Therefore, in cases of murder the evidence of the women against her husband is not admitted. What will be the effect of passing this Bill? The wife would be obliged to perjure herself, and it is therefore a measure to encourage perjury. But supposing she does not; supposing her religious principles are stronger than her affections (I think in most cases it is not) and she gives evidence against her husband, can they live together in happiness afterwards? No; we all know very well that if they continue to live together their home will be a constant scene of bickering, and this Bill is practically untying the knot by which God has bound them together. If it was a very grave danger which we were asked to legislate to meet, I should perhaps waive my objection, but what is it? Refusing to supply necessary food and clothing. Now clothing includes bonnets. Supposing the wife goes up Sparks St. and sees in a window a love of a bonnet, and goes home and asks her husband to buy it for her. If he refuses they have a row, and under this bill she can take proceed-

ings against him in a court of law for failing to provide her with proper clothing. Now, as we have no such law on the Statutes Book the husband in such a case generally manages to settle the difficulty by purchasing a pair of gloves instead. But under the operation of this Bill, the marriage tie is broken and the family hearth desecrated, and instead of being a scene of happiness which, as we all know, domestic life is, it is the scene of turmoil and strife for the rest of their lives. Judge Jones, Justice Robinson and Chief Justice Smith, I have no doubt, are very nice men and their opinions with the lawyers have great weight, but suppose you hear mine for a moment. There was a man in Halifax, a southern soldier, who had been much mutilated in the war. He shot his wife with a rifle, the bullet passing through her liver. She should have died, but she recovered. He was to be tried for attempting to commit murder. The wife came to me and said "your are summoned as a witness." I said "yes, and the severest punishment that the law provides should be inflicted on your husband." She asked what it would be, and I replied seven years in the penitentiary. "Seven years in the penitentiary! That means seven years for myself and my children in the poor house. I wish, Doctor, you would not appear at the trial." Of course I did appear at the trial, but I gave the evidence as much in his favor as I conscientiously could. The man was pardoned. Now supposing the principle involved in this Bill which makes the wife a compellable witness, had been recognized in the law, and she had been a compellable witness, my opinion is that she would have perjured herself—I know she would rather than send her husband to pententiary for seven years. We are asked to pass a most wicked Bill the effect of which would be to encourage perjury. I hope the unanimous vote of this House will sustain the laws of God and man, by throwing out this Bill.

HON. MR. ALEXANDER—This Bill has already been before Parliament and was thrown out. The mover has with his accustomed industry altered the Bill to meet the views of the Senator from Lunenburg and other members of the House.

I hope the House will not harass him any longer but give his Bill a trial. I promised the hon. gentleman one day to use all my powerful influence with the House to induce it to accept this Bill. Hon. members must remember that he is a most distinguished luminary from the Division Courts of Ontario. Not only an able but pious gentleman. I think it is somewhat unfortunate for his reputation that he should have joined the brigade of patriots commanded by the Senator of Niagara. He has often interrupted me along with the others, but I forgive him and them. Since his admission into your honor's house he has labored with great assiduity. His first proffered legislation was the famous Pawnbroker's Bill. Such legislation of that character, brought to my mind a well-known incident from the biography of a very renowned English divine—the Rev. Sydney Smith—who, when asked one day whether he believed in the Apostolic succession, replied "I never did, until I met the Bishop of Exeter, who was such a perfect resemblance to Judas Iscariot that it removed all doubts from my mind." In this connection and in remembrance of the famous Pawnbroker's Bill I was asked whether I believed in the existence still, of the lost tribes of Israel. Perhaps the House will allow me first to give the history of those tribes. Jacob had twelve sons, ten of whom disappeared with all their descendants, while Joseph the youngest son and Judah remained, from whom sprang the people of Judea, while all the descendants of the ten were scattered over the face of the earth, unknown to history. The subject of their destiny has occupied the minds of historians and the ablest men of science, and still great doubt exists as to what people or nations have sprung from them. Now all my doubts have been removed as to the existence of some of the descendants in Ireland since, if my memory serves me faithfully, a beautiful portrait of Mordecai exhibited in the Vatican at Rome is a most extraordinary likeness of a distinguished member of this Chamber and no doubt he and his immediate ancestors could throw great light upon the history of some of those descendants.

HON. MR. POWER—I have no doubt

we are very thankful to the hon. gentleman who has just sat down for his valuable discoveries in Biblical history. He must have given us that account of Jacob's family from some recently discovered manuscript, because it is different altogether from that in the authorized versions. I hardly know what to think of this Bill. My hon. colleague from Halifax objects to our tinkering with the law. I cannot agree with him in that : this is a legislative assembly, and it is the right place for law-making. That is our business. I do not believe in tinkering with the law, but if we see it seriously defective and attempt to alter it, we are doing our duty. I do not agree with my colleague that we should not deal with any Bill affecting the criminal law unless it has the imprimatur of the Minister of Justice. I think my hon. friend to a certain extent misconceives the position of the Government. The theory is that the Government are a committee of the legislature, whose duty it is to transact all business which arises when Parliament is not sitting. They form the guides of the legislature when it is sitting, to a certain extent ; but I should be very sorry to think that the Parliament was going to give up the right of legislation, even in respect to the Criminal law, to the Ministry. It must be remembered that we have in this House a Minister who has filled the position of Minister of Justice, and when this Bill goes to the other Chamber it will be submitted to the consideration of the present Minister of Justice there ; and consequently we are quite safe in going on and passing the Bill if it seems good to us. While I do not agree with my hon. colleague in these preliminary objections to the measure, I do feel that there is a great deal of force in his substantial objection to the character of the Bill. Of course there is this to be said, that as the law stands now, if a man is legally liable to provide for his wife, ward &c. necessary food, clothing or lodging, he can be proceeded against if he fails to do so. My hon. friend seemed to be under the impression that he could not be punished under the existing law. He can be punished, and the only question is whether we shall decide that the wife shall be a competent and compellable witness.

HON. MR. ALMON—I have no objec-

HON. MR. POWER.

tion to the man being punished for not providing clothing or food for his wife and children. I think he should be punished, but I do not believe that the wife should be a compellable witness against her husband.

HON. MR. POWER—I have grave doubts as to whether the wife should be a compellable witness. It may be that she should be allowed to give evidence, but to compel her to do so is I think a questionable policy. There is one point as to which I have no doubt at all. When a wife brings her husband into court under this Act respecting offences against the person, I think it is pretty safe to say that the family relations are—

HON. MR. ALMON—Strained.

HON. MR. POWER—Pretty nearly broken up, once that step is taken. I do not know that I shall vote against the second reading of the Bill ; but I think if the husband and wife fall out and the wife brings the husband into court and is herself admitted as a witness against him, it is only fair play that the husband should be allowed to give evidence too. The hon. gentleman who has introduced the Bill has not told us why he thinks the husband should not be allowed to give evidence. There are two parties to the quarrel : you not only allow but you compel one of them to give evidence, while you do not permit the other to give evidence in his own defence. It does not seem to me that that should be the case. I hope, if the Bill is read the second time, that when we go into Committee of the Whole, it will be amended by providing that the husband shall be allowed to give evidence as well as the wife. If I may be allowed to say a word which does not relate to this Bill, with respect to the hon. gentleman who has introduced it, I would say this—that I have heard more than one hon. gentleman make observations, which I think were not intended to be complimentary, as to the hon. member from Barrie. Reference has been made to one or two Bills which he has introduced besides this one. I think that these observations are very objectionable. The hon. gentleman from Barrie has devoted his whole life to the practice

of the law, chiefly as a judge, and during his many years experience he has had opportunities, which probably no other member has had, of seeing certain defects in the law. He comes in here, where he has an opportunity to remove those defects; and I think it is very much to his credit that, instead of sitting down and taking his ease and doing nothing, he has devoted some time and industry to try and leave the law a little better than he found it. An eminent jurist once remarked that it is a duty which every man owes to his profession to leave the law better than he finds it. My hon. and learned friend is trying to discharge that duty, and I think he deserves the praise, good will and encouragement of his fellow-members rather than the reverse.

HON. MR. PLUMB—I am very reluctant to say anything upon a subject on which professional men have spoken, but I must say that I see a good deal of objection to this kind of legislation. I think that matters of this kind are very safely left to the Government itself. While I have no doubt that what has been said by the senior member from Halifax is entirely correct, and while I have the highest respect for the hon. gentleman who has brought in this Bill, there are very grave objections to it, one of which is the clause compelling a wife to be a witness against her husband. It is an innovation, and I doubt whether it is going to work either in the way of promoting domestic harmony or correcting the abuses which my hon. friend seeks to deal with by this Bill. If the wife is allowed to be a witness against her husband, the husband should be allowed also to be a witness against his wife, and in either case, if one is compellable the other should also be compellable. Those are objections which strike me, and any layman has a right to an opinion upon a matter which is one more of the domestic relations between husband and wife than anything of a legal technicality. I can hardly say that I congratulate my hon. friend on his ally, the hon. member who supported his Bill. I have no doubt that in opposing the Bill and voting against it, as I shall be compelled to do, I shall be in a minority in the House. At the same time I do think that it is desirable for us

to decide, if possible, that legislation of this kind is properly in the hands of the Government. On this point I differ from my hon. friend the senior member from Halifax. I think it is very much better that any amendments or additions should be made by the responsible officers of the Government. If this is approved of by the Government, it is much better that it should be a Government measure. We are not ourselves, in all cases, competent to judge of legal technicalities, and I should consider myself safer in the hands of the proper officers appointed by the Crown, and having the responsibility of matters of that kind, than I could in the hands of my hon. friend, notwithstanding the high respect which I entertain for him, or of any other legal gentleman in this House. It is a matter that we must take on trust, and I prefer that the responsibility should fall on those officers of the Crown who are entrusted with it under the constitution.

HON. MR. DICKEY—When a bill of a somewhat similar character to this was before the House last year I felt it my duty to object to it especially on two grounds, first that the wife was compellable to give evidence, and secondly that the Bill was a one-sided measure because it did not allow the husband the same privilege that is accorded to the wife by this Bill. On both these points it turned out that I was sustained by the opinion of the House. It is hardly necessary to argue the question, because I do not suppose that the opinion of the House has been changed in the short space of twelve months. The Bill, as it came in, compelled the wife to give evidence, but the hon. member who had charge of the Bill and in whose charge this measure is, on its going before the Committee, himself moved that these words should be stricken out and at his instance the amendment was made. He states to-day that he has changed his mind since then as to that, but he has given us no reason for his change and we are left in the dark. We are not in a position, at the present moment, to state whether we should adhere to the decision which the House arrived at last year on the subject. But the House did come to a deliberate vote on the other question, whether the hus-



band should have the same privilege as the wife. My hon. friend has not given us any reason for now introducing this Bill in the form in which it was presented before without giving that privilege to the husband. It was the deliberate judgment of this House last year that it should be given, and they so amended his bill. At the same time all these matters are, I think, questions for the committee. I should not be disposed to treat the bill in a cavalier manner and throw it out. There is another reason why my hon. friend who has made the motion should be a little careful as to the effect of this decision should the House adopt his motion, because he has moved the three months hoist. We are here now in the early days of April and if we sit as long as we did last year, the Bill would still be read the second time. It is hardly worth while for us to commit ourselves to such an absurd position as that, because I am really afraid as things look, when we have already had an adjournment for a fortnight and propose taking another adjournment for a similar period, that we will not be in a position to leave here before June or July next. Apart from that I should not be disposed to vote against the second reading of the Bill. I think the proper course to pursue would be to let the Bill go to Committee and be dealt with there, because all the questions which will arise under this legislation will be proper subjects for a Committee rather than for the House on the second reading.

HON. MR. GIRARD—The long experience of the hon. promoter of this Bill would naturally lead me to support it, but it seems to me that the hon. gentleman overlooks too much in his measure the fact that husband and wife are one. This is an innovation, and I am afraid of all innovations which tend to change the ordinary rules of society. Although I should be glad to support the hon. gentlemen's measure if I could see my way in doing so, I feel that I must vote against its second reading. I see no necessity for such a measure. Society does not appear to suffer from the position in which husbands and wives stand towards each other in this Dominion. If there is to be any innovation on a matter of such great importance,

the measure should originate with the members of the Government and not come from a private member.

HON. MR. KAULBACH—I think this Bill should not be prejudiced on account of not coming from the Minister of Justice or a member of the Government in this House. My hon. friend from Halifax thinks that we would be abandoning our rights by taking such a position. My hon. friend himself on former occasions has belittled bills because they did not originate in the Department of Justice. I remember one important case where a bill was introduced to amend the criminal law, in which my hon. friend made that objection. With reference to this Bill, now before the House, as first introduced I was not enamored of it. I was opposed to it until I had engrafted on it, in committee, the amendment to which the hon. gentleman, the introducer of the Bill, refers. But when the amendment proposed by the hon. member from Halifax was added to it, I felt then, as a majority did, that it should not pass. It allowed the husband to give evidence, and it interfered so much with the recognized criminal laws that it was an innovation to which I could not be a party. This is a Bill relating, not to offences of commission, but to acts of non-feasance—to matters which a party has failed to do. My objection to compelling a party to give evidence under this Bill is this, that the class of persons to whom this Bill is likely to apply are the least intelligent people in a community—those belonging to the lower classes of society.

HON. MR. GOWAN—That point can be dealt with in Committee.

HON. MR. KAULBACH—That is true, but I prefer taking the exception now. If you compel a woman to give evidence against her husband, persons of low intelligence subjected to fear and restraint would not give evidence which would be very trustworthy or reliable, and therefore I hope, if this Bill goes to Committee, that that portion will be eliminated from it. I think this Bill should not apply to the wife only; if we go that far we should do more and make it apply not merely to the wife whose husband does not provide her with

food and clothing and lodging, but to others as well, for instance where a person is legally liable to provide for an apprentice, ward, idiot, lunatic or any person in that position. I think a law of this kind should apply with equal force to all persons so situated—persons who are not able to take care of themselves. Any man who has an infant, or ward, or idiot under his legal control should be made responsible for the way he exercises that control, and liable for his non-feasance as regards its food, clothing and lodging. I dislike all those innovations in the law of evidence. It is only four or five years since we allowed the wife to give evidence in certain cases against her husband. I am very tenacious of the law as it stands; but I think this is an improvement, if it goes no further than the Bill with my amendment last year went. Thn hon. gentleman having incorporated the amendment which I proposed last year, and to which he so very courteously referred to-day, I feel that I should support his measure if he takes from it the words "and com- pellable."

HON. SIR ALEX. CAMPBELL— I hope my hon. friend the junior member for Halifax will not press his motion upon the House at this stage of the Bill. I think there has been a sufficient indication that the bill, as it stands, does not present its final appearance, and perhaps in committee it may be altered in such a way as to meet with the approbation, if not of my hon. friend himself, of some of my hon. friends who may not approve of it now. I think it is a pity, and it is not paying sufficient deference to any member of this House, to reject a bill on the second reading unless the circumstances are stronger than they are in this case. I hope my hon. friend from Halifax will not press his motion but will let the bill be read the second time and go to the committee and see what aspect it presents when it comes back to us. If it should then be as objectionable to my hon. friend as it is now, I think his motion will secure a larger vote. For my own part I voted against the Bill last year, not believing it was a measure which was acceptable to the general sense of the community I should desire, and I hope my hon. friend will agree, to let the bill go through the second reading and

be referred to committee, and see what will be done with it there. I do not agree in thinking that these bills amending the criminal law come with the same advantage from a private member (which I understand to be the position of the senior member from Halifax) as they do from the Government.

HON. MR. POWER—No; I did not say that.

HON. SIR ALEX. CAMPBELL—Then I beg the hon. gentleman's pardon; it was very nearly that. I do not think the House, in acquiescing in the views expressed by hon. gentlemen that these bills should come from the Minister of Justice, at all assume the position that they abandon any part of their own power. They do not say at all that no private member shall introduce such bills, but that they prefer and think it safer that such measures should come from the Government. I must say that is my view and feeling, although I differ from the hon. member from Barrie, and although if he was Minister of Justice I should follow his lead with implicit confidence; yet he is not Minister of Justice, and I should therefore prefer a bill coming from a member occupying that position. In proposing such a bill the whole system of the criminal law should enter into consideration. It may very well be that the hon. member from Barrie sees a point here and there in which there is a deficiency which he resolves to supply. The defect may really exist, and his mode of supplying it may be the correct one, so far as these particular deficiencies go, but yet he has not in view the whole system, as the Minister of Justice necessarily has, or the changes which the Minister of Justice may be contemplating from time to time, and I think he presents a bill for the reform of any particular part of the law with disadvantage, and that it is safer to allow these bills to come from the Minister of Justice.

HON. MR. POWER—Life is too short to wait for them.

HON. SIR ALEX. CAMPBELL—My hon. friend from Barrie has not thought that consonant with his duty as a member of the House, and has introduced a bill

to deal with a certain point to which his attention has been directed, and we are bound to give it fair consideration. My idea of giving it fair consideration is to allow the Bill to be read the second time and go before a Committee of the Whole, and see what changes can be made in it, and then make up our minds what course to pursue on the third reading. I have stated my own opinion so far; I may now state the opinion of the Minister of Justice, whom I have consulted with reference to this Bill; he is in favor of it and, so far as he is concerned, would give it his support. His opinion is entitled to the greatest respect and I am prone myself to defer to any person occupying that position, and to say that although I voted against the Bill last year I should consider now whether it would be proper for me to vote against it on this occasion. I am bound to say this on the part of the Minister of Justice, because the hon. member from Barrie has seen him and I have seen him on the subject, and I know that he approves of the Bill in its present shape.

HON. MR. GOWAN—If no other argument existed in favor of bringing forward this measure, I think a cogent one would be found in the fact that in Lower Canada it has been held by the courts that the wife is a competent witness under this Act.

HON. MR. ALMON—Compellable?

HON. MR. GOWAN—As a competent witness under this Act. In Ontario it has been held that she is not a competent witness, and in the Maritime Provinces it has been held that she is; therefore the Criminal Law is administered in a different way in one province from the way it is administered in another, and that is a sufficient reason why the point should be settled and the law rendered uniform all over the country. It is merely declaring that in prosecutions under this enactment the wife shall be a competent witness. With regard to whether compellable or not, that is a matter which can be settled in committee; but I think it is rather a summary mode of dealing with a bill of this kind to move the three months' hoist on the second reading rather than hear

what is to be said on the details. If there are any details which do not meet the approval of this House, they may be rejected. With regard to what has been said by the hon. gentleman from Niagara, and to some extent followed by the Postmaster-General, I am unable to see the force of his remarks. Now, as I understood my hon. friend from Niagara, he said that no measure pertaining to the administration of justice should be introduced into this House, unless it came from the hands of the Government, or responsible officers of the Government.

HON. MR. PLUMB—I did not make such a sweeping statement as that; I spoke of this particular Bill and the principle which underlies it.

HON. MR. GOWAN—I cannot agree to that proposition. In looking over the legislation since confederation, I find that in the 19 years which have passed since then, some 32 measures only of a public or general character have been introduced by gentlemen in this Chamber who were not members of the Government. While I think it would be a presumptuous thing for any one to endeavor to force his views on matters of high concern and public prominence without first conferring with the responsible Ministers of the Crown, at the same time I am not prepared to ignore the right that I have, and that every member of this House has, to bring forward matters for the consideration of this body—matters with which he is familiar. If hon. gentlemen in this House had brought forward measures for the general benefit of the country upon subjects with which they are familiar—had brought forward more measures of this kind—less would be said about the uselessness of this body; and so long as I stand in this House I shall always, if I introduce a measure of this kind, first refer it to responsible Ministers of the Crown who, whether referred to or not, are bound to watch proceedings of this kind, and see that the laws conform to the general system of jurisprudence of the country. Still every hon. gentleman of this House has a right, and I claim that right, to bring forward this measure, first having communicated with the Minister of the Crown. On the two

grounds referred to, I strongly urge that this Bill be allowed to go to Committee. I have no personal desire beyond considering what is due to myself and due to this House in bringing forward a measure that I think is of importance. I have no personal feeling whatever, but I do think that when one, who has large experience in matters of this kind, submits a question, after considering it carefully, to this House, that it ought not to be dealt with in this summary manner, particularly as the two judges who have pronounced most reluctantly (as any one can see on reading their judgments) against admitting the wife as a witness, have since expressed themselves in the way I have read to this House as being favorable to the measure.

HON. MR. PLUMB—Without altering my position, perhaps it would be fair, under the circumstances, that the Bill should be allowed to be read the second time.

HON. MR. ALMON—I should very much like to follow the dictates of my leader, but I fear I must be held guilty of high treason in this matter, because I think this Bill is such a wicked and unscriptural bill that it is my duty to oppose it. At all events, in doing so my hands are washed clean in endeavoring to prevent this innovation of the law and the Scripture. I did not vote with the Government in their attempt to lower the franchise by means of their Franchise Bill, or their Bill to impose restrictions on Chinese Immigration, which I consider contrary to the genius of the 19th century; nor do I support them in this case, and I feel it my duty to insist that the sense of the House shall be taken on the second reading of the Bill.

The House divided on the amendment, which was declared lost on the following division:—

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THE SPEAKER—The amendment is declared lost. The question is now on the second reading of the Bill.

HON. MR. BELLEROSE—I regret that this motion was made by the hon gentleman, but it having been moved I was bound to vote against the Bill. Last year the majority of my colleagues in the Senate voted the other way, the non-contents for the six months hoist on that occasion being Alexander, Archibald, Campbell (Sir Alex.), Flint, Girard, Gowan, Grant, Haythorne, McLelan, McInnes, McFarlane, Miller (Speaker), Odell, O'Donohoe, Pelletier, Poirier, Power, Scott, Smith, Stevens, Sutherland, Vidal and Wark. I could not help voting against the Bill now, as I did then, and I was sorry that I was obliged to do so, because I think the Bill ought to go to committee, to see whether it could be amended in such a way as to meet the views of the majority of the House.

The motion was agreed to, and the Bill was read the second time on the same division.

ANGLO-CANADIAN BANK BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (18) "An Act to incorporate the Anglo-Canadian Bank." He said: This is a Bill for the incorporation of a bank having its head-quarters in Toronto, with a capital of \$1,000,000.

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

The Senate adjourned at 6 o'clock.

## THE SENATE.

*Ottawa, Tuesday, April 13th, 1886.*

The Speaker took the Chair at three o'clock.

Prayers and Routine proceeding.

## THIRD READINGS.

The following Bills were read the third time and passed:—

Bill (60) "An Act to incorporate the Continental Bank of Canada." (Mr. McKay).

Bill (M) "An Act to consolidate the borrowing powers of the Western Canada Loan and Savings Company and to authorize the said Company to issue Debenture stock." (Mr. Allen)

Bill (L) "An Act to consolidate the borrowing powers of the Freehold and Saving Company and to authorize the said Company to issue debenture stock" (Mr. Allen.)

Bill (38) "An Act respecting the Niagara Grand Island Bridge Company." (Mr. Plumb)

Bill (32) "An Act to incorporate a community of religious Ladies under the name of the Sisters, Faithful Companions of Jesus." (Mr. Girard)

## BILLS INTRODUCED.

Bill (33) "An Act to incorporate the Sushwap and Okanagan Railway Company." (Mr. Nelson)

Bill (14) "An Act to reduce the capital stock of the Bank of New Brunswick." (Mr. Lewin)

Bill (50) "An Act respecting the Pictou Bank." (Mr. Power)

Bill (35) "An Act to amend the Act incorporating the Lake Nipissing and James' Bay Railway Company." (Mr. Girard)

Bill (45) "An Act respecting the Dominion Lands Colonization Company, Limited." (Mr. McInnes.)

Bill (27) "An Act to amend the Act to incorporate the West Ontario and Pacific Railway Company." (Mr. Plumb)

Bill (51) "An Act to amend the Act to incorporate the Nova Scotia Steamship Company, Limited." (Mr. Power)

Bill (43) "An Act to amend the Act to incorporate the Canada Atlantic Railway Company." (Mr. Clemow.)

## AN ADJOURNMENT DURING PLEASURE.

HON. SIR ALEX. CAMPBELL—In pursuance of the notice of motion that I gave yesterday I move that the House adjourn during pleasure, with the understanding that they meet again at 5 o'clock.

The motion was agreed to and the Speaker left the chair.

The Speaker resumed the chair at 6:05 p.m.

## MEDICINE HAT RAILWAY BILL.

## SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (54) "An Act to incorporate the Medicine Hat Railway and Coal Company." He said: The object of this Bill is to charter a company to build a railway from a point near Medicine Hat, in the North-West Territories, on the line of the Canadian Pacific Railway, to the Saskatchewan.

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

## ESQUIMALT AND NANAIMO RAILWAY BILL.

## SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (47) "An Act respecting the railway from Esquimalt to Nanaimo, in British Columbia." He said: This is a bill to assent to a sharper curve for this railway than was provided for in the original arrangement.

HON. MR. POWER—There is an important principle involved in this Bill, and I suppose the leader of the House will have no objection to discussing it in the committee stage.

HON. SIR ALEX. CAMPBELL—Not the least.

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

### UNION SUSPENSION BRIDGE BILL

#### SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (72) "An Act respecting the Union Suspension Bridge." He said: This is a Bill to give up the tolls collected by the Government on the suspension bridge across the Ottawa river at this city.

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

### INSURANCE BILL.

#### THIRD READING.

The order of the day having been called, House again in Committee of the Whole on Bill (G), "An act respecting insurance."

HON. SIR ALEX. CAMPBELL said: As it was thought some changes were desired in this Bill when it was in committee, I moved to have the Bill recommitted, but I have since ascertained that no changes are necessary. I therefore move that the order of the day be discharged, and that the Bill be read the third time presently. The hon. gentleman from Halifax referred to some foot notes at the ends of the schedules, which he thought should be eliminated. It is desired that those notes be retained in the meantime; they will disappear afterwards.

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

The Senate adjourned at 6.20 p.m.

### THE SENATE.

*Ottawa, Wednesday, April 14th, 1886.*

The SPEAKER took the chair at three o'clock.

Prayers and routine proceedings.

### AN ADJOURNMENT.

HON. SIR ALEX. CAMPBELL moved

That when the Senate adjourns on Thursday, the 15th instant, it do stand adjourned until Wednesday, the 28th instant, at eight o'clock in the evening.

He said—Some adjournment at Easter is necessary, and it seemed to me that that would be an adjournment which would meet, as far as it could be met, the convenience of members generally.

HON. MR. DICKEY—I suppose, as this is a Government measure, I shall appeal in vain to the House to pause before passing it. At all events it ought not to pass except under protest. We have already had a fortnight's adjournment.

HON. MR. ALMON—No, not a fortnight.

HON. MR. DICKEY—Yes, and we are asked for another adjournment of a fortnight, and I feel it my duty to point out to the House that the business of Parliament has so far advanced that it is expected the prorogation will take place about the Queen's birthday. We shall then have sat three months, and we shall have passed one-third of the whole of that time adjourned from our public duty if this motion is carried. There is another fact that stares us in the face from our own Minutes—that we have now about one dozen bills before us for consideration, and some half a dozen of them are of a character that requires careful consideration by committees, which, under our rule, cannot possibly take place after they are read the second time if there is to be an adjournment. In many cases parties are in attendance, expecting their measures to come before the Committees, and they will be obliged to wait another fortnight for that purpose. We are entering, I hope, upon the last six weeks of the Session, and we are deliberately proposing to cut off one-third of that time, leaving only some four weeks to finish the business of Parliament. I do not therefore think it is such an adjournment as will commend itself to the general sense of the House. It may be very convenient for certain members to have this adjournment, and I should be very

sorry to stand in the way of their spending a fortnight at their homes during the Session ; but when Bills are before us such as require our consideration, we have no alternative but to rush into their consideration hastily and try to get them through in time to allow hon. gentlemen to leave to-morrow or the next day. Under the circumstances, it is only in discharge of a public duty that I oppose this motion, and I regret that I am called upon to enter my protest against this adjournme

HON. MR. ALEXANDER—We have at all events to-day to compliment the hon. and gallant knight that he has had the courage to place his name to this motion, and not inspire another member of the House to bring it forward. I am a little surprised at the remarks of the hon. gentleman from Amherst, and I am much afraid that those remarks of his, will place him in the category in which I stand—of disaffected members. Possessing, as I do, powerful influence in this Chamber, I have no doubt that, if I supplicated the House to negative this motion it might be lost ; but I am inclined, like an old friend of mine whom I visited some years ago, whose son was present, and was acting improperly, and when I suggested to his father to correct him, replied, “I think it better not to correct him, because I fear that I should lose all the powerful influence with him, that I am supposed to have.” That is the effect I should suppose would follow if I tried the same experiment here. The leader of the House, is no doubt conscious of the many acts of wrong doing of the present Government. I have no doubt that his policy, if openly proclaimed, is that there cannot be too many adjournments. The hon. gentleman’s object is to prevent as much as possible any criticism or exposure of the thousand acts of maladministration of the party now in power. That is just his desire and purpose. We now behold him having the audacity to ask the House to adjourn for a fortnight to the hindrance of the public business. We have a whole page of orders before us to-day, and with the thousand and one matters to investigate, as he himself knows—for no one better knows than he, who is a member of the Government—with the thousand matters which we ought to investigate, showing incapacity, reckless-

ness and waste of the public resources of the country. I know that the hon. gentleman will reply, that we have done a large amount of public business. We certainly have been busy during the last week. We have done a great deal of business from the standpoint of hon. gentlemen who occupy the treasury benches, and it has been of an important character. For instance we have appointed a gagging committee. That is a very important matter but the gagging committee have not yet reported, and I very much doubt whether after the loud expression of disapproval made by the press of the Dominion, it will report. It is somewhat ridiculous the leader of the House named a committee to gag a member who is upwards of 70 years of age and who has been endeavoring, to the best of his judgment, to serve his country honestly and faithfully and to stop wrong doing and crime. Then we have fought three or four rather hard battles with the party of interruption, commanded by a very distinguished general from the Northern States, who I believe was born in Albany but must have been educated at West Point. That party of interruptions have had a recent accession to their ranks in the learned Senator from Barrie. I wish I could compliment the learned gentleman upon his joining their ranks in some of those battles referred to. I think the party attacked had rather the best of it ; at least he punished somewhat severely two of those troublesome members, namely, the leader of the House and the Senator from Niagara. I desire now, calmly and dispassionately, to state here that I will brook no unseemly interruption, in the course of debate, from any quarter. Then again I had on Monday to punish another interrupter of legitimate debate as will appear in the official report which is issued this afternoon. Amongst the other important matters done by the House I must not forget to cite some of the important legislation we have really passed emanating from a great legal luminary who has come here, overflowing with patriotic zeal, to elevate the Senate in public estimation by introducing some statesmanlike measures, and thereby show to the country our usefulness. The first act emanating from the great and learned mind was the famous Pawnbroker’s Bill which I am sure will stand forth as a

monument of the hon. gentleman's superior mind and will have the effect of removing much of the clamor which has manifested itself in the local press throughout the Dominion in regard to this august body.

HON. MR. BOTSFORD—I rise to a point of order: the hon. gentleman is entirely out of order.

HON. MR. ALEXANDER—Sit down! Will the Speaker call the hon. gentleman to order? I am always interrupted by that hon. gentleman when I want to speak. (Cries of "chair, chair.")

THE SPEAKER—I wish to read for the benefit of the House the 25th rule, as I find it is impossible to get some gentlemen to understand:—"Any Senator called to order shall sit down"—

HON. SIR ALEX. CAMPBELL—That is the hon. member from Woodstock: he should sit down.

THE SPEAKER (continuing to quote)—"and shall not proceed without leave of the Senate." I did not catch the hon. gentleman's point of order.

HON. MR. BOTSFORD—The hon. member from Woodstock is not addressing himself to the motion before the House, and therefore he is not in order.

HON. MR. ALEXANDER—Will the Speaker allow me to explain?

THE SPEAKER—The hon. gentleman may speak to the point of order. The rule which I have just cited does not prevent a member speaking to the point of order itself, but he must confine himself strictly to the point of order—he cannot address the House.

HON. MR. ALEXANDER—I have to thank the hon. Speaker for permitting me to explain that I think I am in order in speaking about the useful business we have done and are endeavoring to do.

THE SPEAKER—The hon. gentleman is, in my opinion, quite out of order, and has been out of order the last five minutes.

HON. MR. PLUMB—The hon. gentleman is making a sharp and taxing speech.

HON. MR. ALEXANDER—I will put myself in order.

HON. MR. BOTSFORD—But the hon. gentleman must get leave of the House before he can address it.

HON. MR. ALEXANDER—Then I humbly and respectfully ask permission of the House to say a few words more. (Cries of "no" and "yes.")

THE SPEAKER—The hon. member may proceed.

HON. MR. ALEXANDER—I have only to add that this famous Pawnbroker's Bill—(Cries of "order.")

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

HON. MR. ALEXANDER—Then I have nothing further to add.

HON. MR. GOWAN—I desire to say—

HON. GENTLEMEN—Never mind him.

HON. MR. PLUMB—Do not notice him.

HON. MR. GOWAN—I desire to say that I think it would be unreasonable and unfair to refuse the adjournment that is asked. I believe that there will be not more than five working days lost, and I think that those gentlemen from the Maritime Provinces who, on other occasions, have been unable to visit their homes, are entitled to this concession. Under the circumstances, the motion which has been made by the hon. leader of the House ought to be sustained. If the House will permit me, I desire to say one or two words in reference to some remarks which were made by the hon. member from Woodstock, not that I value in the slightest degree the reproaches that were passed upon me personally, but I think it is due to myself that I should make some allusion to what he said upon a previous occasion. The hon. member from Woodstock is a



travelled man, who has seen many lands, and many works of art. Amongst the latter he saw a picture in which he says there was a character that bore a strong resemblance to me.

HON. MR. ALMON—I rise to a question of order. If the hon. member from Woodstock, was out of order surely the hon. gentleman from Barrie in replying to him is also out of order. If the premises are not in order surely the arguments based upon them are not in order.

THE SPEAKER—The hon. member from Halifax did not stop the hon. Senator from Woodstock when he was attacking the hon. gentleman from Barrie. The hon. gentleman from Woodstock was allowed to say anything that he pleased, and therefore I think the hon. member from Barrie has a perfect right to reply to what fell from the hon. member from Woodstock respecting him.

HON. MR. GOWAN—I would not have said anything had the hon. member from Woodstock been stopped in his remarks respecting me when he stated that he deliberately attempted to throw ridicule upon me on a previous occasion. I do not desire to throw ridicule on him—to shoot at crows is powder thrown away. But there is a sequel to that picture of Mordecai. There is a certain character that Mordecai referred to when he was opposing the designs of that wicked man who desired to injure innocent people, and that was Haman, who was hanged on a gallows many cubits high. I do not desire to say that the hon. gentleman from Woodstock is like the wicked Haman who was hanged, but I do think there is perhaps as much resemblance to the wicked Haman in him as there is to Mordecai in me. With regard to what the hon. gentleman says about me personally I care not—I value it as little as the idle winds that pass me by.

HON. MR. ALMON—I rise to a point of order; I think the discussion is on a motion that when this House adjourns tomorrow it stand adjourned till the 28th instant.

THE SPEAKER—I think the hon.

HON. MR. GOWAN.

member from Barrie is quite within the latitude allowed in this House to a member who has been attacked.

HON. MR. GOWAN—I have endeavored in an humble way to bring forward measures to which the hon. gentleman has referred, and I have tried to be useful. My hon. friend the junior member from Halifax, who interrupted me, is a distinguished member of the Senate, who has been for many years in Parliament. He has been for seven years in this body and what is the result of his long experience and his knowledge? He has not introduced in the seven years one single Bill. Under the circumstances I think it is unfair to assail me when I venture in a very humble way to improve the administration of the law.

HON. MR. ALEXANDER—Pawnbrokers Bills.

HON. MR. GOWAN—The measures I introduced may be regarded by some hon. gentlemen as small, but they are not small, for the principles of benevolence and justice make them great.

HON. MR. FLINT—I am always opposed to adjournments; I do not think they are right. We are here to do the business of the country; but it is quite evident, under all the circumstances of the case, that if we have any adjournment at all, we might as well have it for the time mentioned by the hon. the Postmaster General. Many members of the Senate live a long distance from the Capital and they should have an opportunity to visit their homes during the season. The Postmaster General is greatly indebted to the hon. member from Barrie for having drawn off the vials of wrath that the hon. member from Woodstock usually pours upon him. If the hon. member from Woodstock would take my advice he would be better off than he is; but he cannot. It seems morally impossible for that hon. gentleman to rise in this House on any occasion without pitching into some one of two or three hon. gentlemen here. What the reason is I cannot conceive. I hear the hon. gentleman every day here joining in that beautiful prayer of our Lord where he taught

his disciples to say "Forgive us our trespasses as we forgive those who trespass against us." But he does not do it; he follows every man that he thinks is his enemy with a virulence that convinces me that he is not sincere in that prayer. If he is not sincere what must be the consequence? I would not stand in his shoes for all the world—I would not join in that prayer and immediately afterwards rise, as he does, and use abusive language towards different parties in the House. I think his wish would be to send them all down to perdition. If his prayer is to be answered he must go there himself, and if he goes there what part does he expect to take? Does he expect that his Satanic Majesty will give him a red hot poker with which to stir up his enemies.

HON. MR. MACDONALD (B. C.)—  
Form a Cabinet there.

HON. MR. FLINT—I think if he considers that properly, he will either pray that he may be forgiven himself or that his enemies may be forgiven, and not ask to be forgiven as he forgives others, because certainly he does not forgive others, and consequently cannot expect forgiveness himself.

HON. MR. ALMON—I think that according to the finding of his honor the Speaker, I would be now justified in answering the hon. member from Barrie, but he is so wrapt up in his Pawnbroker's Bill and in his Bill to make a woman a compellable witness against her husband, it is unnecessary to refer to him. I felt, while the hon. member was speaking, the force of the old remark that "laws, like cobwebs, catch the little flies but let the big flies break through": it certainly has been exemplified in this House to-day. The two gentlemen who have last spoken I think, were out of order—certainly the hon. member from Barrie was, quite as much as the hon. member from Woodstock. The last recess that the House took was one of which the members from the Maritime Provinces could not avail themselves. It was not the fault of the hon. gentlemen who supported the resolution, but the House resumed on a Tuesday. If those who live in the Maritime Provinces had gone home they would have been

obliged to leave for Ottawa, on their return, on a Saturday and be detained on the road over Sunday, so that the recess was quite useless to them. However, we did not grudge hon. members who live nearer the Capital their holidays. I do not think that this House is at all furthering the business of the country by meeting every day and doing nothing. I remember one time reading a passage in Bacon's works where the author makes Queen Elizabeth address the Speaker of the House and inquire "what has passed since your meeting six weeks ago?" The reply was "Please your Majesty, six weeks." That is the way in which we meet, and if instead of adjourning to-morrow we were to remain here and meet ever day we would pass nothing but two weeks. There have been certainly some interesting debates in this House, but to my mind, quoting the opinions of judges on Bills before the House was more suited to a debating society, and a very stupid one at that, than to a body like this. I think if we go away for two weeks and read the papers and books we will get through as much business as if we remained and drawled out the time here.

HON. MR. HAYTHORNE—I shall just make a very few remarks upon this point. I have invariably opposed those adjournments and although I am myself one of those Senators whose home lies at a distance, I am not going to allow my own convenience to influence my vote on this occasion. In my opinion it is not to be desired by any means that those adjournments should take place. They create an unfavorable impression abroad as to the utility of this House. I remember very well that, very soon after the previous adjournment, comments appeared in the press of Ontario reflecting on the utility of this chamber, and a second long adjournment in the same session will I think give some sort of foundation for these unfavorable opinions as regards this body. It cannot be said with any foundation that we have only a small amount of business before us. Besides the ordinary committees of the Senate there are the Joint Committees of this House and the House of Commons, the business of which is always increasing; and the absence of members from their places on those com-

mittees would seem to indicate that it is not at all necessary that they should be there at all. Moreover, there is by no means a lack of business on our order paper to-day, and it is quite likely that the business will increase rapidly as time wears on. I therefore think it is unnecessary that we should have this adjournment now. Had it been for a few days, between Thursday of Easter week and the Tuesday following, no one could object to it, because there are days during that interval that many of us are inclined to regard as of unusual sacredness; but when the adjournment extends to 14 days, the natural consequence is, as my hon. friend from Amherst remarked, that the business is too rapidly put through. After an adjournment there is an accumulation of business of all kinds, and hon. gentlemen who endeavor to perform their duties faithfully are constantly compelled to transfer their attention from one subject to another in a manner which prevents them from doing justice to either. If a division is taken on this motion I shall certainly vote against it.

HON. MR. O'DONOHUE—My hon. friend who has just taken his seat speaks of the adjournment as being for fourteen days. Between our present sitting, and the time at which we are to meet again after this adjournment, there are not more than five or six working days, and that is the time lost, and not fourteen days. If the motion had been made by any member of the Senate not responsible for the business of Parliament, objection might be taken to it, but when the adjournment is not only sanctioned but proposed by the leader of the Government here, it seems to me that we can, with full safety, concur in that motion. After our return, if there be any pressure of business, no hon. gentleman can have any objection to night sittings, if they be necessary, and in two or three night sittings all the business that may be in arrear can be easily disposed of. If the generous feeling of hon. members of this House is that gentlemen should get leave to avail themselves of the Easter holidays to visit their families, while no injury can befall the public business, it seems to me the proper thing is to concur in it. I therefore am in favor of this motion, and I think it should be concurred in.

HON. MR. KAULBACH—I believe that the leader of this House consulted the views of hon. gentlemen, and not his own convenience, and he has proposed this adjournment in consequence of the strong feeling manifested by a majority of the House in that direction. I have always opposed those adjournments, and oppose this one now, as I think it is too long a recess at the period of the session. Knowing, however, that the motion has come from the leader of the House, a large number of gentlemen have already prepared themselves to go home in anticipation of its being carried, and it would be exceedingly inconvenient to them if they were to be disappointed.

HON. SIR ALEX. CAMPBELL—There can be no question that if there were any real occasion for our remaining here, undoubtedly we would remain during the holiday season: but representing the Government in this House, I know pretty well the current of business and what Bills are expected from the other House, and I understand the character of the Bills before us now. The hon. gentleman from Amherst has alluded to bills being on the table which will occupy considerable time. I differ from him in that: they will occupy but a very short time. Any hon. gentleman who will look over them will find that they are not likely to occupy the time of the House, as they are nearly all private bills. There are only two measures which may be expected within the next day or two from the other Chamber. The other House will undoubtedly adjourn to-morrow. They will assemble again on the following Tuesday, Monday being a holiday. The public business will sustain no inconvenience by this adjournment. When a holiday was necessary, I have always felt it to be my duty, as representing the Government here, not only to propose it, but to say at what length, in my judgment the House might fairly go, without interfering with the public business. When other adjournments have been proposed, and when asked the question, I have said whether it would interfere with the public business or not. On this occasion I do not urge the holiday, but at Easter it is necessary, and understanding what is going on in the other branch of Parliament, I have proposed the adjournment for the

time mentioned. As to what the hon. gentleman opposite has said about public opinion, the House should be governed by its own opinion of what is in the public service.

HON. MR. DICKEY—The hon. gentleman has entirely misunderstood my reference to the Bills on the order paper. What I said is this: there are nine Private Bills which have to go to committee, and cannot go to committee now until after the adjournment, unless we suspend all the rules and rush them through to-morrow, and it cannot be done. For instance, the Private Bills Committee does not meet to-morrow. The Railway Committee meets for an hour or two earlier for the purpose of anticipating the Banking Committee. But my objection is that the parties interested in those Bills will have to wait for this Private Bill legislation until after the adjournment. I have been taunted with opposing the Government. It is not the first time I have opposed government measures, and it is certainly not the first time I have opposed those adjournments when offered by the Government.

HON. SIR ALEX. CAMPBELL—I misunderstood my hon. friend: I thought he referred to the bills on the table. The Bills are from the other House, and having passed there, we cannot suspect that there will be any difficulty in getting them through here, although some of the witnesses may be obliged to remain over.

The motion was agreed to on a division.

### CONTINGENT ACCOUNTS COMMITTEE.

#### MOTION.

HON. SIR ALEX. CAMPBELL moved  
That the Honorable Mr. Plumb be added to the Select Committee appointed to examine and report upon the Contingent Accounts of the Senate for the present Session.

The motion was agreed to.

### NORTH AMERICAN TELEGRAPH COMPANY'S BILL.

#### A SUSPENSION OF THE 51ST RULE.

HON. MR. SULLIVAN moved that

HON. SIR ALEX. CAMPBELL.

the 51st rule of this House be suspended in so far as it relates to the petition of R. W. Carter and others praying to be incorporated as the North American Telegraph Company, as recommended in the 8th report of the Committee on Standing Orders and Private Bills. He said: the reason why the suspension of the rule is asked for is, I believe, that the company is doing business all through the Dominion, and did not consider it necessary to comply with the rule requiring notice of this application in the newspapers.

HON. MR. POWER—When this petition was before the Committee on Standing Orders and Private Bills, I gave my hon. friend notice that I should oppose the motion which he has just made. The Bill, is one of an important character. It is for the incorporation of a company with power to construct telegraph and telephone lines and to manufacture telephones, and apparently to operate all over the Dominion. Notice of the intention to apply for this Act of incorporation was given in the *Canada Gazette* and nowhere else. Hon. gentlemen know perfectly well that the *Canada Gazette* is a paper which practically the public does not see, and the object of giving notice of those private bills through the press, is that persons whose interests may be affected by them may be made aware of the intention to ask for legislation, and may be in a position to come and defend their interests which may suffer by the passing of those bills. There are at the present time only about three telegraph companies in operation in the Dominion. Hon. members who have been any time in the House know how vigorously those bills are fought in Parliament, and can realize, in all probability, if adequate notice had been given, this measure would be opposed. There is no doubt that the introduction of the Bill here is a sort of notice, but it is not the notice that the parties whose interests may be affected are entitled to receive. Our rule as to the publication in newspapers other than the official *Gazette* is that in Quebec and Manitoba a notice is to be inserted in the *Canada Gazette* in the English and French languages, and in one newspaper in English and in one in the French language, or in both languages in one paper if there be but one in the

district affected; or if there be no paper published therein, then in both languages in a paper published in the nearest district in which a newspaper is published. In any other province the notice is to be published in one newspaper published in the county, or union of counties affected, or if there be no paper published therein, then in a newspaper in the nearest county in which a newspaper is published.

The argument of the hon. gentleman who has moved this resolution is that if the Bill affects only one district, or only one small section of the country, then it must be published in the newspaper; but if it affects not one but many districts, it should not be published in a newspaper at all. I think the rule should be that notice of a measure affecting the whole Dominion should be published in one newspaper in the chief city of each of the provinces. I see by the Bill which this petition refers to that the headquarters of the Company are to be in Kingston. There are very respectable papers published in Kingston, and the least that these gentlemen should have done was to have given notice of this application in one of those papers. This is not a case where the rule should be suspended, and the fact that among the promoters of the Bill are two or three members of the other House, is a reason why every rule should be strictly complied with.

HON. SIR ALEX. CAMPBELL—The Committee have recommended that the rule be suspended, so far as it relates to this Bill. The hon. gentleman should have urged his objection before the Committee.

HON. MR. POWER—I did.

HON. SIR ALEX. CAMPBELL—Then if the hon. gentleman was overruled, the House might assume that when a Bill comes to us from a Committee where it has been sustained, that satisfactory reasons were given for non-compliance with the rule.

HON. MR. POWER—After the Bill has been referred to the Committee it is too late to take the technical objection.

HON. SIR ALEX. CAMPBELL—The report of the Committee is

Your Committee also examined the Petition of R. C. Carter, and others; praying to be incorporated as "The North American Telegraph Company," and found that the notice of application has been duly published in the *Canada Gazette*, but that no notices had been published in any local newspapers. Your Committee recommend that Fifty-first Rule be suspended in this case, as it will be competent for the Committee to whom the said Bill shall be referred to provide that no injury to any party shall arise therefrom.

The Committee will take care that no injury is sustained by parties who are interested in this measure. I think it is the safer plan for us to adopt the recommendation of the Committee.

HON. MR. DICKEY—I think the hon. gentleman from Halifax is strictly within his rights in urging his objection now; it does not follow, because a member is overruled in the Committee by a majority of one or two, that he should feel himself tied down by the decision of the Committee. At the same time, I agree with the hon. gentleman opposite, that where it is a matter of regulation we do, as a general rule, adopt the recommendation of the Committee. I do not know exactly the scope or extent of this Bill, and before the suspension of the rule we should have some further information about it. We certainly should let it stand over until to-morrow so as to have an opportunity of looking into it. I do not think it is well to rush these matters when an objection is raised by an hon. gentleman in his place. He may be right or he may be wrong, but my present impression is that there is a good deal of force in his objection and no harm could be done by allowing this matter to stand until to-morrow.

HON. MR. SULLIVAN—I understood that it was not an unprecedented matter to have the rule suspended, and I also supposed that the fact of the House of Commons having allowed it to pass would prevent any opposition, since the object is to establish telegraph and telephone lines throughout the Dominion. I have no objection to let it stand over if hon. gentlemen wish.

The Bill was allowed to stand.

## BURLINGTON BAY CANAL BILL.

## SECOND READING.

HON SIR ALEX. CAMPBELL moved the second reading of Bill (76) "An Act respecting the Burlington Bay Canal." He said this is a Bill from the House of Commons the object of which is to abandon the tolls on the Burlington Bay Canal, which is a short channel connecting Burlington Bay with Lake Ontario.

HON MR. POWER—I do not rise for the purpose of making any extended observations on the Bill now before the House, and I do not propose to offer any opposition to it directly. The Bill is not one which very seriously affects the revenue of the country; it does to some limited extent. The Bill recognizes a principle which I think is of some considerable importance. I understand that this Burlington Bay Canal is substantially the entrance to the harbor of the City of Hamilton, that the Government of Canada have spent a considerable sum of money in making this canal; there are I think two lighthouses at the entrance of the harbor, and I understand that the Dominion Government maintain a ferry across the canal. I do not know whether the Government intend to do away with the tolls on the ferry.

HON. SIR ALEX. CAMPBELL—There is a railway bridge over the canal. I am not aware that there is a ferry.

HON MR. POWER—I understood that the tolls was charged on a ferry. The Government proposes to maintain the canal lighthouses, and ferry without charging any tolls. I think that might be called the small end of a very large wedge. A proposition is before the Government and is being pressed with a good deal of vigor by the people of Montreal, and also I believe by the people of Hamilton and Toronto for the abolition of the tolls on the Government canals generally. I doubt the wisdom of that course. The country takes money from the people at large and spends it on these canals, and I think that the public should receive whatever revenue is to be got from the canals. In Australia where the rail-

ways are Government property as a general thing, the Government receives a handsome revenue from them, and the same rule should apply to canals. If we pass this Bill we establish a precedent which will be cited when the proposition is made to abolish the tolls on the other canals. When that is done, I want to know on what logical ground the Government can refuse to abolish the tolls on the Intercolonial Railway? If it is right that the tolls on the canals, which have been built with the public money, shall be abolished, then is it not right that the tolls on the Intercolonial Railway should be abolished also? Not only have the Government so far declined to abolish the tolls on that road but they have kept them up at a figure which a great many people think is unreasonably high. I have thought it my duty in connection with this Bill to call attention to what we may look forward to in the future; I warn the Minister that if the Government proceed farther in that direction (they have already reduced the tolls on the canals one-half) great dissatisfaction will be created in the Maritime Provinces if the rates on the Intercolonial Railway are not abolished or at least considerably reduced. It occurs to me that the proper way to deal with this matter would be to hand over the Burlington Bay Canal with its ferry to the City of Hamilton; and the Government, having built the canal and maintained it for some time, would be perfectly right in doing so and allowing the people of Hamilton to dispose of it as they please.

HON. MR. MACINNES (Burlington)—I beg to state that the amount of tolls collected on the Burlington Bay Canal is less than \$1,500 a year and also that from reliable calculations, which have been made, that the Government have in their hands a large sum over and above the original cost of the canal to the country. Of course, the object of the work is to facilitate trade and navigation at the place, but the collection of tolls is found to be vexatious. With reference to the statement of the hon. gentleman from Halifax as to the Intercolonial Railway, I can tell him from personal knowledge, having gone through rates of the Intercolonial Railway some years ago, that there are no people in this country who get their

freights carried so cheaply as the people of the Maritime Provinces: neither is there any part of the Dominion where passengers are carried so cheaply as they are in the Lower Provinces over the Intercolonial Railway. It strikes me that the arguments of the hon. gentleman are rather puerile, that because the tolls on a canal half a mile long are to be abolished on the petition of the people of the place, that therefore there is danger that no rates will be collected on the Intercolonial Railway.

HON. MR. KAULBACH—It is evident to my mind that it is in the interest of the Lower Provinces that the tolls on the canals should be reduced, because it is bringing the trade from the west down to our Lower Province ports. The greater the facilities we offer to trade, the more we will get, and the cheapness of transport by our canals must be of vital importance to us. It brings us products of the Western states which would otherwise go by the Erie Canal to New York, so that the Maritime Provinces must be benefited by any reduction on the canal tolls. But my hon. friend from Halifax is not altogether consistent as regard the Intercolonial Railway. He thinks the rates are too high now: it is not long since he informed us that the Intercolonial Railway should be run on commercial principles and made to pay its own expenses—that it was not of so much importance to the Maritime Provinces as it was to the people of western Canada. He contended that the people of the Maritime Provinces had not much freight to send over it, but that it was all-important to the people of the west as a means of sending their products down to the Lower Provinces. Therefore, my hon. friend is not consistent in this matter when he says now that the people of the Lower Provinces are complaining of the high tariff on the Intercolonial Railway, and would like to have it reduced.

HON. MR. TURNER—The channel to which this Bill refers is called a canal, but it really is not; it is just an entrance from Lake Ontario to a body of water called Burlington Bay. It was originally a river, and a small stream ran from the Bay to the Lake. Ultimately it was found necessary, in the interests of trade, to make

the passage large enough for vessels. The grand object of this Bill is to put it under the control of the Board of Works and make it a harbor of refuge. It cannot come under the name of a canal at all. It is the only place where vessels coming down the Welland Canal can come to; they have no other harbor of refuge when north-east winds are blowing. It is necessary for the Government to keep up this canal and it costs more to collect the revenue from it than the tolls amount to.

HON. MR. DEVER—There is something rather dark about this transaction. The gentlemen from the Upper Provinces are quite right in advocating this Bill; but I do not think it recommends itself highly to the people of the Maritime Provinces. We learn that a ferry boat is maintained, and that other expenditures are involved in connection with the maintaining of this work. We have a harbor in New Brunswick known as the Harbor of St. John.

HON. MR. ALMON—When the tide is in.

HON. MR. DEVER—It is a harbor at any rate which takes the trade from Halifax. We have a ferry boat plying between those portions of St. John known as the western, and eastern sides, and the consequence is that it is quite an expensive ferry to the citizens of St. John and Carleton. The cost of it is felt a good deal owing, perhaps, to our somewhat reduced circumstances and our increased taxation since the great fire. Now if the Government of Canada, seeing they are about to abolish the tolls on a ferry boat in Upper Canada, would take over this ferry, it would be but fair. No doubt Upper Canadians are men of importance and weight in this House; nevertheless, the people of the Lower Province are of some importance also, and it strikes me that they are just as sensitive to the action of the Government as any other portion of the Dominion. In the last election it was believed very generally that the iron bridge would cross that portion of the harbor of St. John known as Navy Island, and in consequence of that the portion of St. John known as Carleton was induced to give a large vote in support of the Government. But instead of crossing there, the bridge was

located at a place wholly adverse to the interests of those people. The Government should, under the circumstances, consider our case and give us a free ferry on the harbor of St. John; it would be looked upon as an equivalent to this concession given to Upper Canada.

HON. SIR ALEX. CAMPBELL.—The House must bear in mind, in dealing with a question of this kind, that the House of Commons, which is particularly charged with these subjects, has agreed that these tolls should be abandoned. As the Commons and not the Senate, has charge of the public purse, it seems to me that we might perhaps devote less careful consideration to this measure than would otherwise be reasonable.

HON. MR. POWER—No.

HON. SIR ALEX. CAMPBELL—With reference to the question itself there was, as my hon. friend from Hamilton (Mr. Turner) said, an opening between Burlington Bay and the lake, and the operations of the Government have only been to wharf the two sides of this natural opening so as to use it without difficulty for the entrance of Burlington Bay, not only for the purposes of the City of Hamilton but to enable vessels in distress in that corner of the lake to reach a place of safety, a very important feature. It very often happens that vessels up in the bight of Lake Ontario have occasion to run into some place of refuge, and this Burlington Bay Canal enables them to do so. It therefore serves a double purpose, in the interests of the commerce of the country and also of the city of Hamilton. The revenue from this work in five years is given in a table which I hold in my hands. The net revenue seems to be about \$2,000 a year; that is really the amount which is being given up. Then, in commenting upon giving up the tolls and contrasting what has been done here and in the Maritime Provinces, it should be borne in mind that the tolls on the canals in the west have been reduced, at the instance of the Boards of Trade at Montreal, Quebec and other places in the East, than from any conception that it is going to benefit Ontario in any way. It was done for the general purposes of

commerce, because the tolls on the Erie Canal were being reduced, and it was thought the general current of the business on the St. Lawrence would be attenuated if we did not reduce our tolls also. The reduction was not particularly for the benefit of Ontario, but for the advancement of the material interests of the Dominion at large.

HON. MR. DEVER—The Board of Trade of St. John would not recommend it.

The motion was agreed to, and the Bill was read the second time, at length, at the Table.

## OFFENCES AGAINST THE PERSON BILL.

ORDER POSTPONED.

The Order of the Day having been called :—

“Committee of the Whole House on Bill (N)—Offences against the person amendment Bill.”

HON. MR. GOWAN moved that the Order of the Day be discharged and that the said Bill be committed to a Committee of the whole House on the 29th instant.

HON. MR. ALMON—Before this motion is adopted I would call the attention of the House to a report of our proceedings which appears in the *Citizen* of yesterday. I do not mean to say that it was inspired by any person within the walls of this House, but I think when I read it you will see that there has been a great oversight on the part of the reporter who made the report. It is as follows :—

“Hon. Mr. GOWAN moved the second reading of a bill entitled “An Act to amend the Act respecting offences against the person.” This Bill, he said, proposes to deal with one of the sections in the Act relating to offences against the person by making the law upon the points covered by this Bill uniform all over the Dominion. The Bill proposes to enact that the wife shall be a competent witness in prosecutions by indictment against her husband for willfully and without reasonable cause, refusing to provide food or other necessities for his wife or for his child. In Ontario it has been decided, and the law is, that in such cases the wife is not a competent witness. In Lower Canada it has been decided



that she is a competent witness, and so, in at least one of our Maritime Provinces."

HON. MR. ALMON moved that the Bill receive a six months' hoist.

Now it is unfair to say that I opposed the Bill when the point to which I objected is omitted, and it is a singular thing that it escaped the notice of the reporter that the objection was to the wife being made a "compellable" witness, since that was the point commented upon not only by myself but by several other members. Nobody supposes that the hon. member from Barrie inspired this, but people who have not the same Christian charity that I possess, might suppose that he did, and I merely mention the matter to give him an opportunity to rebut the charge.

HON. MR. GOWAN—I can only say that I not only never saw but never heard of the article before now, and I decline to be answerable for anything that appears in the newspapers.

The motion was agreed to.

#### BANK OF NEW BRUNSWICK BILL.

##### SECOND READING.

HON. MR. LEWIN moved the second reading of Bill (14) "An Act to reduce the capital stock of the Bank of New Brunswick." He said: The object of this Bill is to reduce the capital stock of the Bank of New Brunswick from \$1,000,000 to \$500,000. The necessity of this reduction has been growing upon us for the last two years. The collapse of wooden ship building, which used to employ a very large amount of the capital of the bank, as well as the establishment of branch banks and agencies of other banks throughout the whole Province of New Brunswick, has given us this large amount of surplus funds, which we find we cannot legitimately employ in the Bank. Consequently a meeting of the shareholders was held in October last, when the question was submitted to them, what should be done in the matter. By almost unanimous resolution they resolved to reduce the capital stock of the bank, and instructed the directors to apply to this Parliament for legislation to enable them to do so. That is the object of this Bill.

HON. MR. ALMON.

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

#### PICTOU BANK BILL.

##### SECOND READING.

HON. MR. POWER moved the second reading of Bill (50) "An Act respecting the Pictou Bank." He said: This is a Bill to reduce the capital stock of the Pictou Bank. The paid up capital is now \$250,000, and this Bill asks to reduce it to \$200,000. The bank sustained very heavy losses some time ago, and has found it necessary to suspend payment of dividends since January 1884. There was a general meeting of the bank held on the 27th of last January at which the shareholders unanimously resolved that application be made to Parliament, in the usual way, for authority to reduce the present paid-up capital of \$250,000 by \$50,000, and that the balance be placed in the reserve fund to await the liquidation of assets.

The motion was agreed to.

#### NIPISSING AND JAMES' BAY RAILWAY COMPANY'S BILL.

##### SECOND READING.

HON. MR. TURNER moved the second reading of Bill (35) "An Act to amend the Act to incorporate the Lake Nipissing and James' Bay Railway Company." He said: The object of this Bill is to extend the time for commencing operations, and, further, to divide the road into several sections.

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

#### DOMINION LANDS COLONIZATION COMPANY'S BILL.

##### SECOND READING.

HON. MR. MACINNES (Burlington) moved the second reading of Bill (45) "An Act respecting the Dominion Lands Colonization Company (Limited)." He said: The only amendment asked for by this Bill is one enabling the Company to accept the shares in payment of lands.

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

### WEST ONTARIO PACIFIC RAILWAY COMPANY'S BILL.

#### SECOND READING.

The Order of the Day having been called for the second reading of Bill (27) "An Act to amend the Act to incorporate the West Ontario Pacific Railway Company,"

HON. MR. PLUMB said: The Company desire to construct a branch line from London to some point on the Detroit River, near Windsor, and they want legislation to enable them to do so. They also want their bonding powers amended. I move that the 61st rule of this House be suspended, so far as it refers to this Bill. The rule requires twenty-four hours' notice before the Bill can be considered by the Committee, and as we adjourn to-morrow there will be a difference of two or three hours, and I would like to get the Bill reported back to the House before the adjournment.

HON. MR. POWER—It may be that there are persons who wish to oppose this Bill, and who would thus be deprived of the opportunity of appearing before the Committee for want of proper notice.

HON. MR. PLUMB—The Bill goes before the Committee to-morrow.

HON. MR. POWER—And if the Committee consider the Bill to-morrow, what opportunity have the public to appear and oppose it?

THE SPEAKER—If the hon. gentleman raises the question of order the motion cannot be put.

HON. MR. PLUMB—Does the hon. gentleman object?

HON. MR. POWER—I would like to ask my hon. friend, through His Honor the Speaker, whether there was any opposition to the measure in the other House?

HON. MR. PLUMB—I am not aware that there was any.

HON. MR. POWER—Then I will not press my objection.

The motion was agreed to.

HON. MR. PLUMB moved the second reading of this Bill.

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

### NOVA SCOTIA STEAMSHIP COMPANY'S BILL.

#### SECOND READING.

HON. MR. LEWIN moved the second reading of Bill (51) "An Act to amend the Act incorporating the Nova Scotia Steamship Company, limited." He said: The object of this Bill is simply to remove the headquarters of this Company from Yarmouth to St. John, N. B.

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

### CANADA ATLANTIC RAILWAY COMPANY'S BILL.

#### SECOND READING.

HON. MR. CLEMOV moved the second reading of Bill (43) "An Act to amend the Act incorporating the Canada Atlantic Railway Company." He said: This Bill is to authorize an additional issue of debentures for this road. Originally \$15,000 per mile was allowed to be issued but the road has been constructed since that time in a more costly way than originally intended, involving a much larger outlay, by substituting iron for wooden bridges. They also require an extension of time for the completion of the road. A very extensive and costly bridge is to be built over the St. Lawrence River, involving a large outlay and considerable time, as it can only be done in certain seasons of the year. This railway supplies a great want that has long been felt in the country, in facilitating the transportation of lumber from this district to the eastern section of the United States.

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

ESQUIMALT AND NANAIMO RAILWAY BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (47) "An Act respecting the railway from Esquimalt to Nanaimo in British Columbia."

In the Committee,

On the 1st clause,

HON. MR. POWER—When this Bill was at its second reading the Minister gave us to understand that he would make the necessary explanations at the Committee stage.

HON. SIR ALEX. CAMPBELL—When the troubles which existed for some time between the Dominion and British Columbia were adjusted, it was agreed that this railway should receive a certain subsidy from the Dominion Government. That was all the aid which the Dominion Government gave; but it had, in addition to that, certain aid from the Local Government, consisting of a tract of lands of a certain width along the line of the railway. This is given to the company in consideration of its agreeing to construct the road. The Government here, being interested in the matter, submitted a plan of the railway, limiting the curves to a certain radius. The plan, or agreement, was ultimately shown on a profile, which showed curves of a certain radius. The profile as shown, provided curves in accordance with the Act of Parliament of the Dominion, which agreed to and ratified and confirmed the arrangements which were made in British Columbia, in which Act the curves were described. Those arrangements were reduced to a profile, and this profile was afterwards shown and reduced to practical operation by the engineers of the company who were to construct the railway. Some engineer in the employment of the company, with the idea, I suppose, of favoring the contractors, wrote down the word "seven" as indicating the degree of curve; whereas in truth, the profile showed a curve which should have been indicated by the figure ten. The result of that was

that when the railway came to be constructed, the curves, instead of being as shown on the profile, were curves indicated by the figure erroneously placed on the profile, and instead of being the curve of the profile, which was 10, they were really curves of 7. That was not ascertained until some time after the work had been done, when it would have been very difficult to reconstruct or change the curve. It was discovered by the engineer of the Government on visiting British Columbia, and the attention of the contractors was drawn to the fact, and they were asked how this curve, which, on the profile, indicated a curve of 10 degrees, was in practical working made sharper and reduced to a curve of 7; and the explanation came out that it had been the result of an error—almost worse than an error—made by the engineer, or some of the engineers of the construction company. The engineer who put the figure 7 where we put the figure 10 was dismissed from the company, but in the meantime the work had been constructed, and the question then came up whether it was better that the Government should insist on the road being pulled to pieces and constructed again to a curve of ten degrees, or to accept the curve of seven degrees. Under those circumstances the Government agreed to accept the railway as it was. That was urged by the Government of British Columbia, who are also interested in the road, also having given large aid in land to the enterprise—interested more than we were in the road being properly constructed and the curves not being too sharp. We agreed that the railway should be accepted as it stood, and this Bill is to change the requirements of the original Act of Parliament. It is described here in the enacting clause now before the Committee,

The Governor in Council may, when the Legislature of the Province of British Columbia, has by an Act passed by it, assented thereto, accept curves in the said railway not being of less radius than five hundred and seventy-three feet, as satisfying the requirements of the said Act forty-seventh Victoria, chapter six, which shall be construed and have effect as if that radius had been mentioned as the least allowed by paragraph 2 of the specification A in the schedule to the said Act, instead of a radius of eight hundred feet.

HON. MR. POWER—I do not suppose

that there is any use in opposing the measure, and I do not mean to say that the Government have been 'guilty of any wilful wrong doing in the matter: but I presume that this work, during construction, was to be subject to the approval of the engineer of the Dominion Government.

HON. SIR ALEX. CAMPBELL—It was.

HON. MR. POWER—Then that engineer could not have done his duty if he allowed the specification and the law to be departed from as widely as that. I do not mean to say that the Government knew that there was anything improper going on; but really it looks now as if we were called upon after something very wrong had been done to ratify it. The Government engineer neglected his duty in allowing this company to construct a road which was not in accordance with law, and not in accordance with the specifications. For all we know, that engineer may have been acting in collusion with the contractors. The probabilities are that he was, because I do not think his neglect can be explained in any other way. I remember when this arrangement with British Columbia was being discussed some time ago, having heard that the people who were building this road were chiefly foreigners.

HON. SIR ALEX. CAMPBELL.—No, the majority part of the stock was held by British subjects.

HON. MR. POWER—It is to be regretted that the hon. gentleman from New Westminster is not here now, because he would be able to set forth the iniquity of this transaction much more forcibly than I can. The least the Government might do now, in consideration of the degradation of the character of road is to reduce the amount of the subsidy which they are to pay to the Company.

HON. MR. PLUMB—My hon. friend from Halifax usually finds some mares' nests in those Bills, which he sees with that microscopic eye of his.

HON. MR. POWER—I rise to a question of order. The hon. gentlemen is out of

order in using such language as that to another member.

HON. MR. PLUMB—I retract the 'mares' nest."

HON. MR. DICKEY—Swallow it.

HON. MR. PLUMB—I take it back. The hon. gentlemen has already charged the Government with iniquity in connection with the road.

HON. MR. POWER—No.

HON. MR. PLUMB—I think the hon. gentlemen has, and he will find himself reported in that way. Although the gradients on this road are different, and the curves are somewhat sharper than would have been admissible under the specifications, the railway is of a more durable and substantial character than if built where flatter curves could have been obtained. It is not uncommon, as the hon. gentleman knows, in rough countries where railway construction is difficult, both in the interest of the company and of the public that the curves and grades are charged, and not having the line before us I think we are compelled to accept the allegations of the preamble unless we know to the contrary, and not suspect that they are in the interest of any foreign company, or as my hon. friend has insinuated, that there is some hidden iniquity in the Bill itself. If my hon friend would use language less severe in its character in his criticism of measures of this kind he would have more influence with the House.

HON MR. DICKEY—As I was one of those gentlemen who criticised this legislation before, I may be permitted to say a word, I might add, not hostile, on this question of the Nanaimo Railway. I do not think that any fault should be found with my hon. friend from Halifax for his criticism. He has done it in more than usually moderate tone. But when we look at the Bill itself, in the preamble it is described "the railway shall be the best the physical features of the country will admit of without involving unusually or unnecessarily heavy works of construction, with respect to which the

Governor-in-Council shall decide." That is the principle that runs through the contract and bargain between the Government and the company. When the work was actually constructed it appeared that there was this change in the gradients. It is a very heavy drop from 800 feet to 573, as any one knows who is acquainted with railway construction. That, however, is a matter more for the company than the Government, and there is just this consolation about it, if the company are to be paid by the mile they will get less than they would have got had they made the larger curve, because that would have had the effect of lengthening the line. That is the only consolation we have, although I quite agree that the conduct of the engineer should be criticised, but I think we ought to allow this Bill to pass without censure now, whether the engineer was to blame or not.

HON. MR. KAULBACH—I was also opposed to this Bill originally. It seems to me that the curves as constructed are very sharp, more so than the curves usually adopted on railways. I do not know whether the localities in which those curves are will permit of their being used with safety. My hon. friend from Halifax spoke with a good deal of diffidence as to how far the Government is implicated in this, but the Minister has explained that it is purely the result of a mistake or error on the part of the engineer.

HON. MR. GOWAN, from the Committee, reported the Bill without any amendment.

HON. SIR ALEX. CAMPBELL—moved that the Bill be now read the third time.

HON. MR. POWER—As the hon. gentleman from New Westminster, who had a good deal to say about this measure before, is not now present, the Minister should allow the third reading to stand over until to-morrow.

HON. MR. CAMPBELL—There is no amendment to the Bill and the hon. gentleman from New Westminster ought to have been in his place.

HON. MR. DICKEY.

HON. MR. POWER—Before the Bill is read the third time the Postmaster General should give us some opportunity to verify the statements made in the preamble of the Bill which states:—

"Inasmuch as it appears by the reports of the Engineer of the Department of Railways and Canals, who has inspected the said works, that the gradients of the said railway are as required by the said specification, and the work satisfactorily performed, and that although sharper curves have been introduced than are admissible under the said specification, the railway is of a more durable and substantial character than if built where flatter curves could have been obtained, and that the allegations of the said company as to the difficulties arising from the physical features of the country appear to be true."

I think the House should have that information before it. How can we say that "it appears by the reports of the engineer," if we have not seen the reports?

HON. SIR ALEX. CAMPBELL—The question should have been raised in the Committee, I think.

HON. MR. POWER—It is a very good time to raise it now on the motion for third reading. I do not think the Minister can ask us to stultify ourselves, and to say that "it appears by the reports of the engineer of the Department of Railways and Canals, who has inspected the said work," if we have not seen the reports.

HON. SIR ALEX. CAMPBELL—The hon. gentleman from New Westminster should have been in his place if he wished to discuss this Bill.

HON. MR. POWER—Apart from the absence of the hon. gentleman from New Westminster, the House has a right to have the reports of the chief engineer here.

HON. SIR ALEX. CAMPBELL—That is a question that should be raised in Committee of the Whole, and not on the third reading.

HON. MR. POWER—I think it is in order to raise it at any time. That is the reason so many stages are required for each bill, just to afford such an opportunity. The leader of the House should bear in mind that now-a-days the Opposi-

tion is not as strong an Opposition, and is not as vigorously conducted as in former days, when that hon. gentleman himself led it, and the hon. gentleman will probably remember that when a bill with almost the same title as this was before the Senate some years ago, when Mr. Mackenzie was in office, it was fought very vigorously, and for some considerable time, and he cannot complain when there has been twenty minutes' discussion on this Bill altogether, if we ask to have the third reading stand till to-morrow, as I should very much like to see this report of the engineers, if nobody else does I can imagine if the hon. gentleman from Niagara, who I regret is not now in his place, were in opposition, and this measure were being forced through at railroad speed by an administration to which he was hostile, the way in which he would make the walls of this Chamber reverberate with charges of hastening to do evil; and he would probably allege that the engineer's report was altogether unreliable; that it was made under pressure of the Minister of the day, and would impute the worst possible motives to the Government and intimate that they were trying to cover up their iniquity by hurrying the Bill through this Chamber. In these remarks I wish briefly to indicate to the Minister the kind of opposition we used to have in this Chamber in years' gone by. The leader of the House has of late got so used to having a very moderate and temperate and reasonable opposition that the Government are getting to be, I think, a little unreasonable themselves, and do not concede as much to the House as they ought to concede.

HON. MR. KAULBACH—The hon. gentleman from New Westminster was in his place to-day; the order paper was before him; he saw the Bills that were to come up this afternoon, and if he intended to take any part in the debate, he would have remained in his place.

The motion was agreed to and the Bill was read the third time on a division.

UNION SUSPENSION BRIDGE  
BILL.

THIRD READING.

The House resolved itself into a Com-

mittee of the Whole on Bill (72) "An Act respecting the Union Suspension Bridge."

In the Committee,

HON. SIR ALEX. CAMPBELL said: This Bill contains a proposition to abandon the tolls on the Suspension Bridge at the Chaudiere Falls, which connects Ottawa and Hull. The bridge has been in existence for many years and has yielded a large sum in compensation for its construction by the Government. In 33 years it has yielded \$57,500, a yearly average of \$1,716. The circumstances under which it was agreed that these tolls should be abandoned are these: the City Council of Ottawa have had many interviews with the Government concerning the proportion which the Government ought to contribute towards the city expenses. The property of the Government here, consisting of the three buildings, the land in front of them, the little park, called Mackenzie Park, on the other side of the canal, &c., is exempt from taxation. After very many interviews it was agreed that the Government of the Dominion should assume the care of the two bridges across the canal and of the part of Wellington street in front of the Parliament buildings, and that we should also abandon the tolls on this Suspension Bridge. In addition to that reason, there is the further fact that the bridge connects the two Provinces together, and that tolls on bridges of that character are not very usual, though I am not positive about that. The arrangement of which I speak is one that will commend itself to the House. It is undoubtedly the fact that although Ottawa receives great benefit from the Government being here, yet a great deal of property in the city is untaxed because it belongs to the Government. For both reasons—that the bridge is of an inter-provincial character, and these exemptions of Government property from taxation—the tolls on the bridge are abandoned. The net revenue for the last five years from the bridge was \$4,710, rather less than \$1,000 a year.

HON. MR. MONTGOMERY, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

## BILLS INTRODUCED.

Bill (57) "An Act respecting the extension of the Intercolonial Railway from a point at or near Stellarton to the town of Pictou." (Sir Alex. Campbell.)

Bill (26) "An Act to incorporate the Tecumseh Insurance Company of Canada." (Mr. McKindsey.)

The Senate adjourned at 5.40 p.m.

## THE SENATE

*Ottawa, Thursday, April 15th, 1886.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## PRIVATE BILLS.

## REPORT OF THE COMMITTEE ADOPTED.

HON. MR. LACOSTE, from the Committee on Standing Orders and Private Bills, presented their Ninth Report, recommending that the time for presenting Reports on Private Bills, which expires on Thursday, the 22nd instant, be extended to the 3rd of May next, and moved that the Report be adopted.

The motion was agreed to.

## THIRD READINGS.

The following Bills, reported from Standing Committees, were read the third time and passed without debate.

Bill (53) "An Act to incorporate the Calvin Company, limited." (Mr. Sullivan).

Bill (40) "An Act relating to the Canada Southern Bridge Company." (Mr. Vidal).

Bill (14) "An Act to reduce the capital stock of the Bank of New Brunswick." (Mr. Lewin).

Bill (50) "An Act respecting the Pictou Bank." (Mr. Power)

Bill (18) "An Act to incorporate the Anglo-Canadian Bank." (Mr. Plumb).

## MEDICINE HAT RAILWAY AND COAL COMPANY'S BILL.

## THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (54) "An Act to incorporate the Medicine Hat Railway and Coal Company," with amendments. He explained that, although they were numerous, they were chiefly rendered necessary by the Bill having been drafted from an old form. The amendments were verbal, with the exception of those in the promissory note clause, which was brought into harmony with bills of a similar character. One other amendment was rendered necessary in the clause providing for the publication of the notice required to be given of the meeting for making arrangements with other Railways. The clause originally provided that it should be published in a paper in every county through which the line runs. There being no counties in the North-West it was doubtful if the notice could be given at all. The Committee inserted instead of that "a newspaper published at Medicine Hat, or in the newspaper published the nearest thereto." As Medicine Hat was one of the termini of the Railway, and as that was the provision in the bond clause which required a similar notice to be given to the shareholders, they adopted the same language. Those were the only amendments, and as they had been made with the sanction of the promoters of the Bill, he thought it unnecessary to discuss the matter further.

HON. MR. ALLEN moved that the House do concur in the amendments.

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

## WEST ONTARIO PACIFIC RAILWAY COMPANY'S BILL.

## THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (27) "An Act to amend the Act to incorporate the West Ontario Pacific Railway Company," with amend-

ments. He explained that the only amendments to the Bill applied to the 12th clause, known as the bond clause. They were to rectify an omission with regard to the persons who were to be represented at the meeting to be called for the purpose of carrying out that clause. In a subsequent part of the clause, where the bonds are made a lien or incumbrance upon the whole property of the Company, there was an omission to make it applicable to their tolls and revenues. As it was decidedly in the interests of the Company that the omission should be supplied, when they wanted to raise money for the undertaking, the amendment was agreed to by the promoters and was an improvement to the Bill.

HON. MR. PLUMB moved that the amendments be concurred in.

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

### BIRRELL DIVORCE BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, as Chairman of the Select Committee to which was referred Bill (I), "An Act for the Relief of Flora Birrell," reported the same with amendments. He said: I can explain in a few words the tenor and effect of those amendments. The fourth clause has been struck out. It was a clause interdicting the future marriage of the respondent with any other person, which it seems we have no power to enact. The two amendments to the preamble are these: there was a recital that the respondent had been guilty of adultery with other women besides Adelaide Talbot, and as there was no evidence of that, the preamble, we thought, should be amended by striking out that statement. There was also an allegation in the preamble that the respondent had been naturalized in the United States. There was no evidence of that: there was simply evidence of his having filed in a court in the State of Michigan a declaration of his intention at a future time to become naturalized. These are the only alterations in the Bill. I think there is nothing in them to prevent the Bill being

considered at once, because they are simply to make the preamble conform with the facts proved, and to strike out a clause which we have no power to pass. I shall be prepared, at the third reading, to explain, if it is deemed necessary, the ground on which the Committee came to a conclusion on this very important case—important from many points of view.

HON. MR. PLUMB moved that the amendments be concurred in.

The motion was agreed to on a division.

HON. MR. PLUMB—After the explanation given by the Chairman of the Committee I think I may venture to ask the House to permit the bill to go through a third reading. The Petitioner is here and I think the sooner her suspense is relieved the better. As we are to have a long adjournment, I think the House might agree to the third reading of the Bill to-day.

HON. MR. KAULBACH—I should oppose such a course: it is unprecedented. We have not had the evidence before us yet. This is a case which involves questions not only of law but of fact. We should have before us, in a matter of this kind, all the evidence, and we should have plenty of time to study the case thoroughly. We will probably not be able to see the evidence until after Easter and certainly the third reading should not take place before a week after our return from the holidays.

HON. MR. PLUMB—Inasmuch as my hon. friend has objected to the third reading of the Bill to-day (which is within his right) I move that the third reading take place on the 29th inst.

HON. MR. KAULBACH—I object to that.

HON. MR. PLUMB—I am prepared to accept anything that the hon. gentleman wishes.

HON. MR. KAULBACH—We will not return here until the evening of the 28th. We should have an opportunity before the third reading to examine the evidence, and to study the cases which have been cited, before the third reading.



HON. MR. DICKEY—The evidence is very short, and there are two copies of it. The hon. gentleman can inspect it before he goes home if he wishes to do so. I think the purposes of justice would be subserved if the third reading were to take place on the 29th. There is no reason why business should be suspended because hon. gentlemen wish to go home.

HON. MR. KAULBACH—How can we get the evidence?

HON. MR. PLUMB—It is here.

HON. MR. KAULBACH—It is not printed yet?

HON. SIR ALEX. CAMPBELL—But the copies are ready.

HON. MR. VIDAL—I entirely concur in the remarks made by the hon. member from Amherst. While my hon. friend from Lunenburg is technically correct, I may explain that he was present in the committee room while the evidence was being taken. I cannot believe, therefore, that he makes the objection simply because he wishes to see the evidence. Surely he does not want more than a fortnight to master the case. I hope the third reading will be fixed for the 29th.

HON. MR. KAULBACH—There is something more than the evidence to be considered: very important questions of law arise in this case, and I think it is proper that every member should be in a position to discuss the question intelligently when the bill comes up for its third reading.

The motion was agreed to.

#### THE TERMS OF CONFEDERATION WITH PRINCE EDWARD ISLAND.

##### INQUIRY.

HON. MR. PELLETIER—There is a notice of motion on the order paper for the 19th inst., an inquiry to be made by Hon. Mr. Haythorne. The hon. gentleman has just left for home, and he says that the Postmaster-General was kind enough to promise that he would answer

that inquiry, and if there is no objection I will now ask the leader of the Government in this House,

“Whether any letters, telegrams, Minutes of Council, or Memorials, have been received by the Government of the Dominion, from the Local Government of Prince Edward Island, or any deputation from that body, since the 1st January last, on the subject of the fulfilment of the terms of Confederation between that Province and the Dominion, and, if so, whether the Government object to lay the same on the Table of this House, together with the replies made thereto; also, whether any letters or telegrams on the same subject from the Secretary of State for the Colonies, bearing date since January 1st, 1886, have been received, and, if so, whether the Government will lay them on the Table of this House, together with any replies which may have been made thereto?”

HON. SIR ALEX. CAMPBELL—The answer I was prepared to give to the hon. gentleman from Prince Edward Island is that such papers do exist, and there is no objection to their being brought down if a motion is made to that effect.

#### BILLS INTRODUCED.

Bill (52) “An Act to reduce the capital stock of the Union Bank of Halifax.”—(Mr. Dickey.)

Bill (41) “An Act to reduce the capital stock of the Union Bank of Lower Canada, and change the corporate name thereof to the Union Bank of Canada.”—(Mr. Vidal.)

Bill (20) “An Act to punish seduction and like offences, and to make further provision for the protection of women and girls.”—(Mr. Dickey.)

#### A QUESTION OF PRIVILEGE

HON. MR. ALEXANDER—Before the orders of the day are called I rise from a sense of duty to raise a question of privilege. I regret very much to refer to so trivial a matter, but it is a matter affecting the honor and dignity of this House. I have no doubt that the subject to which I refer is very pleasing to the hon. member from Niagara, from the expression of joy which appears on his countenance. With regard to the reporting of this House—it is well known that a considerable amount of public money is given to the Citizen to report the Debates of this Chamber, and

the question is what is the purpose of Parliament, in giving a considerable sum of public money to that paper? Is it that the House should be respectably, and faithfully and honestly reported, or that one or two members, or any number of members should be held up to public obloquy and ridicule? I will read the report to the House. They make me to say:—

HON. MR. ALEXANDER—I am a little surprised at the remarks of the hon. gentleman from Amherst, and I am much afraid that those remarks of his will lead the leader of the Government to place him on the category in which I stand—of almost rebels in the House.

HON. MR. PLUMB—Hear, hear.

HON. MR. ALEXANDER—The hon. gentleman from Niagara says “hear, hear,” because it is, no doubt, a pleasing thing to him that I should be held up to public obloquy in any public journal. I ask hon. gentlemen, is it the feeling of the House that the *Daily Citizen* of Ottawa should be paid to criticise so unfairly any of its members? I know the good feeling, the good principle of the House to be such that they look with contempt upon any parties who could inspire such a report. I do not believe that that report was ever made by any fair minded reporter of this Chamber, and it would never have appeared in the *Daily Citizen* if it had not been inspired by some persons who have the inclination to traduce private character. It reminds me of an anecdote of Hon. Sir John Beverley Robinson, a distinguished chief justice of Upper Canada, who, on the floor of Parliament, asked the leader of the Opposition “Why he continually slandered members of the House?” The reply of the member was “Because my slanders will go where the answer will not go.” Is that the object of the gentleman who inspired that article? Is his chief object to detract from his brother members? Do the people of this country send representatives to this Chamber to be held up to ridicule in such a manner? I know too well the good sense of this House; the good principles of this House; the high-toned feeling of this House, to doubt that they will frown down and look with contempt upon the man who will be

guilty of such conduct as inspiring such a report of the speeches of an humble member of this Chamber.

THE SPEAKER—Next order.

BURLINGTON BAY CANAL BILL.

THIRD READING.

HON. MR. SMITH moved the third reading of Bill (76) “An Act respecting the Burlington Canal.”

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

NORTH AMERICAN TELEGRAPH COMPANY'S BILL.

THE 51ST RULE SUSPENDED.

The order of the day having been called:—

Resuming debate on the Honorable Mr. Sullivan's motion:—That the fifty-first rule of this House be dispensed with in so far as it relates to the petition of R. C. Carter and others; praying to be incorporated as “The North American Telegraph Company,” as recommended in the eighth report of the Committee on Standing Orders and Private Bills.

HON. MR. HOWLAN, in the absence of Mr. Sullivan, moved the suspension of the rule.

HON. MR. POWER—This motion was postponed at the instance of the member from Kingston yesterday. That hon. gentleman intimated that he would be prepared to lay before the House some further information showing why the rule should be suspended. I think a *prima facie* case was made out against the suspension of the rule, and I believe that was the opinion of the House. The hon. gentleman from Alberton has not given any further reason for suspending the rule, and I would suggest therefore that the better way would be to postpone the matter until after the adjournment.

HON. MR. DICKEY—I think the purpose of the promoters of the Bill, as well as the convenience of the House, would be best served by agreeing to the suggestion of the hon. gentleman from Halifax. We

will all be better able to come to the consideration of this measure after the holidays, and it would be better therefore to postpone it until the 29th.

HON. MR. HOWLAN—If it is the sense of the House I have no objection. I have merely moved this resolution in the absence of Mr. Sullivan, though the Lower House considered that the preliminary proceedings were sufficient and passed the Bill, and I do not see any good reason why it should stand over.

HON. MR. VIDAL—It is very seldom that the House ventures to go contrary to the recommendation of one of its committees unless some good and cogent reason shown why they should do so. Is there any reason shown that we should set aside the deliberate conclusion of the gentlemen appointed as a committee to consider those matters and examine into them? That committee, after looking into the matter, have reported to this House a recommendation that the rule be suspended; and if my recollection is right, the only objection to it was that the advertisement was not put in the local papers, and the answer was what local paper could they take in a matter that was intended for the whole Dominion? It was advertised in the *Official Gazette* and the Bill has been passed in the other branch of Parliament. I think it is straining a little too much the requirements of our rules to oppose this resolution. I think it would be only in the public interests, and an act of courtesy to the Committee, if my hon. friend should withdraw his amendment.

THE SPEAKER—Does the hon. gentleman from Alberton withdraw his motion?

HON. MR. HOWLAN—No.

HON. MR. POWER—Then I move that the further consideration of this motion be postponed until the 29th instant.

THE SPEAKER—Are the yeas and nays demanded?

HON. MR. POWER—No.

HON. MR. DICKEY.

HON. MR. DICKEY—No.

HON. MR. HOWLAN—Yes.

HON. MR. VIDAL—Yes.

The House divided on the amendment which was declared lost on the following division:—

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DeBlois,	Plumb,
Dever,	Read,
Ferguson,	Smith,
Flint,	Vidal.—21.
Howian,	

THE SPEAKER—The question is now on the motion of the hon. gentleman from Alberton.

HON. MR. POWER—The hon. member from Sarnia made some reference to a want of courtesy on my part in questioning the report of a committee on a bill. As a general thing I have endeavored not to be discourteous to any member of this House or to any committee. I rise now simply to protest against the theory that when any matter is referred to a committee, Senators, whether members of it or not, are bound by the report of the majority of the committee. That would be a most objectionable doctrine. Hon. gentlemen know that we have had in this House very warm debates on reports from committees. There was a difference of opinion in the committee on this Bill: the majority decided to report in favor of this petition. I do not think that I was alone in the committee, but at any rate I gave notice that when the matter came before the House I should oppose it. I think any hon. gentleman who can find in my conduct want of courtesy in that matter has a much keener sense of what

is due to his fellow Senators than the average member has. I think I was quite within my right and did not show any want of courtesy to any one. Hon. gentlemen might well consider that there is something more than a lack of courtesy involved in pressing the question now. There was nothing whatever to be gained by pressing for a division to-day. There are interests of a very considerable magnitude involved in this matter. The petitioners in this case propose, without giving any notice to parties, whose interests are likely to be interfered with by this Bill, to have themselves incorporated as a company, for the purpose of constructing and operating telegraphs and telephones all over the Dominion. Now that is a most important private Bill, and there has been no reason whatever given why they have failed to give notice in any paper but the *Gazette*, which as I have said is only read by the officials.

HON. MR. VIDAL—If I expressed myself in such a way as to charge the hon. gentleman with want of courtesy I cannot certainly have conveyed my own sentiments clearly, for I have had no such thought in my mind, and I think he must have misapprehended what I said. I merely spoke in a general sense, that it was not a very common thing for the House to go against the report of a committee unless there was some very cogent reason for it. Now I think that is a fact admitted by all of us. I do not see, in the additional arguments given here, why we should not have voted as we did a moment ago. I do not see what is to be gained by any particular interest by blocking the progress of the Bill at this stage. I think when the Committee reported in favor of it, that it is due to them to attach some importance to their report, and I cannot see what is to be gained by blocking the proceedings at this stage. No injury can be done to any one: the matter has to go to the Committee, and before the Committee any adverse interests can be protected surely. Then it must come back to this House, the report must be received, and the Bill has to get its third reading. There is therefore ample protection for any rights that may be jeopardized by this Bill. It is because I thought the objection was an unnecessary interference with

the progress of the Bill that I took the ground which I have taken to-day.

HON. MR. DICKEY—I must say, in justice to my hon. friend from Halifax, that while a good deal has been said as to his course being unusual, it is an unusual proceeding on the other side, when a member rises in his place and states that there are grave objections to pressing the Bill, to accuse him of discourtesy. There is a little courtesy due to him as well as to the promoters of a Bill the objects of which we are not exactly in a position yet to understand. This is not a matter in which there has been anything sprung upon the House suddenly, because my hon. friend the other day gave his reasons at length against the passage of this motion. The hon. member who had charge of it was so impressed with these reasons that he consented to the Bill being allowed to stand over. Now, without explanation, we are asked to override those objections, and instead of my hon. friend from Halifax blocking the proceedings, there is a disposition shown to override his objections and hasten the passage of this Bill in the absence of the hon. gentleman who had it in charge and who was willing that it should stand. A great deal has been said about the respect which is due to the report of a Committee. There is a memorable precedent for the course which my hon. friend from Halifax has taken, in the Marine Electric Telegraphs Bill, which was before a Committee for a long time and received a searching investigation. The report was brought here, discussed day after day, and finally voted upon. Did anyone then object? Has it ever been suggested that any member is prevented discussing the report of a committee adopted by whatever majority you choose? If there was only a single dissentient against it why should not the hon. gentleman have an opportunity to oppose it here? He has not had time to argue the question, and the hon. members opposite are determined to proceed with the Bill notwithstanding his objections. I do not think the discourtesy is all on one side. I think there is a slight want of courtesy on the part of my hon. friends in taking exception to the objection of an

hon. member who simply asks for an opportunity to discuss the measure.

HON. MR. HOWLAN—The remarks of the hon. member from Amherst as to the right of every member to discuss the report of a committee are quite correct: but my hon. friend from Sarnia did not say that the hon. member from Halifax was discourteous. He said simply that the opposition to the motion was discourteous to an hon. member who was absent. If we were going to read this Bill a third time to-morrow there would be some weight in my hon. friend's objection; or if those whose interests are supposed to be affected by this measure, had not an opportunity to attend here and oppose it, there would be some force in his argument, but in this House and out of this House, there are gentlemen who are paid solicitors for these telegraph companies who can see that no harm comes to the interests they represent. Because the decision of this House has been in favor of this motion of the hon. gentleman from Kingston, it does not follow that this legislation is to go on at once. Therefore no harm can be done by advancing this Bill a step to-day. It must go to the Committee, of which the hon. gentleman from Amherst is himself the Chairman, and he will have the opportunity there of stating his reasons against it. I certainly think that the report of the Committee is entitled to some respect unless great and grave reasons can be shown to the contrary. We have a similar committee of the House of Commons: how did they treat this matter? The promoters of this Bill ask for incorporation for a telegraph Company, and the objection of hon. gentlemen opposite is that certain advertisements were not published in newspapers throughout the Dominion. If telegraph lines are to be extended through the length and breadth of Canada, it would be necessary to put an advertisement in every paper throughout the country. Therefore the only step that they could take was to publish the advertisement in the *Gazette*. The hon. gentleman in charge of the Bill is absent, and he did not promise that this motion should stand over longer than until to-day.

The motion was agreed to on a division.

HON. MR. DICKEY.

## TECUMSEH INSURANCE COMPANY'S BILL.

SECOND READING.

HON. MR. MCKINDSEY moved the second reading of Bill (26) "An Act to incorporate the Tecumseh Insurance Company of Canada."

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

The Senate adjourned at 4:35 p. m.

## THE SENATE.

*Ottawa, Wednesday April 28th, 1886.*

THE SPEAKER took the chair at 8 o'clock.

Prayers and routine proceedings.

## ILLNESS OF SIR ALEXANDER CAMPBELL

HON. MR. SCOTT—Before the Orders of the Day are called, I desire, with very great regret, to call attention to the circumstance that we have met this evening without the leader of the House being present. It is, I am sure, a source of great regret to every hon. gentleman in this Chamber to learn that Sir Alex. Campbell is suffering from ill health, I will not say a severe illness, because I trust it may be only temporary. We all, I am quite sure, deeply deplore his being detained, even for a short time, from the House, and hope that the period of his absence from us will be limited and that he will soon be restored to his ordinary health.

## PAWNBROKERS' BILL.

SECOND READING POSTPONED.

The Order of the Day having been called; "second reading Bill (B) 'An Act to make further provision respecting pawnbrokers,'"

HON. MR. ALLAN said: I have a note here from the hon. member from

Barrie (Mr Gowan) stating that he is detained at home in consequence of a severe accident which he met with here the other day just after the adjournment. Under the circumstances, I move that the second reading of the Bill be allowed to stand for this day week.

The motion was agreed to.

BILLS INTRODUCED.

Bill (2) "An Act to amend the criminal law and to declare it a misdemeanor to leave unguarded and exposed certain holes and openings." (Mr. Botsford.)

Bill (8) "An Act to amend the Consolidated Railway Act, 1879." (Mr. Smith.)

Bill (30) "An Act to incorporate the E. B. Eddy Manufacturing Co'y." (Mr. Scott.)

Bill (34) "An Act to incorporate the Lake Superior Mineral Railway Company" (Mr. Scott.)

Bill (36) "An Act to grant certain powers to the Sable and Spanish Boom and Slide Company, Algoma, Limited." (Mr. Scott.)

Bill (42) "An Act respecting the Saskatchewan Land and Homestead Company, Limited." (Mr. Plumb.)

Bill (44) "An Act to incorporate the Bow River Coal Mine Railway and Transportation Company." (Mr. Plumb.)

Bill (58) "An Act to incorporate the St. Lawrence and Atlantic Junction Railway Company," (Mr. Ferrier.)

Bill (59) "An Act to incorporate the First Synod in the Dominion of Canada of the Reformed Episcopal Church, and for other purposes connected therewith." (Mr. Dever.)

Bill (64) "An Act to amend the Act to incorporate the Pictou Coal and Iron Company." (Mr. McKay.)

Bill (67) "An Act respecting the Central Ontario Railway Company?" (Mr. Read.)

Bill (68) "An Act to incorporate the Brockville and New York Bridge Company." (Mr. Clemow.)

Bill (78) "An Act to amend the Act to incorporate the Guelph Junction Railway Company." (Mr. Power.)

Bill (82) "An Act respecting the application of certain fines and forfeitures." (Mr. Smith.)

Bill (100) "An Act respecting the transfer of the light-house at Cape Race, New-

foundland, and its appurtenances, to the Dominion of Canada." (Mr. Smith.)

Bill (102). "An Act to expedite this issue of Letters Patent for Indian lands." (Mr. Smith.)

The Senate adjourned at 8.50 p. m.

THE SENATE.

Ottawa, Thursday April 29th, 1886.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS

Bill (35) "An Act to amend the Act to incorporate the Lake Nipissing and James' Bay Railway Company." (Mr. Turner.)

Bill (37) "An Act to naturalize Girolamo Consentini, commonly called Baron Girolamo Consentini." (Mr. Plumb.)

NORTHUMBERLAND STRAITS TUNNEL RAILWAY COY'S. BILL.

REPORTED FROM COMMITTEE

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (K) "An Act to incorporate the Northumberland Straits Tunnel Railway Company," with amendments.

He said—The amendments made to the second clause were intended for the protection of the public and of the Government Railways. As the clause stood, it provided that the location of the Railway should be subject to the approval of the Governor in Council ; but we have added that plans and specifications shall be subject to the approval of the Governor in Council, and also the connections with are authorized with the Government and other Railways with which this line is proposed to be connected—that these connections shall be, as they ought to be, subject to the approval of the Governor in Council, in order that that there may be no colli-

sion or conflict. An amendment, also of some importance, is made to the third clause by striking out the words which authorized connections to be made with existing railways in the Provinces of New Brunswick and Prince Edward Island and specifying the railways with which it is proposed that this line should connect, instead of giving a general power to connect with all railways in both these provinces. That is accomplished by striking out the words "existing railways in those provinces", and specifying the Shediac and Cape Tormentine Railway in New Brunswick, and the Prince Edward Island railway on the Island. The other two substantial amendments are made to clause 10, which refers to the annual meetings of the company, and clause 11, which refers to the special general meetings, and provides that notice of those meetings should appear in a newspaper published in the City of St. John as well as in one published in Charlottetown, as provided by the seventh section in regard to the first meeting of the company. In the case of a company which proposes to construct a work connecting two provinces it is desirable that the notices of these meetings should be given in the papers in the principal cities of the two provinces. The amendment to clause 16 refers to the time for the commencement and completion of the work. As the clause stood five years was allowed for the commencement and ten for the completion of the work from the passing of the Act. Although five years may seem to be a long time, yet in connection with an enterprise of this character, which requires extensive surveys, it is not a very long period: but it was proposed, after consultation, to restrict the time to three years instead of five, and to limit the time for the completion of the work to eight years instead of ten from the passing of the Act. These are the amendments.

HON. MR. HOWLAN moved that the amendments be concurred in.

HON. MR. HAYTHORNE—I am not a member of the committee to which this Bill was referred, but I made it my business to attend the meeting this morning, and I there proposed that no further progress should be made with the Bill

to-day. I should therefore be better satisfied if my hon. friend would defer further action on the Bill until to-morrow. We could then have an opportunity of seeing the amendments in print. I am dissatisfied with some of the clauses which remain in the Bill: and it is my intention to move, at a future stage of the measure, that a certain clause shall be still further amended, if not omitted altogether. I need not at the present time go into the objections which I entertain to that clause, but at a future stage of the Bill I shall avail myself of an opportunity of opposing it. Perhaps my hon friend from Alberton will be disposed to postpone further consideration of the amendments until to-morrow.

HON MR. HOWLAN—I would have no objection to postpone the measure until to-morrow, or until next week, if the Session were not so far advanced that any postponement would imperil the passage of the Bill this year. I have every wish to meet the views of my hon. friend, but I think he will agree with me that it is necessary, if this Bill is to be passed this year, that we should proceed with it at once. I therefore intend to persist in the motion which I have made.

HON MR. HAYTHORNE — This House has been in Session for two months or more, and recently it adjourned for 13 days. It does not appear therefore that there has been any pressure on the time of the House. If the hon. gentleman determines to go ahead with the Bill I will avail myself of some future opportunity to make the motion to which I have referred.

HON MR. KAULBACH—I hope my hon. friend from Alberton will consent to allow the Bill to stand. It is important that time should be given for a full discussion of the measure.

HON MR. HOWLAN—I do not wish to delay the Bill, for the reason I have stated. If the objection was to the principle of the Bill, there would be some reason in acceding to the proposition: but the objection of the hon. gentleman was stated in the committee and met there. I have moved that the amendments be concurred in, and the motion is before the House.

HON. MR. DICKEY—I do not understand my hon. friend from Marshfield to object to these amendments. I understand that he wishes to add something to the Bill at its third reading. I think, therefore, it will facilitate matters and answer my hon. friend's purpose if we concur in these amendments now: and at the third reading of the Bill to-morrow my hon. friend can make his motion if he thinks proper to do so.

HON. MR. HOWLAN—The question now is that the amendments be concurred in.

HON. MR. HAYTHORNE—I am not altogether satisfied with the time that is given to the promoters of this Bill. I had understood from my hon. friend opposite, in private conversations that we have had from time to time on the subject, that he would be prepared to undertake that five years should be the limit within which the project is to be carried out: and when it is remembered that this Company will have the exclusive occupation of the ground during that time, be it long or short, and that no further progress will be made in the improvement of means of communication between the Island and the mainland, the importance of setting the matter at rest will be understood, so that, in case the scheme of the hon. gentleman should be found impracticable, or he should be unable to carry it into effect, the people of Prince Edward Island will lose no time in seeking other means of obtaining a fulfilment of the terms of Confederation. I still entertain serious objections to the term of eight years, which is now provided for in the amended Bill.

The motion was agreed to.

### A QUESTION OF PRIVILEGE.

HON. MR. ALEXANDER — Before the Orders of the Day are called I rise to a question of privilege. I desire to call attention to a very remarkable cartoon, which appeared in the last issue of the distinguished Toronto journal called *Grip*, which some think is calculated to affect the dignity of this House. That journal has been distinguished for its noble and independent spirit, and for its able efforts to elevate the tone of our public life for

many years. Some think that this cartoon is a slight departure from the ordinary tenor of its way. It designates one of the humble members of this House "A Wasp," but such persons say that it ought to have informed the reading public that that member of the Senate has been roughly treated—I repeat, very roughly treated, not by the respected members of this House, but by five very troublesome members, whom, if the rules of Parliament permitted, I would designate the five scorpions of the House.

HON. MR. DEVER—The what?

HON. MR. ALEXANDER—No doubt the conflict between that member and the five scorpions has been a very unseemly one. It has been, no doubt, very distasteful to the House, and it has certainly been very distasteful to me. I heartily wish we could end this conflict.

HON. MR. ALMON—Hear, hear.

HON. MR. ALEXANDER — It has affected my health, and it has affected most seriously the health of two other members, which we most deeply deplore. I think it is in the interests of the country that I should add one or two words of explanation. My reading of the British Constitution—both of the practice of the House of Lords and of the Commons ever since the days of Burke, Pitt and Charles Fox, has been that there should be entire free discussion or debate in Colonial Parliaments—to this extent that every member should have the right to expose and stop wrong-doing and all acts of mal-administration. Of course rules require to be framed to govern debate, and where the trouble has arisen is that those rules have been unfairly applied. Is there one member of this House who does not now feel that those rules which govern Parliament have been most unfairly applied to me? that while others transgress the rules of the House, those five troublesome members have disturbed me when I have been endeavoring to serve the interests of the people? No man of any spirit will brook unseemly interruption, and I give those five members due notice that if they see that, perhaps from a higher source, two of their



number have been laid low, they may suffer in like manner.

HON. MR. KAULBACH—I rise to a question of order.

HON. MR. ALEXANDER—Will the Speaker call the hon. member to order. He is always interrupting me in debate.

HON. MR. KAULBACH—I must persist in my point of order, and I ask the Speaker of the House to say whether this is a question of privilege that the hon. gentleman is speaking of.

THE SPEAKER—I think the hon. member is going beyond his right of privilege in attacking, as he is doing, four or five members of this House, two of whom are absent.

HON. MR. ALEXANDER—I stand corrected by the Speaker of the House, and I will endeavor to put myself in order. I have had to ward off such blows with skilful fencing, and I have had to render some home thrusts which perhaps those five hon. members will not forget. The House will remember that I have not received assistance, not even from members of the Opposition. I am never in the least afraid of those members, but I confess I was discouraged by words of admonition given me by one who is deeply respected by this House, my hon. friend behind me (Mr. Flint) the Senator from Belleville. He always makes good and practical speeches, characterized by a desire to do what is right and to act fairly, and I believe that in giving the advice which he offered me, he was actuated by a desire to prevent me using extreme language or pursuing an extreme course, and that he was governed by a desire for my well-being in offering the admonition which he gave. His last speech was one of his best in this House. He referred to myself as a penitent Christian following the Chaplain, as I always do, upon his reading the Lord's Prayer, and he added that no sooner was that prayer ended than I immediately commenced to raid some five members of this House with a red hot poker. The hon. gentleman will allow me to explain that he does not quite understand the position which I now occupy.

HON. MR. FLINT—I do not think anybody does.

HON. MR. ALEXANDER—Perhaps the hon. gentleman will understand it when I tell him that my mission is to bring those five members to a sense of their duty and turn them from their wicked ways so that they may not hereafter perhaps fall into a region where they will suffer in earnest from a red hot poker. I have only in conclusion to implore those five members to act with a little more self-respect, and to remember that they are here for a solemn purpose and not simply to advance the interest of the party. Some of them are now approaching the end of their lives. I see one who is nearer his than myself, and I would only implore of them to remember that there is something higher to be attained than the success of party. I will not refer to the manner in which the present administration are conducting the affairs of this country, but I say it is deplorable to see men advanced in years interfering with a humble member like myself whenever he rises to discharge his duty, with no personal object in view, for I would not accept at the hands of this or any future administration any position in their gift. We know that one of these five members expects to be made a Lieutenant-Governor, another Speaker of the House, a third a Judge, and I say it is deplorable that they should lose sight of the great interests of the country, and sacrifice their self respect and act in so reprehensible a manner as they have been doing, during the present and former sessions.

HON. MR. MCINNES (B. C.)—I do not rise for the purpose of calling the attention of the House to wasps, scorpions or red hot poker, but for the purpose of asking the Government why certain papers which I asked for on the 6th July last have not been brought down?

HON. MR. SMITH—It is possible that the delay may be due to the illness of the leader of the House.

HON. MR. MCINNES—The Return was asked for nearly a year ago, and I should like to know why it has not been brought down.

HON. MR. SMITH—I will inquire.

HON. MR. ALEXANDER.

## THE BIRRELL DIVORCE BILL.

## THIRD READING POSTPONED.

The Order of the Day having been called for the third reading of Bill (1), "An Act for the Relief of Flora Birrell,"

HON. MR. PLUMB said: As some questions have been raised with regard to this Bill, I would like to ask my hon. friend, the Chairman of the Select Committee to whom it was referred, to make such explanations as may be necessary. I move the third reading of the Bill.

HON. MR. DICKEY—I think the evidence has scarcely been circulated and it would be better to postpone the third reading until to-morrow.

HON. MR. BOTSFORD—The evidence has been circulated; I have a copy of it here.

HON. MR. KAULBACH—It has only been circulated within the last five minutes.

HON. MR. PLUMB moved that the order of the day be discharged and that the third reading of the Bill be fixed for to-morrow.

The motion was agreed to.

## SHUSWAP &amp; OKANAGAN RAILWAY COMPANY'S BILL.

## SECOND READING.

HON. MR. NELSON moved the second reading of Bill (33), "An Act to incorporate the Shuswap and Okanagan Railway Company." He said: The proposed line of railway is intended to connect the Okanagan Lake with the Canadian Pacific Railway, and to open up one of the most fertile wheat districts of British Columbia and give an outlet for its products. It will also connect two large bodies of navigable water with the line of railway. I think I can better explain the object of the Bill by reading some extracts from a report to the provisional board of directors of the proposed railway company from a resident of the Okanagan Valley,

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Mr. M. Lumby, who is an extensive farmer there. He says:

I beg to lay before you a few items in reference to the scheme for the construction of a line of railway from a point on the Canadian Pacific Railway, at Skamoose Narrows, to Okonagon Lake, a distance of fifty miles, with a boat on Okonagon Lake, giving a water stretch of over seventy-five miles.

The object of the scheme is to give an outlet to the finest stretch of wheat growing land in British Columbia, and to enable the producer to ship wheat to the sea coast. The country is specially adapted for wheat growing, yield and quality cannot be surpassed in any part of the world, and with the facilities for procuring necessary machinery and supplies, which the proposed railway will afford, wheat can be raised at a low price, no irrigation being required.

At present but a comparatively small area, within reach of navigation, has been cultivated for shipment. Throughout the greater part of the district, on account of the difficulty of shipment, only enough has been grown for local consumption.

I quote some of the yields of wheat for 1884, obtained from Messrs. Tronson & Brewer, the proprietors of a steam thrasher:—

Messrs. Clinton & Murray threshed 208 tons from 165 acres of lands.

Mr. Graham, 108 tons from 65 acres.

Mr. F. Young, 64 acres, which averaged 3,100 lbs. to the acre.

Mr. O'Keefe, 60 acres which averaged over 3,600 lbs., or 60 bushels to the acre.

Mr. Fortune, 60 acres, average 2,500 lbs. to acre.

Mr. Furstenau, 85 acres, average 2,400 lbs. to acre.

This return shows the enormous yield of from 37 bushels to 60 bushels to the acre.

The amount of land already occupied in this district, certified to by Messrs. Dewdney and Nicholson, Government Agents, is 136,373 acres. It is difficult to estimate, with any degree of accuracy, the area of land capable of producing wheat, but from data furnished by reliable farmers, in different parts, deducting twenty per cent., I put down the area at 200,000 acres. Irrespective of grazing land, this represents (were it in one block) over 300 square miles.

In the year 1882, the Dominion Government had a survey made for a canal between the head of navigation on the Spallumcheen River and the Okonagon Lake, by L. B. Hamlin, Esq., C.E., who reported most favorably of the country. I quote a few lines from his official report.

"The importance of this canal scheme cannot be over-estimated. It would establish an unbroken navigable water stretch of over 240 miles, opening upon a rich agricultural country, which is unsurpassed in British Columbia for its fertility."

He estimated the lowest probable cost of a canal at \$27,000 per mile."

It is proposed that this line of railway shall take the place of that canal. I might quote from another report by Mr. Lumby, but I think I have shown enough to convince the House of the importance of the enterprise.

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

### TORONTO BOARD OF TRADE BILL.

#### COMMONS AMENDMENTS ADOPTED.

The Order of the Day having been called for consideration of amendments made by the House of Commons to Bill (E) "An Act to amend the several Acts relating to the Board of Trade of the City of Toronto,"

HON. MR. ALLAN said: When that Bill came up, just before adjournment, I had not an opportunity of looking over the amendments: but I found, on looking at them subsequently, that they were merely verbal, and will not interfere with the working of the Bill. I move therefore that the amendments be concurred in.

The motion was agreed to.

### UNION BANK OF HALIFAX BILL.

#### SECOND READING.

HON. MR. DICKEY moved the second reading of Bill 52 "An Act to reduce the capital stock of the Union Bank of Halifax." He said—The object of this Bill is merely to reduce the capital stock of the Bank.

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

### UNION BANK OF LOWER CANADA BILL.

#### SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (41) "An Act to reduce the capital stock of the Union Bank of Lower Canada and to change the corporate name thereof to "Union Bank of Canada." He said—In taking charge of this Bill when it came up from

the House of Commons, I did so as there was no member present who seemed to have charge of it. On going carefully through the Bill I find that it is simply to reduce the capital, to make a slight change in the name of the bank, and with the usual safeguard clauses to protect the public from injury. Before the Bill shall take effect it must be approved by a majority of the shareholders.

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

### POST-OFFICE ACT AMENDMENT BILL.

#### COMMONS AMENDMENTS CONCURRED IN.

The Order of the day having been called for consideration of amendments made by the House of Commons to Bill (D.) "An Act further to amend the Post Office Act 1875,"

HON. MR. SMITH moved that the amendments be concurred in.

HON. MR. POWER said: This amendment is one of some little consequence, and I propose to invite the attention of the House to it with a view of ascertaining what the feeling of members is on the subject. I shall read the clause which is proposed to be amended:—

"61. Every deposit received by any postmaster appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by him and by the dated stamp of his office; and the amount of such deposit shall, upon the day of such receipt, be reported by such postmaster to the Postmaster-General, and the acknowledgment of the Postmaster-General, signified by the officer whom he appoints for the purpose, shall be forthwith transmitted to the depositor:

"2. Such acknowledgment shall be conclusive evidence of the claim of the depositor to repayment of the deposit, with the interest thereon, upon demand made by him on the Postmaster-General; and, in order to allow a reasonable time for the receipt of the acknowledgment, the entry by the proper officer in the depositor's book shall also be conclusive evidence of the title, as respects a deposit made in any part of Canada other than the Province of British Columbia or the North-West Territories, for ten days from the making of the deposit, and as respects a deposit made in the Province of British Columbia or the North-West Territories for

eighteen days from the making of the deposit; and if such acknowledgment has not been received by the depositor through the post within such ten or such eighteen days respectively, and before or upon the expiry thereof he demands such acknowledgment from the Postmaster-General, then the entry in his book shall be conclusive evidence of title during another term of ten or eighteen days respectively, and *toties quoties*."

The Bill came from the Post-Office Department, and it was amended in this House by inserting the words "By registered letter addressed to him at Ottawa." That amendment was accepted by the Postmaster General. When the Bill went down to the House of Commons it was amended by striking out the word "Registered." It occurred to me, as I think it occurred to some other hon. gentlemen, that it was desirable for two reasons that the letter should be registered. In the first place, if the depositor simply posts a letter unregistered he gets no receipt for it and he has no evidence in his hands to show that he has actually made the demand on the Postmaster General for the acknowledgment. It would be a very difficult thing for the depositor to establish that he had made the demand, and it would be unfair to impose upon him the necessity of taking witnesses to the post office when he mailed the letter, to establish afterwards the fact that he had done so. It occurred to me that the receipt of the registration clerk or postmaster, as the case might be, would be the most convenient evidence for the depositor, and that which could be most conveniently forwarded to the Postmaster General, in order to establish that the depositor had made this demand. Another reason was one in the interest of the Department: that the Department would have evidence from its own records to show that this depositor had at a certain date mailed a letter to the Postmaster General at Ottawa: otherwise the Department might be exposed to being misled or deceived by the allegation made by the depositor that he had mailed a letter when he had not done so. Those were the reasons that struck me as making it desirable that the letter in question should be registered. However, I thought I might be mistaken, and I called to-day at the Post-Office Department and had an interview with the Deputy Postmaster General.

He said in effect that he thought that inserting the word "registered" to a certain extent defeated the object of sending a notice. He said that it would enable the Postmaster, if he was a dishonest official, to defeat the object of the Bill: and he intimated that the Bill was intended in a great measure to provide against misconduct on the part of Postmasters. If the Postmaster was dishonest, the registration of the letter would give him notice that the depositor was communicating with the Postmaster General, and he would, of course, take care not to forward the letter. I gathered from what the Deputy said that the occasion of this Bill was the misconduct of a Postmaster within the last few months, who had embezzled the money deposited in his hands by persons to be forwarded to Ottawa, and had destroyed all the letters sent by those persons to the Department in connection with their deposits. I asked him then if those letters had been registered. He said not. Consequently the objection of the Deputy Minister to the insertion of the word "registered" does not seem to be a very valid one. In large city post offices there is a special officer whose duty it is to register letters, and those registered letters would not necessarily be brought very directly to the notice of the Postmaster. In country Post Offices, as is well known, the Postmaster as a rule looks over all the letters that are being sent, and if a non-registered letter is sent to the Postmaster-General it is just as likely to attract his attention as if it were registered: and there is this other fact about it: if he destroys an unregistered letter, the sender has no means of showing that he mailed the letter at all. If the feeling of the House is that we had better accept the amendment, I am not disposed to press my objection; but I have to say that the arguments of the Deputy-Minister did not convince me, and I thought it my duty to submit the facts to the House in order to enable hon. gentlemen to consider them.

HON. MR. SMITH—It seems to be the desire of the promoters of the Bill that this amendment should be accepted.

The motion was agreed to and the amendments were concurred in.

### INTERPRETATION ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

HON. MR. SMITH moved that the amendments made by the House of Commons to Bill C, "An Act further to amend the Interpretation Act," be now concurred in.

The motion was agreed to.

### E. B. EDDY COY'S. BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (30) "An Act to incorporate the E. B. Eddy Manufacturing Company." He said: This Bill proposes to incorporate a number of capitalists who are now interested in a large manufacturing concern situated in the City of Hull, and doing business not only throughout Canada, but over this continent and a good part of Europe, for the purpose of enabling them to manage their affairs more satisfactorily.

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

### LAKE SUPERIOR MINERAL RAILWAY CO'Y. BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (34) "An Act to incorporate the Lake Superior Mineral Railway Company." He said: This Bill proposes to incorporate a number of parties who are largely interested in some mining enterprises on the North shore of Lake Superior, for the purpose of constructing a railway which is to connect with Port Arthur or Fort William in the vicinity of the Pacific Railway.

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

### THE SABLE AND SPANISH BOOM COMPANY.

SECOND READING.

HON. MR. TURNER moved the second reading of Bill (36), "An Act to

grant certain powers to the Sable and Spanish Boom and Slide Company, Algoma (Limited)." He said he had to thank the hon. member for Ottawa for having taken charge of the Bill at its first reading.

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

### SASKATCHEWAN LAND AND HOMESTEAD COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (42) "An Act respecting the Saskatchewan Land and Homestead Company (Limited)." He said:—This is a bill to reduce the capital of the company from \$500,000, of which \$400,000 has been subscribed, to \$350,000, and to reduce the shares to \$70 each, instead of \$100; and also to provide that any shareholder of the company may surrender to the company the whole or part of the shares held by him for lands or other property of the company.

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

### BOW RIVER COAL MINE RAILWAY AND TRANSPORTATION CO'Y. BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (47) "An Act to incorporate the Bow River Coal Mine Railway and Transportation company." He said: This is a Bill for the incorporation of a company to build a railway to run from the Canada Pacific Railway to connect with the Mining District at Bow River.

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

### CENTRAL ONTARIO RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (67) "An Act respecting the Central Ontario Railway Company." He said: This is a Bill to increase the

capital stock of the Central Ontario Railway Company, and to give power to issue preferred shares and for other purposes. This is a company that has built a railway without any government, municipal or other aid than their own private capital. The motion was agreed to, and the Bill was read the second time.

#### THE STANDING COMMITTEES.

HON. MR. POWER—Before the House adjourns I wish to call the attention of hon. members whom it may concern to a practice that has grown up for the first time during the present Session, and which is very inconvenient. It is well known that the committees of this House are large, and the same members are often on two or three committees. Up to the present Session care has generally been taken not to have those committees meet at the same hour, so that members who happened to be on two or three of them should not be hindered from attending meetings of all the committees to which they belong. I really do not know where the blame lies, but I think it is a bad practice to initiate, and I hope that the proper authorities will see that it does not occur in the future. We have plenty of time to do our work, and there is no reason why the meetings of the committees should be crowded into the same hours.

THE SPEAKER—It is a matter of very considerable inconvenience. I have often experienced it myself, and I hope it will be remedied as far as possible.

HON. MR. KAULBACH—The same thing occurred to me to-day: I was on two Committees and could attend only to one.

HON. MR. BOTSFORD—That could be easily arranged by the chairmen of the Standing Committees.

HON MR. POWER suggested that the clerks might be able to arrange it better in future.

The Senate adjourned at 4.45 P.M.

#### THE SENATE.

*Ottawa, Friday, April 30th, 1886.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

#### THIRD READINGS.

The following Bills, reported without amendment from Standing Committees, were read the third time and passed:—

(Bill (43) "An Act to amend the Act incorporating the Canada Atlantic Railway Company." (Mr. Clemow.)

Bill (51) "An Act to amend the Act to incorporate the Nova Scotia Steamship Company, limited." (Mr. Boyd.)

Bill (26) "An Act to incorporate the Tecumseh Insurance Company of Canada." (Mr. McKindsey.)

#### DOMINION LANDS COLONIZATION COY'S BILL.

##### THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (45) "An Act respecting the Dominion Land Colonization Company, limited," with an amendment. He said: I may explain, with reference to this Bill, that its object is to enable the shareholders of the Dominion Lands Colonization Company, to surrender shares in capital stock in lieu of lands and other property. At the time the Bill was before the House of Commons, clause 3 provided that the provisions of this Bill should not take effect or go into operation until they had been submitted to a general meeting of the shareholders of the Company and approved of by a two-thirds vote. Since the Bill has come up to the Senate, papers were submitted to the Committee on Banking and Commerce, showing that a meeting of the shareholders of the Company had been held, at which a copy of the Bill was presented and unanimously approved of, and therefore the clause was considered unnecessary, and has been struck out.

HON. MR. PLUMB moved that the amendment be concurred in.

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

**FREE PASSES ON THE CANADIAN  
PACIFIC RAILWAY AND GRAND  
TRUNK RAILWAY.**

**MOTION POSTPONED.**

The motion having been called—

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 list of the names of all Senators and Members of the House of Commons who received Half Fare Passes and Free Passes from the Canadian Pacific and Grand Trunk Railway Companies between the first of November last and the first of April, 1886,

HON. MR. MCINNES (B. C.) asked permission of the House to allow the matter to stand until Tuesday next.

HON. MR. SMITH—I would like the hon. gentleman to deal with this matter at present, and would request him to go on with his motion.

HON. MR. MCINNES (B. C.)—I would rather allow it to stand for a few days.

THE SPEAKER—The hon. gentleman has a perfect right to allow the motion to stand if he thinks proper.

HON. MR. MCINNES (B. C.)—If I am compelled to go on with the motion, it is the first time that ever such a request was made by the Government in this House before. I ask that it be allowed to stand as a matter of courtesy; but if I am compelled to go on with it now, I prefer to withdraw it and take it up again.

HON. MR. KAULBACH—The hon. gentleman has already postponed his motion three or four times.

HON. MR. SMITH—As the motion is of such a peculiar and private character the Government do not see that there can be any good result from keeping it on the Order Paper.

THE SPEAKER—I can understand, under the circumstances, the Government

wishing that the hon. gentleman should go on with his motion, as it is of a peculiar character; but the hon. gentleman is perfectly within his right in asking to allow it to stand.

HON. MR. POWER—As I understand the ruling of the Speaker, this motion is entirely under the control of the hon. gentleman who has charge of it.

THE SPEAKER—If there is any objection made he can drop it and bring it on again.

HON. MR. DEVER—And allow it to stand as an iron rod over our backs.

HON. MR. MCINNES (B. C.)—I am perfectly satisfied to allow the motion to drop at present, but I will bring it up again at another time.

HON. MR. VIDAL—It is a privilege that every member has.

The motion was postponed until Tuesday next.

**ST. VINCENT DE PAUL PENI-  
TENTIARY.**

**INQUIRIES AND MOTION.**

HON. MR. BELLEROSE inquired

Has the Government been informed of the serious troubles which took place at the St. Vincent de Paul Penitentiary on the 24th inst?

HON. MR. SMITH—The Government has had a report of the troubles, and is looking into it, and will bring down the papers.

HON. MR. BELLEROSE—

Does the Government intend to order a serious and minute inquiry into the circumstances of this revolt and into all the troubles which have occurred in this institution for four years past, and into the proximate and remote causes thereof?

HON. MR. SMITH—The Government have had all the information, and will bring down the papers from the last report.

HON. MR. BELLEROSE moved

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, a copy of a letter to the Warden of the Penitentiary of St. Vincent de Paul, dated 31st July, 1885, signed by ex-Keeper J. B. Desnormeau of the said Penitentiary against his dismissal, and making most serious charges against certain officials, and asking for an indemnity.

HON. MR. SMITH—The Government will furnish a copy of the letter and bring down the necessary information.

The motion was agreed to.

### BILLS INTRODUCED.

Bill (19) "An Act to amend the Animal Contagious Diseases Act." (Mr. Smith.)

Bill (24) "An Act to incorporate the Kingston & Pembroke Mutual Aid Insurance Company (limited)." (Mr. Sullivan.)

Bill (3) "An Act for the further amendment of the law of evidence in certain cases." (Mr. Wark.)

Bill (61) "An Act respecting the Canadian Copper Company." (Mr. Flint.)

Bill (66) "An Act to incorporate the Forbes' Trochilic Steam Engine Central Company of Canada." (Mr. Vidal.)

Bill (62) "An Act respecting the Anglo-American Iron Company." (Mr. Flint.)

Bill (83) "An Act to amend the Act incorporating the Board of Trade of the City of Ottawa." (Mr. Clemow.)

### NORTHUMBERLAND STRAITS TUNNEL RAILWAY BILL.

#### THIRD READING.

HON. MR. HOWLAN moved the third reading of the Bill (K) "An Act to incorporate the Northumberland Straits Tunnel Railway Company."

HON. MR. HAYTHORNE—It is with some regret that I rise to oppose the third reading of the Bill at the present time. I rise to move that the Bill be referred to a Committee of the whole for the purpose of striking out certain words in clause 12, because I do not wish it to be assumed that I am in any way opposed to the measure before the

House, a measure which is so important to the interests of my province, and upon which my hon. friend from Alberton has bestowed so much pains and labor; but my impression is strong that the tenor of the 12th clause, as it stands at present, is very objectionable. In fact I candidly admit that I would far rather see the Bill without it. I cannot think there is anything contained in it that is actually necessary to the successful working of the measure. It seems to me that a principle is sought to be adopted in that clause which is of a very injurious character. It is the adoption on a large scale of what used to be known in British legislation as the truck system. It is nothing more or less than paying for the services of men of the learned professions, and for the services of directors, engineers and other persons, in stock of the company. It is possible that the adoption of such a system may give rise to serious abuses and for that reason I would a great deal rather see that clause dropped out of the Bill altogether; but as I do not consider that that is possible, I am prepared to adopt the alternative of moving in the House an amendment pretty nearly the same as that moved in the Committee by my hon. friend from Halifax. I think it would be unwise to attempt to tie up the hands of the company or their Board of Directors in any way so as to cripple their usefulness; but where, as in clause 14, they have ample opportunity for raising funds I think that the additions in this clause are quite unnecessary. It seems to me that although the initiation of the project may fall into very good and safe hands, in the course of its construction these original projectors may disappear from the scene altogether. Another clause of the Act provides for the completion of the work within eight years. That is a long period in the active life of any individual; and it is quite impossible to forecast what changes may occur in the body of directors that the project starts with, and in whom the public may have every confidence. You may ultimately find them replaced by others of very questionable character; and I think on all occasions this House should adopt as a leading principle of legislation that we should provide for all possible conditions of malfeasance by parties to whom large powers are intrusted. The same



rule that applies to governments is applicable to boards of directors or corporations of any kind; and since I have occupied a seat in this House I have never yet lost an opportunity to advocate that principle when the opportunity arose. I do so on this occasion, I believe, in the interests of the people of my Province. I think the time to take action upon a matter of this sort is now, in the commencement of the undertaking. We may perhaps find hereafter that we are chargeable with remissness upon this important occasion for not guarding the interests of the shareholders and public generally as carefully and as faithfully as we might have done. It must be remembered that the undertaking which this Bill provides for is one of vast magnitude and importance. It contemplates a matter of so serious a character as the changing of the gauge. I do not know that that forms a part of the Bill, but it must necessarily follow. It also contemplates the enlargement of the existing lines or branches of Railways in the Province and extending them into various settlements. It takes very large powers, and this company, if the Bill passes and the Company goes into operation and succeeds in its efforts, will occupy a most important position, not only in Prince Edward Island but in the Maritime Provinces. We shall have established amongst us a power which may be productive of good or evil; and this clause may be used for evil purposes as well as good. It is to prevent the possibility of such a thing as that occurring that I am now taking the action I contemplate. I have also an objection to the time which is provided for in the 16th clause. Eight years are stated in that clause as the period within which the work must be completed. I think that is unnecessarily long, and that the patience of my Province may be exhausted long before that. One of the good results which I anticipated would occur as a consequence of the initiation of this project is that the emigration of our youth would very likely be to a considerable extent arrested. Young men who are reluctant to spend their lives surrounded by the disadvantages which they labor under at present in Prince Edward Island might, if the period were shortened in which they would see the termination of those diffi-

ties, be content to remain there; but if they see that under eight years they have nothing to hope for in the way of improvement, it will not have sufficient influence to detain them in their native country. This is a serious matter, besides the objection which might likely be very fairly urged that during the progress of this undertaking very slim efforts will be made by any Government to improve the existing means of communication. That also is a serious objection to extending unnecessarily the time within which this undertaking must be completed. I, myself, in a recent visit which I paid to my Province, have spoken of it as an undertaking which would probably be completed within five years, and I think that the expectation of the people generally is that if this Parliament passes an Act for the incorporation of this Company, that it should be limited to five years for the commencement and completion of the work. It would be quite easy, if unexpected difficulties should be encountered in the work, or obstacles should occur beyond the power of the Company to grapple with, for them to come to Parliament and ask for an extension of time. It is a matter of frequent occurrence, and I scarcely recollect any instance when such an application, properly supported, has been rejected by Parliament. Not desiring to detain the House unnecessarily, but simply wishing that the Senate should have an opportunity to pass in review this important Act before it remits it to the other branch of Parliament, I move that the Bill be not now read the third time, but that it be referred to a Committee of the Whole House with instructions to amend the same by erasing on page three, clause 12, line 33, all from "engineers" to "Company" in line 35, and by substituting therefore the words "Solicitors, actually rendered by them" and further to amend the 16th clause by substituting the word "six" for "eight."

HON. MR. WARK—I think it would be better if the hon. gentleman would put his amendments separately.

HON. MR. POWER—As I understand the motion of the hon. gentleman from Prince Edward Island it is to refer the Bill to a Committee of the Whole House for the purpose of making these two amendments.

THE SPEAKER—He is quite in order in making such a motion, but it is possible that one amendment might be acceptable to the House and the other might not, and the two would be defeated.

HON. MR. DEBOUCHERVILLE—For my part I am quite ready to vote for one amendment, and I am opposed to the other.

HON. MR. HAYTHORNE—With the permission of the House I would ask leave to withdraw the second amendment and I will move it afterwards.

HON. MR. HOWLAN—I rise to express my surprise at the course pursued by the hon. gentleman from Marshfield. He says a principle is sought to be placed in this Bill which is a novel one. It is only such a clause, word for word, as appears in nearly every railway bill which has passed this parliament. Amongst the many I may name "The Quebec and James' Bay Railway Company," "The Pacific and Peace River Railway Company," "The Wood Mountain and Q'Appelle Railway Company," "The Cumberland Coal and Railway Company," "The Quebec Railway Bridge Company," "The Lake Nipissing and James' Bay Railway Company," "The Gananoque, Perth and James' Bay Railway Company," "The Saskatoon and Northern Railway Company," "The Alberta Railway and Coal Company," and many others which I will not detain the House to enumerate. All these objections were answered by me fully in the Committee on Railways, Telegraphs and Harbours. The Bill received the approbation of that Committee, and it is not customary to oppose its reports. The Bill states that the work must commence within three years and be finished inside of eight years. As it will take three years to build the tunnel, this was not considered an improper time to allow. I think I may say that I represent the people of Prince Edward Island as fully as my hon. friend, and am as anxious as he can possibly be for the early completion of this important work. The change of gauge is placed under the control of the Government. There is an old adage that when the blind lead the blind they both go to a certain place, and

in this instance it seems to be verified. I submit that the hon. gentleman is entirely out of order, and I am surprised that he is not better acquainted with the rules of the House. In support of my position I shall read the 70th rule of the Senate, which says:—

"No important amendment may be proposed to any private bill in a Committee of the Whole or at the third reading of the Bill, unless one day's notice of the same shall have been given."

As no notice of the proposed amendment has been given, I shall leave the matter in the hands of His Honour the Speaker for his decision.

THE SPEAKER—If the hon. member insists upon that point of order.

HON. MR. HOWLAN—Certainly I do.

THE SPEAKER—Then the motion of the hon. member from Marshfield is out of order.

HON. MR. HAYTHORNE—It was not possible for me to give notice, but I can substitute another motion. I move that the Bill be not now read a third time, but that it be read the third time on Wednesday next.

HON. MR. KAULBACH—I certainly object to that amendment. I believe the hon. gentleman is sincere in his desire to have this work completed. The promoter of this Bill is one of the provisional directors of the company, and he feels that such an amendment would be fatal to his Bill; therefore I am in this awkward position that I do not know how to act. As to one of the amendments the time has been reduced one-half—from 15 years to 8 years.

HON. MR. POWER—No, from 10 years to 8 years.

HON. MR. HOWLAN—It was altered to meet the views of the hon. gentleman from Marshfield.

HON. MR. KAULBACH—It was reduced, as I say, and therefore, so far as that clause is concerned, there is no decided objection. As to the other

clause, I have a decided objection. I think it holds out an inducement to persons to get stock without paying for it. In fact it appears to be a temptation to hon. members to act in opposition to the Independence of Parliament Act. Those things have been occurring for some time, no doubt, though it is only lately that they have come to light. I have no doubt that they often occur. I should like to see some clause introduced hereafter in these bills which would prevent anything of the kind being done—legislation which would prevent members of Parliament from using their positions as members, to promote bills in which they have a special interest, or when their services are to be paid for. I do not wish to attack this particular bill—I prefer not to do so; but if I do not oppose it in this instance it is not because I do not think the principle which I advocate should be adopted. Hereafter, when any other bill comes up I shall endeavor to have such legislation introduced that no member of Parliament shall have a right to receive stock or otherwise be paid for his services in promoting a bill.

HON. MR. POWER—In seconding the motion of the hon. gentleman from Marshfield I did not wish to do anything to interfere with the ultimate success of this Bill, or of the undertaking which is contemplated by it; but I think the motions made by the hon. gentleman from Marshfield are calculated to improve the chances of the ultimate success of the undertaking, and to render the measure more consonant with the dignity of Parliament.

HON. MR. HOWLAN—I rise to a point of order. What question is before the House?

THE SPEAKER—There is a motion for the third reading, and a motion in amendment that the Bill be not now read the third time, but that it be read next Wednesday.

HON. MR. WARK—The hon. gentleman should move that the order of the day be discharged and that the Bill stand for third reading at some future day.

HON. MR. KAULBACH.

THE SPEAKER—That would be better.

HON. MR. POWER—The matter is of sufficient consequence to be discussed for a few minutes. I think I may say a word as to the statement of the hon. member from Lunenburg as to what the Bill originally was. I have before me the original measure and the 16th clause provides that the company shall commence the construction of the works and finish the same within 10 years. My hon. friend will see that he was altogether wrong in contradicting the hon. member from Marshfield and myself when we said that the original time was ten years. That was the time fixed in the Bill originally and the Committee amended this clause by providing that the work should begin within three years from the passing of the Act and reducing the time for completing the work from ten to eight years. The hon. member from Marshfield having the interests of Prince Edward Island, and the hon. member from Alberton both sincerely at heart thinks it would be better to shorten the time for completion to six years.

HON. MR. HOWLAN—That was done in committee to please both you and him.

HON. MR. POWER—It showed that the committee were willing to go a certain distance. The hon. member from Marshfield does not think that the committee went far enough.

HON. MR. HOWLAN—The hon. member from Marshfield accepted it and was satisfied with it.

HON. MR. POWER—I have nothing to say as to what the hon. gentleman stated before the committee. As to the merits of clause twelve, that was discussed before the committee. I expressed my views there and I do not think it desirable to say anything further about it here except that I agree with the hon. member from Marshfield as to that.

The Senate divided on the amendment which was rejected by the following vote:—

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The Bill was then read the third time, and passed.

## FLORA BIRRELL DIVORCE CASE.

## THIRD READING

HON MR. PLUMB move the third reading of Bill (I), "An Act for the relief of Flora Birrell."

HON MR. DICKEY—My hon friend who has just moved the third reading of this Bill appealed to me yesterday to state to the House the grounds on which the Committee resolved to recommend the passage of this Bill, and as the questions involved, as will be seen presently, are of a most interesting and important character, it is perhaps well that the House should be possessed of those reasons. This is a Bill brought by the wife against the husband for adultery. The preamble sets forth that by a pretended decree of divorce obtained in the State of Michigan by the husband, without the knowledge or consent of his wife, a marriage solemnized in Canada between two domiciled Canadians was dissolved: and it sets forth further that the respondent committed adultery with a person who, under that pretended plea, he treated as his second wife. Assuming the character of the decree to be as describ-

ed by the petitioner, it is quite clear that there was sufficient evidence of adultery given before the Committee. The testimony of Arthur Minchiner is, I think quite clear and unequivocal upon the point, and I shall not enlarge upon the discovery of that situation between the parties, but shall refer hon. members to the minutes of evidence taken. It was proved by that witness that the parties lived together for weeks as man and wife at Detroit, and that for months they travelled as man and wife together to Germany and elsewhere: so that there could be no doubt as to the question of cohabitation. On the other hand if this decree of divorce was a regular decree properly pronounced there could be no adultery, because the parties were regularly separated from the marital relation as man and wife. It will be seen, therefore, that the facts in this case are of a somewhat intricate character: and I may add that the questions raised are the most important that in my experience have ever been raised before a divorce committee in the Senate. They involve points of international law arising out of the comity of nations of the effect of divorce decrees in another country upon marriages performed in this country: upon the effect of fraud and perjury in the person obtaining such divorce, on the question of domicile of the parties and other cognate questions. The committee had the benefit of hearing these points argued before them by able counsel; and they had no difficulty in coming to a clear and satisfactory conclusion. It is a well defined principle of international law that the decrees of a competent foreign tribunal are recognized as *prima facie* decisions that should be respected in all other countries. This principle has been carried so far in England in relation to divorces that the courts of England, to which we look for precedents, have actually recognized divorces regularly granted in other countries, although the ground of divorce was such as would not be sufficient for obtaining a divorce *a vinculo* in England. There is an instance of this in one notable case of the application by a wife against her husband for adultery committed in Scotland, where adultery by the husband is sufficient cause for a divorce *a vinculo*. By a refinement of cruelty in England, the wife is

not allowed to obtain a divorce for the mere adultery of the husband, while she herself is liable to be divorced if she commits any single act of adultery. But in the case of the husband the adultery must be followed by desertion for a long period, or by incest or other aggravating circumstances to justify the Court in granting it. It is otherwise in Scotland, and therefore the question arose in England whether they should recognize the decisions of the Scotch Courts, which would separate husband and wife for the mere act of adultery by the husband, while, in England, it would not have been a cause of separation *a vinculo*. The case came up, and it was decided that the Courts in England were bound to recognize *prima facie* the decisions of the Court in Scotland, which was regarded as a foreign tribunal in the same way that a Court in France or Italy or Canada would be regarded, for all purposes in which decisions in one country is considered foreign to another, although politically they may be connected. There is a still more singular case, and the decisions have gone further than that by a case that occurred in Prussia, where a divorce was granted for incompatibility of temper. That decision was recognized in the Courts of England, because it was a decision regularly obtained with no suggestion of fraud or perjury or connivance, by a competent tribunal in a foreign country, and the somewhat harsh decision was come to that there were sufficient grounds for justifying the English Court in declaring the divorce valid. The rule is clear and distinct that these decisions of foreign courts are recognized only *prima facie*, but they will not be respected if there is evidence of fraud or perjury on the part of the persons obtaining those divorces. There is also another important element connected with it, and that is the question of domicile, for in all countries the decision of the court of divorce is only respected where the parties seeking it have obtained a real *bona fide* domicile in that country for a sufficient time to justify them in making the application. I may as well explain to the House as far as I can—to the non-professional members of it—what the meaning of that question of domicile is. It is not merely a forensic domicile—a temporary domicile for the purpose of carrying on a suit, but it must be a

*bona fide* change of domicile, and not only a change of domicile, but a change of domicile with what is called the *animus manendi*, that is, a clear intention of remaining in the country. I mention these principles as established by the highest and most recent authorities on the subject. By the law of the State of Michigan, even where divorces are supposed to be obtained so readily, the statute requires a *bona fide* residence of more than one year before the party can obtain a divorce; and the question now arises first, in what position was the party who obtained the divorce in Michigan? What position was he in for the purpose of obtaining that divorce? Had he acquired a *bona fide* domicile? He says that he had. Where was the domicile of the applicant at the time of, or anterior to the proceedings of this divorce? Foreseeing that this was the crucial question in the case I thought it my duty at the close of the examination of a most respectable and responsible witness, Mr. McKellar, to take up that question and get for the information of the committee something clear and tangible upon the subject, and I may as well read the questions that I thought it my duty to put to the witness and his answers upon that subject. They are to be found on page 6 of the printed minutes:—

“Q. Where was respondent then living at the time that you wrote in September, 1884?”

That is immediately after the divorce.

“A. He was in London. His domicile was really there all the time. I know that to be the case of my own knowledge, because I was in London several times, and on each occasion saw him there attending to his business, although he claimed afterwards that he was a citizen of Detroit.”

He claimed that because he wanted to establish his divorce. Then he is asked by Mr. Nelson—

“Q. That is London, Ontario?”

“A. Yes.”

Then he is asked by the chairman—

“Q. In point of fact had he been living in the United States before that?”

“A. No, I think not; he had attempted to establish the domicile there by renting a room, but I learned afterwards that occasionally he would go down to Detroit and spend a day or two there and return to his business, but his business and his real home were all the time in the City of London. Part of the time he was keeping house there.”

So much with regard to the question of domicile, and I will ask the attention of the House presently to what he himself says upon that subject. I shall make a few extracts from his examination at page 16 of the report. That is the examination in the *ex parte* proceeding, in which he is examined by his own attorney, and he signs and swears to the statement, without any cross-examination. He is asked—

“Q. What is your business at present ?

“A. I am living on my money now.”

“Q. How long have you lived here ?”

“A. I have lived here seventeen months.”

I will ask the attention of the House to the time. This was in August 1874. The examination continues :

“Q. Did you come here to get a divorce ?”

“A. Well, my idea was to live here altogether in Detroit.”

He evades the question and conveys the idea that he came to live in Detroit altogether. Then at the end of that singular proceeding the Court pronounces this solemn decree :—

“You may take a decree on the ground of desertion.”

That was all the evidence. It is my duty first to show how the evidence of McKellar is corroborated by testimony under Birrell's own hand. If the House will look at the agreement of separation between these parties, which I shall speak of more particularly presently, at page 8 they will find that just thirteen months before this time (in August 1884) when he swore on his solemn oath that he had been living in Detroit for seventeen months, his residence was in Ontario. Here is an agreement of separation which bears date on the 19th July, 1883, just 13 months before, between William Henry Birrell, of the City of London in Ontario, merchant, and his wife : and this agreement is signed by himself at the time, so that he has contradicted himself there by the fact of his own admission under his own hand, that his place of abode thirteen months before was in the City of London ; and we have the further testimony that he had remained there ; that his business was there ; that he had a dry-goods firm, of which he was a member ; that he was constantly in the habit of attending business there during the whole period when he says he was living at Detroit ; although he occasionally went there

so as to keep up a sort of sham residence for the purpose of enabling him to procure this divorce. It is right that I should state to the House the grounds on which this divorce was granted in Michigan. They will be found at page 11 of the Minutes. It is the proceeding in the *quasi* Court of Chancery, and in those proceedings the words “Your orator” are used by Birrell as petitioner. Here is a statement of the grounds on which he obtains this divorce, and the House will see how he managed to deceive the court there :—

“And your orator further shows unto the Court that the said defendant, disregarding the solemnity of her marriage vow, on or about the first day of May, A.D. 1879, without cause, cruelly deserted your orator, and has ever since continued to live separate and apart from your orator, and said defendant is now a resident of the State of California.”

And he follows that up by saying :—

“And your orator positively avers that the act done and the cause of divorce charged in this bill of complaint, for which divorce is sought, were committed without the consent, connivance, privity or procurement of your orator, and that such bill is not founded on or exhibited in consequence of any collusion, agreement or understanding whatever between the parties thereto, or between your orator or any other person.”

That is to say that what he calls desertion was without his knowledge or procurement or consent whatever ; and yet I have before me here the formal deed of separation in which these parties agreed in the month of July, 1883, that they should continue to live as they had for the four years anterior to that, separately, and it was done by his formal consent and tested under his hand and seal. This is made more singular by the fact sworn to, which I need hardly quote from the papers, that he actually, from the year 1879, paid his wife an allowance of \$1,200 a year to induce her to live separately from him ; and he has the hardihood to swear to the truth of the bill in the divorce court of Michigan that she cruelly deserted him without his knowledge, consent, privity or any other condition whatever. The wife, Mrs. Birrell, testifies to this effect on page 1 :—

Q “Did your husband make any allowance to you ?

A “Yes, \$1,200 a year

Q “From 1879 ?

A "Yes.

Q "So that you left him with his consent?

A Yes."

That is proved by the agreement which the unfortunate woman produces signed by him. After he paid that allowance four years they entered into a formal document with his brother as security—for I suppose she required something more than his mere promise—thirteen months before he claims this divorce in Michigan, and has continued, as I believe, to the present day to pay it. I hope I have made it quite clear that as regards the question of domicile in the first instance, this man's domicile was in the City of London, and there never was any change of domicile whatever; and that he had therefore no *bona fide* domicile in Michigan, and that he deceived the Court there and obtained this divorce by false representations. In the language of the courts of England, speaking on this subject, he misled the Court, and he must take the consequences. He was therefore guilty of fraud and guilty of perjury in swearing to facts which were entirely opposed to the evidence and opposed to the documents which are laid before the House over his own signature. I have already stated the principle that the decision of a divorce court in a foreign country is only recognized as *prima facie*, and it could be set aside, as has been frequently the case in England, upon evidence that the divorce was obtained by fraud and perjury and that if the court was imposed upon it is sufficient ground for setting it aside. I have also shown that the party had no real domicile in Detroit. It was only a colorable residence there, what is called a forensic domicile, adopted for the purpose of bringing suit and only for that purpose, and that he went backwards and forwards attending to his business, having his home in London and going occasionally to Detroit, having rented a room there, as is supposed, for the purpose of fulfilling the requirements of the law, and having no *bona fide* domicile there. The Committee thought it necessary to examine most closely and critically this Mrs. Birrell upon the question of her connivance in this matter, and we did not confine ourselves to the instructions that were conveyed to us as to connivance or consent with regard to this divorce bill.

We insisted on examining her severely as to her consent or connivance in this previous alleged divorce in Michigan. We have her testimony here. It is not necessary that I should quote it but in all the various forms of question and answer that could suggest themselves to the Committee, she was examined as to those points, and she stated most distinctly that so far from having connived or given any consent to this Michigan divorce, the first notice she had of it was a month after it was obtained. She learned of it in a letter from an acquaintance in this country. At that time and for several months previously she was a resident of California, at the other end of the Union, and she merely by accident obtained this information. By a curious practice in that country, even when a person resides in the United States—and in this instance the husband swears that she resided in California—no personal notice is required. In point of fact no attempt was made to give her notice. The notice was published in a newspaper called the *Wayne Courier*, which, of course, she never saw and probably no person in California ever saw, and that was considered sufficient evidence to warrant the Court in deciding to dissolve this marriage contracted in another country. Then on the question of connivance and consent to these proceedings, she is equally distinct in her answers negating any idea of collusion. We are not confined to her testimony on that point, because she swore, and her testimony was confirmed by Mr. Blake, that she was acting from first to last entirely under the advice of the leading Chancery counsel in Ontario in all the proceedings that she took, and it was under his advice that this application for a Bill of divorce was made, for the simple reason that there was no other way by which the unfortunate woman could get rid of this sham divorce obtained by her husband in the State of Michigan, so that she could be put on the same footing with him. Knowing that it was a divorce that must be set aside by the courts of this country, she could not rest upon that. It gave her no chance for a future in her life and therefore she was obliged to take steps for obtaining this divorce, in order to put her upon the same footing as her husband. I have made this statement because the principles involved in

this case are very important, and it may save us some trouble hereafter in other cases. I trust I have not unnecessarily wearied the House in making this explanation.

HON. MR. PLUMB—I wish to thank the hon. gentleman for the very clear, lucid and interesting statement which he has made. This case presents some features of a novel character. It involves one or two very important questions, and one of them, I may say, at my urgent request that the hon. member consented to address the House on the subject. I thought it was desirable that the points which he has stated so clearly should be upon record. They were largely stated by him as chairman in the committee, and I and all the other members of the committee thought it was exceedingly desirable that they should be on record in the Senate Debates. I trust the hon. gentleman will accept my most cordial thanks for the manner in which he has laid the matter before the House.

HON. MR. KAULBACH—I do not intend, after the full, lucid and elaborate statement not only of the law, but also of the evidence in the case by the hon. member from Amherst to say more than a few words. It would be a work of supererogation on my part to attempt to add anything to what he has stated, but as I strenuously objected on two former occasions to this Bill, involving questions of the highest importance, being read the third time, without a thorough investigation both of the law and the evidence on the subject by this House, with all the evidence taken by the committee before us, it would probably be as well for me to make some remarks. My hon. friend has admitted that this is a case peculiar in itself, the like of which has not come before this Parliament, involving so many intricate questions of international law and comity of nations. I have ever felt throughout my parliamentary life that the severance of the marriage tie should not be referred to a tribunal constituted as this House is, and I do not stand alone in this view. It has seldom happened that so difficult a case as to points of law has come before us. The question of divorcing man and wife is a

grave and solemn one. Many of us believe marriage to be a sacrament and not to be treated as an ordinary case to be dealt with by a civil court, and that if it must be treated as a civil right subjected to legal decision, that it should go before the judges in the highest Court of the land. It is a grave defect in our constitution that these cases must necessarily be referred to this body. I think it is a blot upon our constitution, and if we cannot get rid of the duty, that it would be wise, and should be made imperative in all cases to appoint as members of Divorce Committees honorable gentlemen who have given special attention to the subject, and have been trained in the law. I do not wish to be understood that I have any personal desire to be appointed to such Committees. I should rather be off them, but still I feel convinced from long experience that we should endeavor to have the advantage of as much legal ability in the adjudication of such cases as possible. It seemed to me very singular that in the appointment of this Committee the Chairman was the only lawyer upon it, and it was also very unusual that a gentleman very learned in the law, Mr. Samuel H. Blake, Q. C., a retained Counsel for the Applicant, should be called upon to give testimony both as to the law and the evidence applying to this case. His testimony seemed to be necessary, material, and very clear on the question of collusion and connivance, but he instructed the Committee not only upon those questions but also on what the law is in cases of this kind. He dealt not only with the facts and evidence material to the issue to be tried, but also the law governing them. I have known cases in which experts and scientists have been summoned as witnesses under certain circumstances, but this is the first instance in which I have known a witness to be called in to give an opinion on points of law and on cases cited by him, and to instruct the tribunal of judges how such cases should be decided. He distinctly states in his evidence that he was asked to put himself in that position. "I make the statement because I have been asked to do so." I believe that the learned gentleman imparted a great deal of important information to the Committee, for which they should feel obliged. My hon. friend who is in charge



of this Bill was not so wise a judge even in his own conceit (if he had any in the matter) as to think it unnecessary to question him as regards the law and the evidence.

HON. MR. PLUMB—We can all be taught some law.

HON. MR. KAULBACH—My hon. friend was not so wise a judge but he asked the witness what was the law.

HON. MR. PLUMB—I did not ask any such question.

HON. MR. KAULBACH—I will refer my hon. friend to the evidence. “Mr. Plumb—I suppose that will stand as the law until there is another decision?”

HON. MR. PLUMB—Yes, I said that.

HON. MR. KAULBACH—I will show my hon. friend more if he wishes.

HON. MR. PLUMB—I did not ask an opinion otherwise.

HON. MR. KAULBACH—The witness gives his opinion as regards the case of Lloyd and Gould and its bearing on the case at issue. I merely mention this to show that in matters of such great importance, which we should deal with very carefully and with a great deal of diffidence, the tribunal to which they are submitted should be composed of men who have made a study of law and who will not find it necessary to bring in experts to tell them what the law is on certain facts, or what is material to the issue. This is a peculiar case, and it seems to me that although there was an apparent divorce, and one which, for the cause assigned, desertion, would appear to stand good in the United States although bad here for that cause, a married woman apparently here and a divorced woman in the United States, there seems to be a conflict, yet although obtained by fraud on the Court—and for a cause not recognized here—the decree stands good until such time as it is set aside. There seems to be a conflict between the authorities taking that position and those who say that no matter what view may be taken of

international law, a foreign divorce does stand good until set aside when obtained for cause not recognized where the marriage took place. No doubt that is so; I think the authorities go that far and that this divorce obtained by fraud in Michigan is good there until set aside. Although that is the case still it was not necessary to set it aside, and it is difficult to be set aside after the party has again married, but we are quite competent to grant another divorce as regards the wife. That did not deprive her of the right to come to this Parliament to get a decree of divorce. The divorce is no answer to this application. I think these positions have been all well taken and established by the facts. Now in this matter there seemed to be some collusion from the fact of the respondent himself coming here and volunteering to give evidence as regards the service of papers. If the evidence of service or any other evidence that he gave was material to this case, I very much doubt whether I should act upon it, because it is evident from what my hon. friend has said and what appears from the evidence that this divorce in the United States was obtained by fraud and misrepresentation. His wife had not deserted him. The respondent merely went to Detroit, not for the purpose of settlement, but if possible to get the appearance of domicile in order to obtain a divorce, of which she had no notice. He went there with *animus revertendi*. In the State of Michigan that is not sufficient: you cannot evade the law in that way. The first marriage was in this country and yet there the divorce which he obtained by fraud and misrepresentation is valid. There is abundant ground for setting aside a decree even in the United States, when it is proved that it was obtained by such means, and under the circumstances the petitioner in this case is entitled to a divorce. I feel quite confident that the decision of the Committee is a good and just one, and I am disposed to give my support to the passing of this Bill; at the same time I should always obstruct, as I have obstructed before, the passage of every bill of this kind until the evidence is before every member of this House, to enable him to see for himself whether the application is one that he could conscientiously support: that the petitioner, as

HON. MR. KAULBACH.

has been abundantly proved in this case, has done no wrong and is free from connivance and guilt.

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

## REPRESENTATION OF NORTH-WEST TERRITORIES IN DOMINION PARLIAMENT.

### ADDRESS.

The order of the day having been called — “Consideration of Address to Her Majesty *re* Representation of North-West Territories in the Dominion Parliament,”

HON. MR. DICKEY moved that the blank in the said Address be filled by inserting the words “Senate and.” He said: This is an Address, as the House may perhaps remember, asking the Imperial Government to procure legislation for the purpose of enabling this country to arrange for the representation of the North-West Territories in the Dominion Parliament. It has excited some surprise, and indeed I was somewhat surprised myself at first, until I looked at the Act, that such a provision was not already in the British North America Act. There is a reference to this matter, which I need not discuss at large, but it has been considered by the best legal authorities here, I believe, that it is not sufficiently explicit to enable this Parliament to legislate on the subject and therefore it has been decided to make it the subject of an Address to Her Majesty so that we may be enabled to grant representation to our territories

HON. MR. POWER—I do not rise for the purpose of opposing this Address. I think it is desirable that these North-West Territories should be represented in Parliament, and I think that probably if they had been so represented the rebellion of last year would not have taken place. If this measure had been passed two years ago when it was first advocated by the hon. gentleman from Niagara, it would probably have saved the country some money and a good deal of difficulty. However it is better to take it now than not

to get it at all. On looking over the report of the debate on this Address in the other Chamber I find that the Prime Minister gave it to be understood that the measure which was to be forwarded to the Imperial Government would be submitted for the inspection of the other House. Of course the House will not have to pass upon the measure, but it will submitted for their inspection; and I presume it will be such a measure as will meet with the assent of Parliament here. I venture to suggest one or two points with respect to the measure which I think are open to criticism. The Bill will propose, as I understand, to give five members altogether.

HON. MR. DICKEY—Yes, two to Assiniboia and one to each of the others.

HON. MR. POWER—I have some doubt as to the propriety of giving so large a representation. The composition of the House of Commons is under the British North America Act, based upon population, Quebec being taken as the criterion to establish the number of the representatives of each Province. The rule at present I think is to give a representative for each twenty or twenty one thousand of the population. Manitoba and British Columbia have been excepted from that rule; although possibly the Province of Manitoba has now no more members than she is entitled to, because the population has increased. British Columbia has, and now we propose to give to a population which amounts altogether—including Indians as well as whites—to 48,000, a representation of five members. The districts would be really entitled, according to population, to only two members, and I think that there is some question as to the desirability of departing from the general rule. The city of Montreal, which has a population of about 160,000, has only three members, and those 48,000 people out in the North West will have five—almost double the representation of the commercial capital of Canada. The county of Halifax has a population of about 70,000, and it has only two members; so that the 48,000 people in the North-West, half of whom are Indians, will have more than double the representation in Parliament than the 70,000 whites of Halifax county have. I do not think that any

sufficient reason has been given for this wide departure from the principles of the British North America Act. I think that if two members had been given to those territories it would have been sufficient—one to Assiniboia, and one to the other two. I do not know that that is a very serious ground of complaint however; but this proposal to give representation to the North-West Territory, and the census which has been taken with a view to the introduction of this measure, recall to our minds certain discussions which took place, and statements which were made sometime since by very distinguished men; and I think the feeling of every hon. gentleman on learning the result of the census of the North-West Territory must have been one profound disappointment. I know that that was my feeling, and I do not suppose that other hon. gentlemen yield to me in their desire to see that country well peopled. I wish to call attention to some statements made in the year 1880, when a Bill respecting public lands in the North-West was before the House of Commons—especially the statements made by the present Premier, Sir John A. Macdonald. That right hon. gentleman was talking of the rapidity with which he hoped the public lands in the North-West would be disposed of, and he gave it as his opinion that the Canadian Pacific Railway could be built and cost the people of this country nothing, owing to the rapidity with which the lands would be sold and the rapid increase of the population. At page 1053 of the Commons Debates for 1880, I find Sir John Macdonald reported as having said that:—

“The road may be eventually built without costing the people one single farthing which will not be recouped. I believe that land can be made productive, under the terms of the resolution, to complete the whole of that road, to open that immense country and give us a magnificent railway from sea to sea without adding to the burdens of the people, and without causing any necessity for an increase of taxation. We can do it all by the sale of the lands which we hold as a sacred trust for the purpose of defraying the whole expense of the construction of the Pacific Railway.”

He goes on to speak of the rate of increase of population in the United States, and takes the ground that the rate of increase in our population will be as great

as that in the neighboring Republic. At page 1055 he continues:—

“There are one or two postulates which I must ask the House to consider, because, if we admit them, the rest is simply a matter of calculation. It is believed, from the best information that we can get, that 20,000 people went into the North-West last year.

HON. MR. BLAKE—There were not more than one-tenth of that number.

SIR JOHN MACDONALD—I can inform the hon. gentleman from the returns of the Hon. Minister of Agriculture, that 12,000 are known to have gone in, and, from the best information we have got, as many more went in that could not be counted, who were not under the supervision of the Department; but let us say that 8,000 more went in, and that only makes 20,000. If we are to judge from the reports we have read, we may rely upon it that 50,000 people will go into that section this year. We know that in the United States, when railways were about to be opened across the prairies in the various states and territories, a large influx could always be calculated upon, because there is always an increasing rush towards those lands which are being opened up by the construction of railways. We are told that 50,000 will come in, but let us put the number at 25,000, and I have been informed by every one—and I have spoken to a great number of persons who have come from the North-West, and who have the best means of judging—that that estimate is ridiculously small.”

Then Mr. Mackenzie interrupted to the effect that the number going in was not so great. The leader of the Government continued on in this strain for some time, and finally he made this calculation:—

“Then we calculate that as 25,000 people would go in this year, we may add each year an increase of 5,000, so that we may expect 30,000 to go in the next year. This is a very small percentage, if we look to the results from railway enterprise in the United States. We assume, therefore, an increase of 5,000 a year until 1890, and expect in that year 75,000 settlers in our North-West.”

Then he went on to say that he thought that was a very moderate estimate, and he said:—

“On those figures, the estimate of the total cash revenue to be received for the lands by 1890, is \$38,593,000.”

Then he made a calculation as to the actual value of the Government and railway lands sold, and got a grand total result from the sale of the land of something like \$71,305,000, and says, “Deduct from the estimated cost of the surveys for the ten years, \$2,000,000, and of the land officers,

\$400,000, and you reduce it by \$2,400,000," and he finds that he has \$69,000,000 "either of money in hand or money for which we shall have the best security in the world—the land itself. The whole estimated cost of the railway, including surveys and construction through the difficult as well as the prairie country, does not exceed, by the most excessive computation, \$75,000,000—for the work from Lake Superior to the Pacific Ocean."

He goes on to the end of his remarks in that strain—that the railway is not to cost anything—that an immense population will pour in there, and that the land will be sold off very rapidly, and the country will realize very large sums from it. I have taken the trouble to make a little calculation as to what the population of the North-West would have been if the Premier's expectations had been realized; and I find that at the end of last year, if emigrants had gone in there at the rate at which he anticipated at that time, there would now be in the North-West a population of 225,000 white people, instead of which we have a little over one-tenth of that number. We cannot help regretting this state of things, and it is to be hoped that the granting of representation to those three territories may have the effect of rapidly increasing the settlement of the North-West. This matter, as I intimated at the opening of my remarks, was brought before this House in the session of 1884 by the hon. gentleman from Niagara. He made a very instructive and able speech on the subject of the representation of the North-West Territories. In 1880 that hon. gentleman occupied a seat in the House of Commons, and he endorsed the views of his leader. In 1884 in this House, his views were similar, although they were somewhat modified by the experience of intervening years; but the hon. gentleman thought that in 1883 there were 25,000 people in Assiniboia alone, and that it would be safe to estimate the entire population of the territories at 35,000 whites, so that it will be seen that two years ago the hon. gentleman, with the experience of the years intervening between 1880 and 1884, was of opinion that there were 35,000 whites in those territories. As it turns out, there were in

1885 only 24,000 whites; and the case of the hon. gentleman is one of many, as we were all disappointed to find that the number of white settlers in that country was so small. I have no objection to the passage of the Address.

HON. MR. TURNER—I think my hon. friend from Halifax in his remarks has wandered away very much from the subject of this resolution. I do not intend to follow him in his wanderings; I only wish to make a few remarks in reference to the representation of the territories, which he contends is altogether too large, and his assertion that if the suggestions of the hon. gentleman from Niagara had been acted upon two years ago the rebellion might not have taken place. Now, if the hon. gentleman from Halifax would have only two members for that vast country, I would like to know where he is going to put them? Where would two representatives do any good representing such vast areas? Assiniboia, very properly, in my opinion, is to have two members. Possibly Saskatchewan with one representative, may do very well; but Alberta cannot be properly represented by one member alone. There is one thing in connection with that country that I would like this House to thoroughly understand: it is that each place has different interests. Alberta, for instance, has its mountain interest, that is the grazing interest; it has its mineral interest and its agricultural interest—the one to the south, and the other to the north, and in my opinion Alberta should have two representatives. The grazing interest to the south extends from Calgary down to the American line; and the other interests extending northward are the coal, iron, gold mining, and agricultural as well as grazing interests. I did not intend to say anything on this subject, but the discussion has wandered away from the question before the House which is, I think, a most important one to have carried out, that is to obtain authority to grant that representation that the hon. gentleman desires and, in fact, the whole of us want to have for the North-West, whether by two members or by six or by ten, in the parliament of the Dominion. I would just like to say that it is not representation by population

that a country like the North-West should have at the present moment.

HON. MR. POWER—Population is the basis of our representation here.

HON. MR. TURNER—The particular district and particular interests should be represented in an authoritative way, so that when we are discussing questions affecting those interests, they can be dealt with by thoroughly practical men who understand the subject.

HON. MR. PLUMB—I am very glad to know that the Government have consented to move in the matter, which I addressed the House upon a few years ago. I felt deeply then that the time was fast approaching when such a movement would be necessary. I am rather surprised at the argument used by the senior member from Halifax in speaking of this motion. He tells us in one breath that if there had been representatives from the North-West two years ago, the trouble which occurred there last year would not have arisen. He tells us the very next moment that we are now asking for too many members, two years afterwards, when the population has very considerably increased. The hon. gentleman is inconsistent. I should like to know how he would, upon the principle which he has stated, give representation to these territories. He says that in the more populated parts of the Dominion there is a representative for every twenty-one or twenty-two thousand souls. I wonder how he would have given any representation to the North-West Territories two years ago on that basis? There would not have been population enough to give representatives to half of them. The hon. gentleman in his desire to make a case for his party, has contradicted himself very materially.

HON. MR. POWER—I speak only for myself.

HON. MR. PLUMB—Then, the hon. gentleman expressed regret that the population of the North-West has not increased as rapidly as Sir John Macdonald anticipated it would in the speech which he made in 1880 on the Bill appropriating

land for the building of the Canadian Pacific Railway. There are a good many reasons why that increase has not taken place, and none of them more unmistakable than the persistent attacks upon the North-West, the Canadian Pacific Railway and everything connected with the opening up of our prairie country, which have been made by the hon. gentleman's friends in the House of Commons and this Chamber, through the press, and wherever they could get a hearing, by which the enterprise of building the Canadian Pacific Railway was almost paralyzed and by which, on false reports as to the condition of the North-West Territories, emigration to that great country was seriously checked. The hon. gentleman has referred to the debates in the other House. We all know that certain members of that body have stated that our North-West Territories were so sterile that people would not go there unless great inducements were held out to them.

HON. MR. POWER—Nothing of the kind was said.

HON. MR. HAYTHORNE—I rise to a point of order. Is it within the privilege of the hon. gentleman to speak of what has occurred in the other House of Parliament?

THE SPEAKER—It is permissible to allude to acts which have taken place in the other Chamber.

HON. MR. POWER—I rise to another question of order. I do not question the hon. gentleman's right to refer to what has taken place in debate in the other House, but I do say that he has no right to allege as having taken place in the other House something which did not take place.

HON. MR. PLUMB—I have no doubt the hon. gentleman does not like the facts which I have stated.

HON. MR. POWER—But they are not facts; that is the point.

HON. MR. PLUMB—I felt bound to make this statement from the manner in which the hon. gentleman has wandered from the subject.

HON. MR. TURNER.

HON MR. HAYTHORNE—Will the hon. gentleman be a little more specific.

HON MR. PLUMB—I do not trouble the House so often that any objection should be made to my replying to remarks made by another member. The hon. member from Halifax said that he felt a profound disappointment that the statements made in another place in 1880 had not been fulfilled. He then went on to say that there would have been a population of 235,000 in the North-West by this time if the predicted increase had taken place. The hon. gentleman did not include Manitoba in his calculation, though he knows perfectly well that when that statement was made it had reference to the entire North-West and not to the Territories alone. Then I wish to tell the hon. gentleman another thing, that population will follow the railroad. It has always been the case in the Western States and it would have been the case more largely in our North-West, if immigration had not been stopped by every malicious invention that ingenuity could devise. The extent of our release from the burden of building the Canadian Pacific Railway depends upon the receipts in the Custom house, and the hon. gentleman should know that the revenue collected in the Custom house in Winnipeg alone has been great enough to cover a large proportion of the interest on the outlay involved in building the Canadian Pacific Railway. These Customs duties were a legitimate portion of that prosperity which was expected to follow the development of the North-West, and which never would have been experienced in Winnipeg if it had not been for the rapid construction of the Pacific Railway—never would have been experienced if the road had only been built a hundred miles at a time, as proposed by hon. gentlemen opposite. The hon. gentleman having provoked the discussion I felt bound to mention that he has not stated the whole case. He says he thinks the representation proposed in this Address is too large. Well, there is not a population in any of the districts yet to warrant representation, but it would be difficult to predict what the population will be two years hence in that vast country provided the hon. gentleman and his friends do not

prevent people going there. We cannot make a calculation of what the increase will be by the time Parliament is ready to deal with that question. I have no doubt by that time the representation will be large enough to warrant the representation mentioned in this Address.

HON. MR. POWER — Hope tells a flattering tale.

HON. MR. PLUMB—The hon. gentleman should remember that the territories embrace a vast extent of country, and its various interests should be represented. Even the five members proposed by this Bill will very inadequately represent the extensive territorial interests of the great North-West. There are difficulties, and will be difficulties in organizing the country in such a way as to get a suitable representation; but I trust the day is not far distant when we shall have the pleasure of hailing in the House of Commons representatives from the territories, who will be able to fairly represent them in proportion to their population, and that they will be able to show that although the increase of population may have halted for a year or two, and circumstances may have occurred to prevent the rapid growth that was anticipated, that a change has taken place now that the Canadian Pacific Railway is completed in spite of all obstacles thrown in the way, and extends from sea to sea, forming the only railway on this continent that can control business from ocean to ocean, having in that respect an advantage over any other railway on this continent—that with this advantage, with the prospects of an abundant crop this year and a general revival of confidence in the future of the country—notwithstanding the attacks that have been made on the North-West and on the great enterprise which has developed its resources—the time will come when the population will be sufficient not only to warrant the representation given by this Bill, but largely to increase it; and I have no doubt my hon. friend will hail it with great pleasure, because I believe he has the interest of the country at heart, though he is sometimes swayed by party interest. It must be remembered that those questions which he brings up here have been threshed out

in another place. They are familiar to us all. There has been a debate upon them within a day or two in another place, and that debate signally failed to establish that it was because of the lack of representation in the House of Commons from the North West that the rebellion occurred last year. In fact, I think the question of the rebellion and the causes that led to it has been settled in a way that is not palatable to gentlemen who seek to make political capital upon it.

HON. MR. KAULBACH—I think the hon. member from Halifax is unfortunate in his opposition to this measure, and I am unfortunate in following the hon. gentleman from Niagara, because he has said almost everything that can be stated on the subject. My hon. friend from Halifax spoke about population being the proper basis for representation in this Confederation, and contended that it should be the basis for all parts of the country alike; but as the hon. gentleman from Hamilton has shown, that is not the only basis—extent of territory as well as population should have a great deal to do with it. As my hon. friend from Niagara says, if two years ago representation has been given to the North-West on that basis, there would have been no representation for half the territories. On the same basis, British Columbia would have had no representation until lately. That Province has not to-day half the population of the county of Lunenburg, from which I come. I doubt if Prince Edward Island, or Manitoba, would have the representation which they now enjoy, if it were based on population solely. In opening up a new country like our North-West, into which a large population will flow, now that the people are convinced that there are no more troubles or rebellions likely to arise there—now that we have completed our Pacific railway in spite of all the hostility shown to it—now that the Imperial government have recognized it as a great highway of commerce from ocean to ocean, connecting the United Kingdom with all her colonies—with all those incentives, we must expect that there will be an immediate influx into that country of a vast population. The facilities for the development of our territories are very great, and therefore, I say, when my hon. friend from

Halifax based his objection to this Address on the ground of a scanty population he could not be sincere. As regards the prognostications of the increase of population in that country, we know how often predictions made in this House have failed. We all remember how the hon. gentleman's friends predicted that the Canadian Pacific Railway would not be built in 40 years—that it would only be constructed through the prairie country, and the statement that the lands in Dakota were far better than the lands in our North-West.

HON. MR. POWER—No, that was never said.

HON. MR. KAULBACH—Not only was that said but an effort was made to decry the financial condition of our country, and to destroy the prospects of the railway itself.

The motion was agreed to.

HON. MR. DICKEY moved that this Honor the Speaker do sign the Address on behalf of this House.

HON. MR. POWER—Before that motion passes I wish to say that the members of the Reform party in the House of Commons and in the Senate have never decried the character of the North-West Territories.

HON. MEMBERS—Oh, oh, oh!

HON. MR. POWER—They have decried the administration of the North-West Territories, and the results of the census taken by the officers of those gentlemen during the last summer have amply justified the statements made by members on this side of the House, and of this party in the other House and elsewhere, as to mismanagement in the North-West. I think it is disgraceful to the Government, after spending so many millions of dollars, and after so many years, that a magnificent country like that should have such a contemptibly small population.

HON. MR. PLUMB—I am bound to say in reply to the remarks that have just been made by the hon. gentlemen from Halifax, that the debates in another place

are full of attacks on the North-West, on the character of its climate. I will not say what has happened here, but either the hon. gentleman has not studied those debates, or he has seen them with a prejudiced eye; I do not think, otherwise, he would have ventured to make such a statement. It is patent to everybody that Kansas and Texas have been recommended—that any place has been recommended, for the intending emigrant rather than the North-West and Manitoba.

HON. MR. POWER—Will the hon. gentleman be good enough to mention any such statements from members of the Reform party? These allegations have been made many times. I should like him to produce any statement made by any member of the House of Commons of the character which he has mentioned.

HON. MR. PLUMB—I will give any number of them.

The motion was agreed to.

HON. MR. DICKEY—As His Excellency is the only recognized means of communication with the Imperial Government, I am under the necessity of asking the House to adopt this motion:—

That a humble Address be presented to his Excellency the Governor General in the following words:—

To His Excellency the Most Honorable Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, in the County of Somerset, Earl of Wycombe, of Chipping-Wycombe, in the County of Bucks, Viscount Caln and Calstone in the County of Wilts, and Lord Wycombe, Baron of Chipping-Wycombe, in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry, and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, in the Peerage of Ireland, Knight Grand Cross of the Most Distinguished Order of Saint Michael and St. George, Governor General of Canada, and Vice-Admiral of the same, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, the Senate and of Canada, in Parliament assembled, have agreed to an Address to Her Most Gracious Majesty the Queen, in relation to the representation in the Parliament of Canada of the several Territories forming part thereof, and respectfully request Your Excellency will be pleased to transmit the said Address in such a way as

Your Excellency may see fit, in order that it may be laid at the foot of the Throne.

The motion was agreed to.

HON. MR. DICKEY moved that His Honor the Speaker do sign the last Address on behalf of this House.

The motion was agreed to.

## BROCKVILLE AND NEW YORK BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. CLEWOW moved the second reading of Bill (68) "An Act to incorporate the New York and Brockville Bridge Company." He said: This Bill is merely for the purpose of incorporating a Company to construct a bridge across the St. Lawrence. Every precaution is taken for the protection of the public interest.

The motion was agreed to.

The Senate adjourned at six o'clock.

## THE SENATE.

*Ottawa, Monday, May 3rd, 1886.*

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

## BILL INTRODUCED.

Bill (P) "An Act to amend an Act respecting a Reformatory for certain juvenile offenders in the County of Halifax, in the province of Nova Scotia." (Mr. Power.)

## GOVERNMENT LANDS AT SOREL.

ENQUIRY.

HON. MR. GUEVREMONT inquired  
Si c'est l'intention du gouvernement de vendre, de la même manière que le département de l'intérieur a décidé de vendre l'Île Ronde, toutes les propriétés qui lui appartiennent dans la seigneurie de Sorel, et qui sont occupées en vertu de baux annuels.



HON. MR. DICKEY—I was informed by my hon. friend from Toronto, who is the only Minister at present leading the House, that it was his intention to be absent in Montreal to-day, and under that impression he took no pains to inform himself as to the answer to be given to this question. The Department to which it belongs, in the meantime, within an hour or two, transmitted the answer to the question to me, probably under the same impression as I was, that my hon. friend would be absent. Finding a few moments before the House met that the hon. gentleman would be in his place, I left the memorandum, handed to me, at his disposal; but he insisted that as he had not an opportunity of thinking over the matter I should make use of the information and answer the question. I mention that, in justice to myself, and to show that I feel myself compelled, under the circumstances, to comply with my hon. friend's request. The answer to the question is this: if there be no public reason to the contrary, and it is decided to sell any of the properties occupied by individuals under annual leases, they will be sold in the same way as the Government has decided to sell Ile Rond.

#### ST. VINCENT DE PAUL PENITENTIARY.

##### MOTION.

The Order of the Day having been called

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 a letter to the Warden of the Penitentiary of St. Vincent de Paul, dated 31st July, 1885, and signed by ex-Guard J. E. Durocher, protesting against his dismissal, and making serious charges against certain Officials,

HON MR. BELLEROSE said: I beg to ask the hon. gentleman from Toronto, who is a member of the Privy Council, when I may expect the answer to the address which I moved on Friday last? It is only a letter that I asked for, and it could have been copied on Saturday and handed in to-day. If it cannot be laid on the table to-day I will ask the House to allow me to postpone this motion.

HON MR. SMITH—The letter that the hon. gentleman requires will be furnished. I was not aware that he required it to-day, but it will be furnished without delay.

The motion was allowed to stand.

#### VACANCIES IN THE SENATE.

##### MOTION.

HON. MR. ALEXANDER moved

That an humble Address be presented to His Excellency the Governor General, expressing the opinion that it is not in the public interest that any more vacancies in the Senate, arising from death or any other cause, should be filled, until the people of the Dominion have had an opportunity, at the next general election, to express their views respecting the constitution of the Senate.

He said: I believe I shall best consult the convenience and the pleasure of the House by being as brief as I possibly can in bringing this motion to its notice. I am sure that the House will to-day discuss this important question from a higher standpoint, from the standpoint that under the Confederation Act the Senate of the Dominion was designed to be a high judicial body. Such was the purpose of the framers of the Confederation Act, designing it to be a safe-guard to prevent all maladministration from either the one or the other of the two great political parties of the country. When the Senate acts as a partisan body it fails to fulfil its mission to the country. As regarding the past appointments to this Chamber, every one must admit that those selected have been the prominent men of their respective districts. Had those very men been elected by the people, we should then have had the Senate in accord with public sentiment. I need not weary the House by going over ground which is familiar to every one. We all know how the Senate has become almost entirely composed of Conservative members. Have we not found the leader of the Government, and the so termed leader of the Opposition for some years complimenting each other in debate. Such conduct explains itself. It requires no comment from me. When the senior member from Halifax, Senator Power, one of the most industrious members of this House, tries to do his duty, he generally

meets with much interruption. It cannot be expected that the enlightened people of a rising country such as this will permit this peculiar state of things to go on: and would it not be more dignified and more graceful for this august body to take the initiative to-day in aiding the people to have Parliament framed and formed so as to secure for them faithful, wise, and honest administration of their public affairs? If ever there was a people upon earth that deserve to be well governed, it is the people of this Dominion. What a bright picture of human life we behold in the rural districts of the Province of Quebec—their beautiful churches, their frugal habits, and their happy contentment; and is the picture less bright in the other provinces, where we have, as the result of untiring industry and energy, profusion of the products of the soil and a state of well-being. Then I say, let us act worthy of ourselves and take the high patriotic ground that we invite the people of those beautiful provinces to say how they desire the second Chamber to be constituted at the next general election. It is surely no honor to be a member of the Senate of the Dominion unless we possess the esteem and respect of the country. Contrast the position of the Senate of the Dominion with that of the United States. The latter is regarded by their people as the most important of the two branches, whereas the Canadian Senate is never heard of in the columns of our public journals; and a large portion of the Dominion press speak of this Chamber either as a nullity, or as some few local papers say an expensive incubus. I do not say so myself; I am merely repeating the language of some of the local press. Is it not then deeply to be regretted that the Canadian Senate, composed to a large extent of the most estimable men of the Dominion should have been so managed and led—shall I say for ten or fifteen years—as to deaden all public interest in their deliberations? I for one raise my humble voice, and I hope that the Senate to-day will echo that voice that there be no more vacancies filled upon the nominative principle. I earnestly hope that the House will confirm my humble motion before we rise, and then the next proceeding will be to draft an Address to His

Excellency the Governor-General to be laid before the Throne, supplicating the Imperial Government and parliament to amend the Confederation Act (which may possibly take two or three years) declaring that future vacancies in the Senate of the Dominion shall be filled by popular election, as it was during the period from 1856 to 1867, or by the Local Legislatures. I myself had the honor of being returned for a large constituency—North Oxford and South Waterloo—and I see many men around me who were returned in a similar way. Did not the people then make proper selections? and do they not now feel that the principle of election of members to the Upper House should never have been departed from?

HON. MR. MACDONALD (B.C.)—Go to the country now.

HON. MR. OGILVIE—Retire and try to be elected, and see what will take place.

HON. MR. ALEXANDER—With regard to the Address to be sent to the Imperial Government, it would pray for such alteration in the Union Act in the direction indicated. The country will decide all details.

HON. MR. SMITH—I consider that this is not a proper motion to put before the House, and I trust that hon. members will view it in the same light. I must therefore oppose the motion.

HON. MR. BELLEROSE—I must congratulate the hon. member who has made this motion on the kindly manner in which he has spoken of the province from which I come; but I am not surprised that he has so good an opinion of our people. He has had occasion many times to visit the Province of Quebec, and our province, to be well appreciated, must be visited. I thank him for his kindly expressions, and I only regret that I cannot return the compliment. I should do so with pleasure, if I could support his motion, in acknowledgment of his kind expressions towards the Province of Quebec, but I have always been, am still, and I believe always will be opposed to an elec-

tive Upper House. Naturally this House should be nominated by the Crown. I must say, however, in view of the lack of independence manifested by this House, that I might, in the not distant future, feel compelled to vote against this conviction. That independence which I thought would characterize an Upper House nominated by the Crown, is not manifested here, and that being the case, if the question were put seriously before Parliament, I might, while expressing my conservative principles, vote in favor of this House being made elective, for the reasons which I have given. It would be an experiment. In the past we had a Legislative Council elected by the people, and I do not think that it gained in independence. There might be another way of making the Senate elective, the system in force in the United States, and that might work more satisfactorily, though I do not say that it would. I might possibly be induced, for the reasons I have already given, to support a measure for the trial of that system. I must say, also, that I am not quite decided yet whether it would be prudent on the part of the minority to ask for an amendment of the Constitution. Some 40 years ago such a step was taken, and I must say it was not in our interest. The minority suffered by the change because, while asking for one thing, we were given two: the French language was done away with, so I do not consider it would be quite safe to ask for an amendment to the Constitution at present, when we have so much to complain of, when even under our written Constitution we are denied that to which we have a right. Has it not been acknowledged here by the Government, speaking through the Minister of Justice at that time, Sir Alex. Campbell, that we had a right to have on the Treasury benches a Minister of the Crown who could speak the French language? Nine years ago it was admitted by the Government that, constitutionally speaking, we had that right, but it has never since then been accorded to us. At this day we have no Minister of the Crown on the Treasury benches in this House. The hon. member from Toronto (Mr. Smith) is a member of the Government, but without portfolio; he has no voice in the Government, so that I cannot regard him as a Minister such as we are entitled to in this

House. He cannot even speak French. I regret it, because I believe he is not adverse to us; but, at the same time, the fact is there, we are without a representative on the Treasury benches, although the present is a most convenient one to meet our views and give us such a representative as we may desire. No doubt the Government relies on the fact that our people are rather slow on this question, as they are on others; but I believe that when the Government is forced to admit that the Constitution provides for it, we should expect that it would be granted, because that admission stands to-day in our official report of the debates of the Senate. We have before our eyes the spectacle of a Government acknowledging that it is their duty to give the French speaking people representation in the Cabinet in this House, and at the same time pronouncing that they will not do it. Is that treating the minority with the respect and consideration to which they are entitled? I say no. Neither is it an acknowledgement of the services which the Province of Quebec has rendered to the Government of the day. It cannot be denied that the present ministry owe their position to the Province of Quebec; still that is the way we are treated. I thank the hon. member from Woodstock for having brought this matter before the House, because I would not have ventured to speak on this question of our rights had not this motion afforded me an opportunity to say a few words. I would have the Government remember there is a Province of Quebec; that there are in that Province two official languages, and that both languages have a right to be represented on the Treasury benches.

HON. MR. POWER—I think it is to be regretted that the hon. gentleman from Woodstock should have given this notice of motion without any consultation, as far as I am aware, with any member of the House. In order that a resolution of this sort should be productive of a debate which would be of much value, there should be consultation and preparation on the part of other members to discuss the question. I took the liberty to second the hon. gentleman's motion simply because I thought it was, on the whole, a move in the right direction. If I had

been asked to draw up a resolution of that character myself, it might not have been worded perhaps in the same way; but substantially the resolution is one which in my opinion deserves our support. This House at the present time is composed of about three-fourths Conservatives and one-fourth Liberals and Independents. The hon. gentleman's resolution, as I understand it, simply proposes that during the short time which is to elapse before the next general election this disproportion shall not be increased, and that is not an unreasonable motion. What good will be done to the country or to Parliament by a further increase of the disproportion between the two parties in this Chamber? I do not think that any hon. gentleman can point to any possible advantage that will arise to the country by it; and if we do not fill up the vacancies we save the country a little money—not a great deal, but still a little. There would be also this further practical advantage about it, that supposing at the next general election the present advisers of the Governor-General were found not to possess the confidence of the majority of the electors, the incoming Government would have an opportunity to fill a few vacancies in this House, so as to give them at least a reasonable amount of strength to enable them to carry on the public business in the Senate. That would be a desirable consummation, and I think hon. gentlemen of the Conservative party must feel that also. They would not wish, if there were a change of administration, that the Government should be carried on with so ridiculously small a representation in this House as it would have to be if the change were to take place to-day, and if the vacancies that now exist were filled up by the present administration. That is a practical argument in favor of the hon. gentleman's motion. I do not see any object at all to be gained by filling up those vacancies. I am not going now to discuss the objects for which a House like this exists. They have been discussed at different times in this Chamber and in a great many other places, and hon. gentlemen are familiar with the arguments in favor of the existence of such a body; but the truth is that this Chamber, as at present constituted, does not fulfil satisfactorily any of the

objects for which the Senate is intended. A second Chamber which is a mere echo of the Lower House, is of no value in the Constitution. If the second Chamber has no independence—if it never crosses the will of the Lower House—if it never rejects a measure which is adopted by the ruling party in the Lower House, or if it never largely amends such a measure, of what value is it? This is a very handsome room, and there are a number of very respectable and dignified looking gentlemen sitting here, and there are occasionally very good speeches made here; but that is not what the country expects from the expenditure that is made on account of this House. They want something a little more substantial than that; and if this House is simply intended to register, as it has been registering for a number of years, the decrees of the Premier of the day, then I think we might as well not be here, and that there is certainly nothing whatever to be gained in the public interest by filling up the existing vacancies. If there is any chivalrous feeling in the majority of this House they will vote for the resolution of the hon. gentleman from Woodstock. I have heard gentlemen of the Conservative party in this House, say that they wished that the Government would appoint some Liberals to this Chamber in order that there might be—not anything like a balance of parties, but that there might at least be a respectable representation of the weaker party in this House; and these gentlemen who entertain that feeling can at any rate carry out their views, to a certain extent, by supporting this motion. It does not seem that there is likely to be much interest taken in the discussion to-day; and I do not propose to trouble the House any further.

HON. MR. KAULBACH—I do not agree with my hon. friend to-day.

HON. MR. POWER—The hon. gentleman never does.

HON. MR. KAULBACH—I do not think that anything is to be gained by perpetuating race, provincial and party prejudices; in all these matters Canadian unity should be our watchword, on it depends our welfare, security, peace and future greatness,

and I do not think anything of that kind would result if this resolution, which suggests a violation of the constitution, were to pass. In the second place, looking at it from a practical point of view, if it could be acted on it would disfranchise certain portions of Canada from representation for an indefinite time, which is a matter of very great importance.

HON. MR. SMITH—What would ?

HON. MR. KAULBACH—If this motion should pass in this House, and if it could be recognized by the executive, appointments would not be made for years, at least for more than a year, and many years might pass before it would be of any practical use in this body. The Imperial Government would first have to change our Constitution. I do not believe with the hon. gentleman from Halifax that this House has been a mere registering body of the acts of the House of Commons. I think we have done much more than that ; I think the hon. gentleman from Prince Edward Island will agree with me that rights, privileges and interests of the smaller provinces, have been guarded and secured by the action of this House, and that Prince Edward Island especially has gained largely through the action of the Senate. We have amended and improved many bills which have come up from the Lower House, and have rejected measures from the Commons, not only when the Reform party was in power, but under a Conservative Government ; and in doing so I believe we had the support and endorsement of the people of the country. It is all very well for gentlemen here, when they once get a seat in this House to talk of making Senators in the future elective ; but if they were outside, they would not be so likely to go to the people for election to this Senate. I believe that if the Senate were constituted differently from what it now is it would not be in the interests of the country. You might bring men here coming from a higher position in the country—elected by a higher element in the country, than gentlemen to the House of Commons and they might have more independence of action on questions of finance—and exercise it in a way that would not be for the harmony of

both branches or be considered as in the interests of the people as a whole. By this resolution we suggest that there is something wrong in the constitution of the Senate. It has not been shown that there is, but it is a suggestion to actually invite the people to look into this matter and to admit that we ourselves feel that we do not represent the people as we should, and we actually invite the people to inquire into the matter. It is not a proper motion. The hon. gentleman from Woodstock has over and over again, in a most fulsome manner, talked of the Senate as a body of independent gentlemen as being representative of every branch of industry, of every trade and of every important interest in the country—of extensive knowledge and power in debate—that all interests are highly represented by hon. gentlemen in this House. At times he indulges in such addresses to the House, and at other times he condemns the Senate as being merely the mouthpiece of the party in power. I am surprised at the inconsistency of the hon. member, and I do not think that any other gentleman in this House would introduce such a resolution. This resolution is likely to have the same result as all motions that emanate from that hon. gentleman—it must result in nothing. The Opposition may suppose that we are not independent because we don't think and act as they do. But we have acted and do act in accordance with the views and wishes of the people—the great majority of the people in all the Provinces.

HON. MR. McINNES (B. C.)—It was not my intention to say anything on this subject until I entered the chamber a few moments ago, but I made a promise to the hon. junior member from Hamilton, at his request, that if I made a few observations on this subject the House and country would have the benefit of a speech from him. Consequently, in order to carry out that pledge, I feel called upon to make a few remarks, but instead of following the line of argument of the hon. gentleman who has just taken his seat, I will briefly state that I think this House is under an obligation to the hon. gentleman from Woodstock for bringing this important and living subject before our notice and before

HON. MR. KAULBACH.

the notice of the country. It is an undoubted fact that the Senate is not held in that estimation throughout the Dominion that it ought to be, and however well people may be disposed to look upon a second chamber, I claim that the vast majority of the people feel that this House does not represent the true interests of the country—that it is not representing the sentiments of a majority of the people of this country. If the present Government remain much longer in power I have every reason to believe that the Senate will not remain as at present constituted for another five years. It cannot remain much longer as it is at present. My idea is that the constitution of the Senate ought to be changed without delay. I believe that the provinces, or rather the local legislatures, ought to appoint the members of the Senate for life or for a very long period of years. Next best to having the senators appointed by the local legislatures, let them be elected by the people for a period of from nine to twelve years, and let one-third retire every three or four years.

HON. MR. KAULBACH—More provincialism.

HON. MR. MCINNES (B. C.)—I believe that if the provinces had the appointing of the senators, they would come here and feel that they were not under any obligation to the right hon. leader of the Government, or the leader of the Opposition, that they would come here as true representatives of the province in the first place, and after that the interests of the Dominion as a whole. What is the fact to day? There is not a member here, who has received his appointment from either Government, that does not feel under more or less restraint or obligation to the party or leader of the party that appointed him, and members are to that extent shackled and bound. In many instances I am quite satisfied that hon. gentlemen here would take a different stand from what they do, where it not that they feel they owe their appointment to the present Government and consequently must support all measures introduced by them. If they came here, as I have suggested, as representatives of the Provinces, they would come no knowing one party or the other; but would

come to discharge their duty to the country, and I believe the sooner that system is adopted, the sooner this House will become what it was intended to be, a grand judicial, deliberative body, and a check on crude legislation emanating from the other House—not a mere recording body as we have been for a very considerable time.

HON. MR. TURNER—Being challenged by my hon. friend opposite, I think it is due to myself that I should make a few remarks. There is one thing that has been accomplished by this debate. We have had the hon. member from Woodstock moving resolutions from the commencement of the session, and until to-day he has not had a seconder. I give the hon. member from Halifax credit, therefore, for boldness in seconding this resolution. With regard to the statement of the hon. member for Woodstock that he has a very high opinion of the late appointments in this Senate, and thinks that if they had been elected by the popular voice, they would have been perfectly qualified to sit in this Chamber, I confess I do not see how an election would affect the abilities of those gentlemen in any degree.

HON. MR. MCINNES (B. C.)—Has the hon. gentleman reference to me?

HON. MR. TURNER—No, my reference is to the remarks of the hon. gentleman from Woodstock. So far as I am concerned, I differ from some of the speakers on the other side; I think that the business of this House is managed in a very becoming manner, and with a great deal of caution and judgment, and I feel perfectly satisfied also that if the present Opposition were in power tomorrow, they would receive the same fair treatment and the same kindly feeling from the members on the now Government side of the House as the Government do at present. At least, I speak for myself, and I feel satisfied that I voice the sentiments of the great majority of the members of this House.

HON. MR. POWER—The hon. gentleman was not here when the Conservative party were in Opposition or he would know better.

HON. MR. TURNER—For my part, if the Government bring in what I consider to be injudicious and unwholesome measures, I certainly shall oppose them, no matter what party may be in power. I am satisfied that the previous Government brought in some very unwise measures, and I would have opposed them had I been here. I accepted a seat in this House with the full determination of acting according to the best of my judgement, whatever Government might be in power, and of giving my vote for such measures as I considered were in the best interests of the country; and that resolution I intend to adhere to as long as I have the honor to occupy a seat in this Chamber. One of the fundamental reasons for creating this Senate was to protect the interests of the smaller provinces, so that their interests could not be overborne by the greater power and influence of the larger provinces. To carry out the plan proposed by my hon. friend opposite—to keep the vacancies open for some years, would be perfectly ridiculous. To carry his argument to the *reductio ad absurdum*, supposing all the members of one of the smaller provinces died in the meantime, that province would for an indefinite period be unrepresented in the Senate. I consider it is the duty of the Government to fill up the vacancies as they occur, and to keep the balance of power, so far as the interest of the provinces are concerned, as originally intended.

HON. MR. SCOTT—Lest my silence be misconstrued, I feel it my duty to say a word on the present occasion—and only a word, because I do not intend to discuss this question at length. It is very well known that I have, on former occasions, in answer to some hon. gentlemen, expressed my views in favor of a re-construction of the Senate, either entirely on the elective principle or the combined elective and nominative principles. I am not at present committed to the particular character of the nomination hereafter—either by the provincial Assemblies or by the people; but that some change is imminent must be apparent to every gentleman who takes an interest in the character, in the honor, in the dignity and position that this Senate ought to occupy in the country. To say that the

Senate at this moment commands the respect of the people is idle and absurd when we remember for one moment that nearly one-half of the people of Ontario, the premier Province of the Dominion, is represented in this Chamber by only four gentlemen. I am not now including the hon. member from Woodstock, because he announces his position as a Conservative opposing the administration; but excluding that hon. gentleman, there are just four members of the House who are in sympathy with the great Reform party in the Province of Ontario, a party that, if you consult the electoral lists either of the last or of the preceding election, you will find in point of members differed very little from the party that gained the ascendancy. By a careful manipulation of the constituencies, which was carried out with the assistance of this House, and by other devious and improper methods, the representation of Ontario has been revolutionized, as it will be changed, no doubt, by the assistance of this House, at the next election when the elective franchise goes into operation, under the skilful manipulation of the revising barristers in the different counties where the votes can be changed from one side to another. I mention these points in order to show that it is utterly preposterous to talk about this Senate meeting with the approbation of the people of that Province at all events—the Province for which I speak and from which I come. We live in a democratic age, when a chamber constituted as the Senate is, differs entirely from any other legislative body on the face of the globe. Even European countries, far behind us in intelligence and knowledge of constitutional government, have upper chambers elective either wholly or partially. In Canada a nominated chamber is entirely repugnant to the first principles on which we are governed. Our municipalities, our town councils, city councils, and county councils are all elective, and many of our offices are filled by election. The tendency of the age is towards elective representation. The people are the masters. It is idle to say that any government—I am not speaking of the appointments made by any particular administration, because it is the tendency of governments to appoint their friends—will appoint their opponents. In many in-

stances gentlemen who are entitled to hold commanding positions in the country have been appointed: in others, gentlemen who are not so fitted for the position, who have never been elected and could not be elected for any constituency, but who have been found in the way of ambitious members of the House of Commons, have been appointed to the Senate to clear the way—those are the motives and promptings that have governed this administration in making their appointments, and I do not for one moment mean to say that any other administration would do much better. It might and might not, I should hope that a Reform administration would do much better, but I do not claim any superior excellence in that respect for the party to which I belong, because it is in the natural order of things. According to the history of this Senate, it is used simply for the political exigencies of the government of the day. That is the fact; and if anybody chooses to look back the last sixteen or eighteen years he will find my words confirmed. What was the character of this Upper House when it was elective? I say it was superior to this body to-day—it was a more independent body. Your presence in this Chamber to-day in Ottawa is due to the elective Legislative Council of old Canada. Year after year the representatives of the people of Upper and Lower Canada in the Lower House combined to keep up the system of moving the seat of government from Toronto to Quebec and Quebec to Toronto to the disgust of the great body of the people. Who stopped it? The Legislative Council of old Canada, not a nominative body but an elective body, refused to pass the estimates because the government persisted in putting in an item for the removal of the government from Toronto to Quebec and *vice versa*. In that way a permanent seat of government was obtained. We owe to the people of Ontario, at all events, the selection of the very best men from that province in this Chamber. The leader of the government, whose absence, in union with all of us, I deplore to-day was elected by the people, and has been an honored member of this body ever since. Those who held seats in the old Legislative Council of

Canada were naturally the first named, under patents, by Her Majesty to the Senate when Confederation took place. We owe the presence of Sir David Macpherson, and even of the hon. member from Woodstock himself, to their election by the people. To the same cause, also, we are indebted for my hon. friend on my left (Mr. Allan), a gentleman second to none in this House, and my hon. friend behind me (Mr. Read) who has shown such excellent judgment on all occasions, and my hon. friend opposite (Mr. Vidal). I think they all feel stronger in their position here because they have been chosen by the people. My hon. friend from Hamilton just now said he would be prepared to treat any government fairly whether he was in harmony with them politically or not. I quite appreciate his sentiment, but if he had sat in the last Parliament, as I did, he would know that members of this Senate were not then quite so fair and reasonable; that this House, with its great Conservative majority, was used as an inquisitorial commission for the purpose of sending forth through this country damaging reports against the late Government—reports that to-day they would not endorse. They spent month after month procuring evidence to show how preposterous it was to make improvements on the Kaministiquia River, yet last year and this year there are votes for the improvement of that river. They said that a breakwater should be constructed at Prince Arthur's Landing, and to carry out the scheme, they spent money there to no purpose. It failed. When we introduced a Bill for the Esquimalt and Nanaimo Railway, it was thrown out of this House; when the present Government introduced a Bill for the same purpose it was carried here. When we introduced a Bill to right a wrong in the County of Huron—to reconstruct the ridings of that county as they should be—it was scorned and thrown out; when a Bill is introduced by the present Government to manipulate every municipality in Ontario—to "hive the Grits," as they say—to alter every constituency at the beck and instance of their friends in the other House—no attempt is made to stop it, or to see whether it is fair or in accord with provincial rights or not. When the pres-



ent Government took the absurd position of fighting the Provinces and attempting to deprive them of their rights—when they attempted to take the licensing power from the provincial governments which they had enjoyed for 18 years, and when I raised my voice here against the Bill when it came up to the Senate, who listened to me? Not a soul. Sir John Macdonald had stated that the licensing power belonged to the Dominion, and so this House, at the beck of the government of the day, at once accepted the proposition and would not listen to any argument against it for one moment. What is the position of this House on that question to-day? Does it occupy a good one on a question where it should stand up for provincial rights? On every measure affecting provincial rights it supported the Government. It was in the interests of the strong party in the House of Commons that that view should prevail and it did prevail. That was the way this Chamber manifested its independence. I ask in all fairness whether we can secure the approbation of the people of Canada as this House is constituted? Assuming that by reason of the extraordinary manipulation of the counties and the franchise, the Conservative party will at the next election be winners, where will the corporal's guard of Liberals in this House be left? Time makes sad havoc in our ranks, and we cannot expect that we will be all here at the end of another five years. Do you expect that the public business can be carried on properly in this Chamber by the exclusion of one great body? It may not be in the opinion of this House a majority, but it possesses a majority in some of the provinces. It has had a majority in Ontario for the last fourteen years. Do you suppose that that party in Ontario will rest satisfied and allow this Senate to sustain the Conservative party in the way it has been doing? I think not—not if they are an independent people—not if they feel that they have equal rights with other men. They will not support or permit it. I say it is not in harmony with the age. The question is a large one, and I am obliged to leave here in about ten minutes; therefore I regret still more that I am speaking, because I ought to be present when other gen-

tllemen are replying; but I felt that I could not allow this question, which is a living one—because this is an age when the power of the people is coming to the front more and more every day—to pass without some comment. This is an age when a man holding such a high position as Lord Roseberry feels it incumbent upon him to warn his peers in the House of Lords that some change is needed there in a country where the constitution is a thousand years old—where everything is in such firm lines that it would seem impossible to alter them. But here, where the nominative system has been on trial for only a few years, where it is a departure from the principle that the people are the source of power, and to the people belongs the representation in parliament, we cannot afford to ignore this question. It is a living one, and it cannot be shirked, and I merely rise for the purpose of stating my views briefly on the question, lest my silence might be misconstrued. I have not in any sense exhausted the subject; I have barely touched it. If I had the time I could go over the various countries that in the last ten or fifteen years have been reconstructing their constitutions, not by appointing representatives, but by the election of representatives by the people, who are responsible to the people, and who at one time or other have to give an account of their stewardship to the people. Who are we here to-day? We can do as we please; not a word can be breathed against us; we care not for the people; we can order those doors to be closed; we can exclude the reporters, and the people need know nothing of our work. We can pass orders and make decrees. Perhaps a mad-capping in Bavaria may do freaks—but even he is called to account now and then; but this Chamber has no check on its powers. We are absolute, and do just as we please. I say that is not in harmony with the age, and not in accordance with the spirit of the times. I think it would be proper for the Senate itself to take that action which it ought to take in re-constructing itself. As I said before, this is a subject which we ought all to approach from a high motive, from a desire that all those who come after us at all events should feel grateful for the change we have brought about. Hon. gentlemen may fancy that

they would be injuring themselves personally by such a change. They look upon it from the standpoint that it means their own execution. I do not think so; I would not advocate any violent change. I would not approve of any change which would deprive hon. members who have received patents for life of the privileges and honors conferred upon them. I do not ask for any such change. I think the change can be brought about by the gradual process of resignation or death. In that way a very material alteration would take place in this Senate in a very short period.

HON. MR. HOWLAN—Suppose we all resign.

HON. MR. SCOTT—The Senate would feel the influence of the new blood from the people. It would feel at all events that the principle on which appointments had been made no longer existed; and therefore they would be free to act as they thought proper. Looking at it from that standpoint I think the Senate itself ought to rise to the occasion, and discuss properly on all occasions a new constitution for itself. I am not committing myself to any special line, but it ought to be on the elective basis.

HON. MR. HOWLAN—Do you think this is a proper time to discuss it?

HON. MR. SCOTT—No, it is not a proper time, and I must apologize for having spoken. I observe my hon. friend from Niagara is about to speak, and I regret that I am not able to remain to hear him.

HON. MR. BOTSFORD—I did not expect that this question would be discussed to-day because it is one which would place the Senate in a false position. It is not constitutional, and I regret very much indeed that the leader of the Opposition has felt it necessary to make his eloquent speech on such a motion. If he had made it on an Address to the Crown and Imperial Parliament to alter the constitution of our country, then it would have been in point; but I must say I am surprised that he should have made it on a resolution which, as I shall presently show, is one that ought not to be sustained

in this House. I rise also to entirely disagree with the hon. members who have spoken on this question as respects the composition and manner in which this Senate performs its duty. In the first place the hon. member who brings forward this extraordinary resolution says that the large majority of this House are not independent. By what right, or on what principle can he charge the majority of this House with not being independent—with being gentlemen who come here to vote as other people say they should and have no independent opinion of their own? I protest against such an assertion made by any hon. member of this House. I believe the Senate to be as independent as any legislative body in the world. Then again the hon. member who seconds this resolution says that the Senate has never performed its duty; that we have not made alterations in the Bills, and have never thrown out a measure sent to us from the other branch of Parliament by the present Government; that we are mere recording bodies of the acts and proceedings of the House of Commons. I say that is not a correct statement of the manner in which the Senate has performed its duty ever since it was constituted. I maintain, from the recollection which I have of the legislative measures which have come up from the other Chamber, and which have been discussed here, that we have on very many important occasions made material alterations in Acts passed by the other House. Then again the hon. member in advocating this resolution says that we are not independent; that we are under restraint because we have been appointed by the Crown. Now if he feels that way I am sure I do not, and I never have so felt. I have been 19 years a member of the Senate, and I can state with great sincerity that I never was influenced in any one single vote that I gave because of having received my appointment from the administration of the day. I believe I have sufficient knowledge of the character of the members of the Senate to know that they are not hampered by such a consideration when they are dealing with measures which are for the benefit of the Dominion at large. I think that such observations should not come from hon. members of this Senate. They are not justified in

making disparaging remarks against the whole Senate of Canada. With respect to what public opinion is in the Dominion of Canada as regards the Senate, I must say the information which I possess, and the expressions of public opinion in my own province especially, lead me to the conclusion that the people consider the Senate of Canada to be a responsible, respectable and influential body. There is not that detraction any where in my province as regards the constitution of the Senate that I hear pronounced by the individual members of the Senate themselves. This resolution cannot pass at all. If the hon. member from Ottawa, who is not now in his place, had reflected for a moment, he would have seen that the Constitution of this Dominion cannot be altered by a simple resolution of the Senate of Canada. That is quite clear; yet what does he propose that we shall do? Suppose this resolution passes; we ask the Governor General to violate his oath of office, to suspend the duties which he is called upon by the British North America Act to discharge. Now, is not that an extraordinary position to take? We call upon the Governor General, in direct violation of his instructions, to suspend, in fact, the Constitution, and not to discharge the duties which he is required by the Constitution to perform. I am surprised to hear hon. members in their speeches discuss this question as if it could be at all entertained by the Senate. If there is to be an alteration of the Constitution of the country, it must be in the ordinary and regular way which is pointed out—by a joint Address of both Houses of Parliament to Her Majesty and the Imperial Parliament to alter the Constitution of Canada, and we should be prepared to give sufficient reasons for such legislation. But the idea of the Senate of Canada asking the Governor General not to perform his duty—asking him to stultify himself and to violate the constitution of the country, is one that cannot be entertained for a moment. As regards the influence which this Senate may possess if elected, that is a question which, of course, could be fairly discussed when it is thought desirable by a majority of both Houses of Parliament, to present a joint Address to Her Majesty and to the Imperial Parliament. That would be the proper way if

it is necessary to make an alteration; but under existing circumstances I do not see how it is possible that a majority of the Senate will sanction a resolution of this kind.

HON. MR. PLUMB—I did not intend to speak on this subject, for I have made it a rule to ignore entirely anything which is proposed by the hon. member from Woodstock. I do not consider him worthy of an answer, but as the leader of the Opposition has seen fit to address the House on this subject, I feel bound to say a few words in reply to him, and I am sorry that he has found it necessary to leave the House before I had an opportunity of speaking upon the subject. My hon. friend who has just sat down has pointed out that we have no right to pass a resolution of this kind. It is not at all extraordinary that the erratic member from Woodstock should move a resolution which is utterly inconsequential, utterly unconstitutional, and which would stultify this Senate if it were passed. I do not understand at all that any considerable portion of this House are willing to put themselves on record on a resolution which calls upon the representative of the Queen in this country to violate his constitutional oath, to abrogate his duties, and put himself in a position of absolute antagonism to the constitution of this country. I do not believe that there is anyone who is willing to place himself seriously and permanently on record in the minutes of this House in such a position by voting in the affirmative upon this motion. The resolution itself has, in its direct effect, not been spoken to. Every one who has spoken on the resolution, except perhaps my hon. friends from Lunenburg and Hamilton, has gone entirely outside of the matter. We are not talking about a change in the constitution of the Senate, but we are talking about limiting the action of the Governor General pending such change. We have nothing to do with discussing the change. This resolution does not touch it at all; and as my hon. friend who has just sat down has pointed out, it has not been brought within the limits of discussion here by a proper form of motion. The hon. member from Woodstock has been a member of this House

and of the old Legislative Council of Canada for twenty-two or twenty-five years, and he has not yet learned how to draw a motion; he has hardly ever introduced one here framed in the proper manner. He has, in his extraordinary way, endeavored to bring this subject up, and if there is anyone responsible for the derogation of this House, I need not point out who it is. When my hon. friend from Ottawa rose to say that he wished to put himself right on the record in respect of this resolution, he might have been expected to confine himself to the question itself. I was surprised to see that instead of doing that he wandered over the whole question of politics. He went as far as the Kaminstiquia River, and spoke of the bills which have been thrown out in this House. His references to them were very unfortunate. Everyone knows that the Esquimalt and Nanaimo Bill was objected to by the present leader of the Opposition in the House of Commons. It was sent up here with that gentleman's strenuous objection attached to it; and everyone knows that it was defeated in the Senate by the votes of leading members then in accord with the Government and now in opposition. The hon. gentleman from Ottawa also referred to another bill, known as the Tuckersmith Bill. That was an unfortunate reference. After the question of the re-construction of the constituencies had been settled under the census of 1871, a gentleman in the House of Commons, whose election had been protested and who was likely to be unseated, as he subsequently was, endeavored to have a bill passed for his especial benefit, the object of which was to annex the township of Tuckersmith to his constituency and thus ensure his re-election. This House very properly said that such questions should be dealt with only once in ten years according to the constitution, and they would not allow any interference with or manipulation of the electoral constituencies during the interim, because every one knows to what abuses such a measure might lead. The hon. gentleman also harked back upon the act for the reconstruction of constituencies in 1882. I do not intend to discuss that question here. I do not think this is a timely occasion to discuss a matter which

has nothing to do with the question before us; but yet I will say—and I wish the hon. gentleman from Ottawa were present to hear me—that while two wrongs do not make a right, and while I do not pretend to be the advocate of any measure of any government which is not in accordance with my judgment a correct one, there has been no more abominable reconstruction in regard to constituencies under the rule which makes a decennial reconstruction necessary, than that of the Mowat Government under the Redistribution Bill of Ontario.

HON. MR. ALEXANDER—I rise to a point of order, and I ask the Speaker what this has to do with the question before the House. It is simply an outrage.

THE SPEAKER—I wish to say, in reply to the hon. gentleman, that I consider a number of members have been allowed to wander from the question and the hon. gentleman is merely replying. I think this discussion has wandered far from the limits of the resolution, and while I have the power to stop hon. gentlemen under such circumstances, since the House is ultimately to be the judge of the question and has not stopped the other members, I leave it to the House to stop the hon. gentleman from Niagara.

HON. MR. PLUMB—I had not the slightest idea of going into any of those questions if I had not found them introduced in the speech of the hon. gentleman who leads the Opposition in this House; and it would be a strange thing if anyone should be prevented from replying to an hon. gentleman who has made serious charges on the floor of this House against the Government, after he had wandered from the subject of the resolution, because it is not pertinent to the subject. I do not think it was courteous to interrupt or to attempt to circumscribe remarks based on those of the hon. gentleman holding the responsible position that he occupies as leader of the Opposition in this House, interrupted occasionally in his leadership by the hon. gentleman from Halifax, and taken occasionally entirely out of the hon. gentleman's hands by a gentleman whose

name I will not mention ; but I conceive that it was not proper that such statements as those made by the hon. member should go unchallenged upon our Debates. I think I am quite within the judgment of the House when I claim the right to notice, in a brief way, and in a parliamentary way, the statements that were made by the hon. gentleman from Ottawa. I therefore presume that the House will bear with me while I briefly refer to what the hon. gentleman has said. When I was interrupted I was speaking about the redistribution of Ontario into constituencies for the Local House. I can say that in that reconstruction townships were cut in two for the sake of giving a slight advantage. I can say that it is not strange that for some years the Government has been—

HON. MR. HAYTHORNE—I rise to a question of order. I protest against the introduction of Ontario politics in this House. It is not necessary for the discussion of the question now before the Chair.

HON. MR. PLUMB—I am only replying to the hon. gentleman who introduced the subject.

THE SPEAKER—I desire to repeat what I have already said, and which hon. gentlemen seem not to have understood. The discussion before the House is one altogether beyond the limits of the resolution. Every hon. gentleman who has spoken, with the exception of the hon. gentleman from Woodstock, who moved the resolution, and the hon. gentleman from Halifax, has departed from the reasonable scope of the discussion which should have taken place on this resolution ; but no one went so far in that direction as the leader of the Opposition. He was permitted, by the large majority which is said to be in this House in favor of the Government, to proceed without interruption, and was not called to order. While, therefore, I have the power of stopping the hon. member from Niagara, my decision on all occasions is subject to the approval of the House. The House not having stopped the hon. member from Ottawa, I do not intend to stop the hon. member from Niagara ; but there is a way of doing it. Any member by making

a motion can stop it ; he can move that the hon. gentleman be not allowed to proceed as he had been doing when called to order, and take the sense of the House upon it.

HON. MR. PLUMB—I have in no case, since I rose to my feet, in the slightest degree wandered from the debate as presented to us by the leader of the Opposition. Every point that I have touched upon to this time was challenged and provoked by the speech of the hon. gentleman, and I have yet to believe that this Senate will not permit me to reply to the challenge thrown out by the hon. leader of the Opposition. If the hon. gentleman wants to stop me in those remarks—and I give him notice that I intend to go on with them until I am stopped—he knows how to do it ; but I protest against his abortive attempts to stop me and I ask him to meet the question boldly by proposing that I shall not be heard. My hon. friend, the leader of the Opposition, for whom I have the highest esteem and regard, certainly wandered from the point at issue. We all know that, because he brought in matters which have nothing at all to do with the question under discussion ; but he did not wander from it much more than the other gentlemen did. The question is not as to the constitution of the Senate ; the question is as to preventing His Excellency the Governor General from making any further appointments to the Senate until there has been a public expression at a general election as to its present constitution. That is all. There is nothing about submitting the proposition anywhere, and it is a question as to whether we shall stultify ourselves by asking that the Executive shall not fulfil a duty which he is compelled to do, under his oath of office when he accepted the position which he holds as Governor-General of this Dominion. But my hon. friend said, among other things, that during the time when the late Government was in power the Senate behaved very badly, and that the Senate had appointed committees for the purpose of bringing, if possible, the Government of the day into contempt. He said they had one on the Kaministiquia river terminus. Now the hon. gentleman says :

"You see how baseless the ground for the appointment of that committee was from the fact that there is an estimate before the other House for dredging out the channel of that river." The hon. gentleman did not see that he was giving himself away by that statement. We contended that the Kaministiquia was not navigable; that we could not get vessels of proper draught up that river. Now the hon. gentleman says the government are making estimates for the purpose of dredging that river which shows that we were perfectly right when we contended that there was no navigation there.

HON. MR. POWER—Nothing of the sort.

HON. MR. PLUMB—My hon. friend never interrupts me! The hon. gentleman from Ottawa said that under the elective system the Senate was a body of much higher character than it now is under the nominative system. I could point out to the hon. gentleman the words of the great leader of the Reform party—the man who created the party in Ontario—the man who had a seat in this House; and a nominative seat it was; and I might also mention to the hon. gentleman who said something about people sent here who had lost their elections, that the Hon. George Brown was appointed after it was found that he could not get a seat in Ontario—after he was defeated at the polls. That hon. gentleman, who was largely the author of the nominative system, in his speech on the formation of the constitution, stated that the elective Senate had been a failure; that the elective Senate had deteriorated; that the elective Senate was not such a desirable body as we should have for the upper House of the Dominion. Any one who has read the record of the politics of that day (and no one has read it more carefully than the hon. gentleman from Prince Edward Island) knows that the Hon. George Brown was a fervent advocate of the nominative system for this Senate, and said that any other system would fail to secure that which was intended and desired. The hon. gentleman knows perfectly well that that was the case; and it has been pointed out repeatedly that

the elective system could not be worked out where such large constituencies were absolutely necessary to be represented by only 24—for instance in Ontario—and if there was any change in the Senate it would be necessary to fill it up on the system of nomination by the legislatures. It is not our fault that the Conservative party are largely in the majority in this House. It is the irony and logic of events that year after year the hon. gentleman and his friends have been in the minority in this Dominion. Whether it is from one cause, or whether it is from another the fact remains. My own opinion is that the people of this country have given their confidence to the Conservative party and therefore it has happened that the hon. gentlemen in opposition have not had the opportunity to make appointments to the Senate when vacancies arose.

HON. MR. READ—The N. P.

HON. MR. PLUMB—I cannot imagine, if the hon. gentlemen had possessed the power, that they would have appointed Conservatives to the Senate. I imagine that they are no more strictly or triumphantly generous than political parties generally, but the leader of the Opposition has said that an elective Senate stood so directly in opposition to the popular branch—the immediate representatives of the people—that when they wished to force a question, they refused to pass the estimates. That is exactly what we say is the danger; that is exactly what we say is the difficulty in giving the purse strings into the hands of the higher body. That is the argument we have always used that if the Senate is elected by the people, it will claim to have a right to deal with the fiscal policy of the country, and to have control over the Treasury, and there is where the complication will be; and the hon. gentleman admitted the whole fact by saying that the elective body had interfered and forced the majority out—forced the body that represents the people directly into a position which they would not otherwise have taken, by refusing to pass the estimates. Could there be anything more illustrative of the danger of having a body elective than the confession made by my hon. friend? It was not in

keeping with his usual astuteness ; it was not in accord with the usual clear judgment he shows in other cases ; but I pardon him, because he was not prepared to speak when he rose, and when he said that the time had come when the people would demand a change, but he was not at all prepared to say exactly in what form that change should be made, I have to suppose therefore, that his subsequent remarks were made without that reflection which usually distinguishes the utterances of that hon. gentleman in this House and elsewhere. A few more words will suffice. The hon. gentleman says that we are fighting the provinces ; and another hon. gentleman, who spoke upon this subject, proposed that the Senate should be so constructed that its first duty should be to the provinces and afterwards to the Dominion. I supposed that we were here under the Act of Confederation to make this Dominion a whole. I supposed when I was sent to this House that I came here as a representative of the interests of the Dominion, and I say that no more dangerous principle for the security of Confederation could be advanced than that this body is composed of isolated members, each of whom is representing his province and not the interests of the country as a whole. I say that that would be one of the greatest dangers in a body created as it has been proposed, during this discussion, to create the Senate. I believe that the man who serves Canada most faithfully to-day is he who, disregarding provincial interests, disregarding the lines which are drawn to separate province from province, will endeavor to fuse this great Dominion as a whole, forgetting that there are sections or sectional differences, and endeavor so far to do his duty that no hostile and irritating questions connected with sectional interests shall arise in the debates of this body. I believe that nothing will be more detrimental to the future of this great Dominion, which we believe will ultimately be a great power on this continent, standing alongside of the great neighboring Republic, than the fomenting of those petty differences which will naturally come up as long as the principle of representing provinces, and not the Dominion, is regarded in the legislation of this House. I say that every

man who wishes well to this country will endeavor, so far as he can, to obliterate provincial lines and to act for the general benefit. I believe that I am as much a representative of British Columbia, of the North-West, of Manitoba, of Quebec and of the Eastern provinces, as I am of Ontario. I do not speak of my province ; I speak of the whole ; and I shall, as far as my humble efforts are concerned, devote them to the prosperity of the Dominion at large, only through which we can ever hope to hold ourselves together as a Dominion, and to carry out the destiny which Confederation was deigned to bring about for us. The hon. gentleman says that we are subservient to the Government ; that we are merely here to register the decrees of the majority. When we ventured, on an occasion which I mention with some hesitation on account of my hon. friend who sits at my left, and whom I highly respect—when we ventured to differ from the House of Commons on that occasion, there was a general howl raised all over the country because the Senate had asserted its independence. The Senate had the right to assert its independence, and to assert its opinion, and it did assert its position. Whether that position was in the interests of the country or not, the Senate believed it was, and it had no possible object in acting in the way it did except in the sincere and earnest conviction that it was acting in the interests of the community, and that it could afford to interpose its check, and put itself outside of and beyond the temporary popular excitement. They felt that that excitement would probably die out, and it was the duty of the Senate—it was what it was created for—to stand outside of immediate popular movements and review them with the feeling that it is not immediately affected by them ; and I take it for granted that I am within the judgment of the House—that I am within the judgment of the country, when I say that this body in a practical way represented the temperate, well-considered public sentiment, and that now, as then, we shall never be found recreant to our duty. I trust that this mischievous resolution will meet with the fate it justly deserves. If there is anything which is calculated to bring this House into public contempt it is exactly the kind of legislation

which is proposed by resolution of this kind.

HON. MR. BELLEROSE—Did I understand the hon. gentleman from Niagara to say that the Government were bound under oath to follow the constitution?

HON. MR. PLUMB—I was speaking not of the Government at all, but of the Governor-General who, as head of the Executive, is compelled by his oath of office to appoint members to the Senate when he is called upon by his advisers to do so. The resolution before us calls upon him to suspend his judgment until after the elections.

HON. MR. DICKEY—I was about to ask the leave of the House, and I regret to be obliged to do so, to recall what the issue is that we are asked to vote on. We have heard a great deal to-day as to which I shall say nothing. I shall pass no opinion on it, because it is not the question before the House. My rule is invariably to keep to the question, and my object in now rising is to ask the House to keep to the question. What is the subject before the House? It is not whether it is desirable that there should be at some future period an elective body; it is not whether there shall be a body chosen by the various provinces; but the question before the House, and what we are asked to vote upon, is an Address to the Governor-General, asking him to suspend the exercise of his functions and not to fill up vacancies in the Senate until some remote period. That is the whole question, and as germane to that question, and to satisfy my hon. friend from DeLanaudiere, I invite his attention to the 32nd section of the British North America Act, which bears upon this question. It is to this effect:—

“When a vacancy happens in the Senate by resignation, death or otherwise, the Governor-General shall, by summons to a fit and qualified person, fill the vacancy.”

That is the constitution of the country, and as my hon. friend from Sackville has pointed out it can only be changed in one way, and that is by the act of a Parliament of equal power to the Parliament which gave us the constitution. The hon. member who proposed this resolution pro-

bably was not aware that that was in the constitution of the country; but there can be no doubt of the fact, because I have referred to the Act itself, and the House will, perhaps, pardon me for doing so as being a member from one of the smaller provinces, the special object of the creation of the Senate being to protect them by that body in the constitution of our country. It is unfortunate, and I am here a standing monument of the fact, that there has been scarcely an interval between any two sessions since we came to this House, that we have not been called upon to deplore the absence of our fellows who have gone over to the majority. In speaking of my own province I am sorry to find that his honor the speaker, and my hon. friend on my right, and myself, are the only survivors of the contingent sent from Nova Scotia 18 years ago; and we are asked now, with that fact before us, and with the possibility that there may be even more vacancies in the various other provinces—vacancies, if they only amounted to one a year, of some six or seven in the smaller provinces—we are asked to postpone the filling up of those vacancies for one or two years, so that there may be, possibly, before any could be filled among the smaller provinces of the Dominion, vacancies to the extent of ten or twelve seats. Under those circumstances, I think I need offer no apology to the House for saying, as a member representing one of the smaller provinces, that I earnestly protest against the passage of this resolution. It is an attempt to tie up the hands of the Governor-General in a matter in which he is controlled by a higher power—by the Imperial Act, and by his own oath of office; and if we were to pass such an Address and present it to His Excellency, I think I am justified in saying that it would be regarded—I will not say by His Excellency, but by a great many people—as little short of an impertinence in connection with the discharge of the solemn duty which he has under the constitution, and which he is bound under the constitution, alike with the oath of office, to fulfil. I hope the House will not entertain this resolution, and when the larger question, which has been very improperly introduced into the debate to-day, comes before the House, we will look to it carefully and conscientiously, and we will be



in a position to come to a conclusion upon it very different from what we might expect from the temper which has been displayed here to-day, which unfortunately, has been an effort (that I hope will not be successful) to make this a party question. I do not find fault with them; they have the right to take their own responsibility; but I do regret that gentlemen who know perfectly well the responsibilities under which they lie in taking a position of this kind, should insist upon treating this as a party question and making inflammatory speeches for the purpose of influencing votes in support of this resolution. Without desiring to say a word that will create any feeling, I am quite satisfied that the sentiment I have just given utterance to is in entire accord with the sentiments of the reflective members of the Opposition to win whom was the purpose of the course that has been taken to-day. I therefore trust that the House, having now the plain issue before them, leaving out of sight altogether those extraneous matters that have been introduced, will vote simply on whether they are prepared to go to the Governor-General with an Address of this kind and ask him to suspend his functions under an Act of Parliament until after another election, or whether we will negative this resolution and say that those gentlemen, wishing to raise the question as to a change of the constitution of this House, shall do so in a legitimate, fair, open and honorable manner and not endeavor to accomplish their purpose by a side wind, in the manner proposed by this resolution.

HON. MR. TRUDEL—Some days ago I intended to put on the order paper a notice of inquiry whether it was the intention of the Government to fill the vacancies in this House which I, at least, deplore. This being my sentiment, it is hardly necessary for me to state that I cannot approve of the resolution which is before us. A good deal has been said in this debate, and I think that some of the assertions made cannot be allowed to pass unchallenged. Some of them have the effect, in my opinion, of narrowing the field of our labors and disposing of what I believe to be the constitutional rights of the members of this House.

In this resolution, in my opinion, there

are two distinct questions. First, the question which is directly raised whether we should not express our opinion to His Excellency that no further appointment should be made. Second, a question which is rather suggested than directly proposed, and which has brought about most of the debate which has taken place—the suggestion that there should be this postponement of appointments, pending a change in the constitution of the Senate. Though it is not directly proposed by the resolution, it is suggested, and I would not be prepared to say that the remarks made on the reconstruction of the Senate should be considered clearly out of order. There is a proposition which has been expressed by the hon. gentleman from Niagara, to which I think it is my duty to call the attention of the House. If I understood him properly, he said that this resolution is clearly unconstitutional. I expected when he rose that he would call the attention of the Speaker of this House and ask him to pronounce upon that point. I fail to see that this resolution is unconstitutional. I do not think the question should have been set aside on a point of order, because this House has a right to assert what is mentioned in this motion. I may add, however, that I consider it would be very unfortunate and unwise if the House should do so, but still I fail to see that there is anything unconstitutional on the part of this House in expressing such an opinion. If I call the attention of the Senate to this point it is because it touches one of our most precious rights—that is, the right to express our opinion on any question of public interest. I repeat, I do not believe that the motion should be supported. I believe it is a very unwise one, but still this House, in my opinion, has a strict right to pass it. I was very glad to hear one of the senior members of this House, as well as the hon. gentleman from Hamilton, point out what I consider to be the principal objection to this resolution. I do not consider it unconstitutional, but it suggests something which, if carried out, would be a violation of the spirit of the constitution, and for this reason: it is well known that one of the most important objects in the creation of the Senate was to maintain a balance between the different sections of the Dominion, and to redress what was

HON. MR. DICKEY.

considered to be an injustice in granting representation by population in the other House. It was considered at the time that the whole Dominion, as it stood then, was divided into three great groups, Ontario, Quebec and the Maritime Provinces. Ontario was given a much larger representation than either of the two other groups in the Lower House, and it was considered that in some place the three groups should be placed on a footing of equality. If I remember correctly this was done specially to protect the Province which had fought for years and years against the principle of representation by population, by creating a House where the Province of Quebec should be on exactly the same footing as the Province of Ontario so that if the majority from Ontario in the House of Commons should perpetrate some injustice it could be redressed by the equal influence of the two provinces in this Chamber. The moment the representation of each group is not complete here, I humbly submit that the spirit of the constitution is violated, because the balance is destroyed. I was very glad to hear my hon. friend from Amherst remind the House that filling vacancies was not left to the caprice of the Administration, but that it was one of the provisions of the Constitution. I would like to insist upon this point, but, as I stated before, I did not do so because of the illness of the leader of the Senate, but my intention was to ask the Government why certain vacancies had not been filled. Everybody knows, for instance, that one of the leading men of our province, who is now Lieutenant-Governor of Quebec, has not been replaced in this House. Of course we, who are in the minority, will miss his vote, if an important occasion should arise when it would be needed. I am always very glad to hear hon. members of this House, or any of our public men, assert the principle that we should try to make Canada a homogeneous country; but we cannot forget that our population is composed of elements essentially different—elements which have a perfect right, not only according to the constitution but according to treaties, to retain their autonomy; and while, in one sense, we ought to be Canadians and do our best to make our country great and prosperous, on the other hand it cannot

be expected that a part of the people of the Dominion should sacrifice what they consider to be dearer than their lives, an inheritance for which their fathers fought for a century, for the mere sake of creating uniformity of language and customs. We cannot expect that one of the nationalities in this country will abandon all that and consent to their extinction from the point of view of nationality and language. Therefore, I do not consider the opinion expressed by the hon. member from Niagara is altogether right. Our constitution not only admits, but makes it a duty of the members of the different sections to represent sectional interests to the extent I have just mentioned. Those broad and liberal views are so often expressed, and they are so true in one sense, that we are more generally inclined to give them our assent than to oppose them; but we ought sometimes to explain our position, in order that the country may not entertain a wrong impression on the subject. I am sure that those who speak a different language and belong to a different race from ours would not be prepared to say that for the mere sake of unity they should abandon what they consider to be their dearest inheritance—their language, their usages and nationality, and they should remember that we, on our part, entertain a similar objection. Of course it is hardly necessary to say that, as to the other question, I should be very glad to see it brought in a different form before this House, and I think we cannot examine and study it too much. Strictly speaking, I have the same right to speak on it, but I think it is better to refrain from doing so. I repeat that as to the present motion I consider myself obliged to vote against it, though I may state frankly and without any political feeling, that I consider it is to be regretted that the two great political parties in this confederation are not more equally represented here. It is not from sympathy with those gentlemen that I say so, but considering it from the point of view of the general interest of the country, I think it is almost as necessary that there should be a strong Opposition as a strong Government, and I believe that it is a misfortune to a certain extent that the Opposition in this House is not a little more numerous.

HON. MR. ALLAN—Like some other hon. gentlemen who preceded me I certainly had no intention whatever of saying a word on this resolution when the debate began. It never occurred to me for a moment that the House would seriously entertain the resolution. Although the hon. member from Halifax here, in his usual benevolent spirit, seconded it. I suppose that it is only for the purpose of giving himself, and perhaps other members, an opportunity of expressing their opinions. I cannot conceive it possible that hon. gentlemen in this House, no matter what may be their opinions with respect to the constitution of this Senate, can seriously propose that the question should be taken up and that they should record their votes in reference to any changes on a resolution framed in the manner in which this one before the House is. But I should be sorry, after all that has been said and the course which this discussion has taken, to allow, if the resolution is really pressed, a vote to be taken without saying one or two words in reference to it. In the first place, I desire to protest, and protest very strongly, against the language which has been used by some hon. members of this House in reference to the Senate itself. It is bad enough to have these things said out of doors, but I cannot help thinking of the old proverb, "It's an ill bird that fouls its own nest," when members of the Senate repeat words spoken against us by the press. I think it is unfair and unjust; I have been a member of this Senate since Confederation; I have had the honor of belonging to two of the largest committees of this House, and therefore I think I can speak with some knowledge when I refer to the manner in which the legislation of the country is conducted in the Senate. I have heard remarks made, which were exceedingly complimentary to the manner in which business was conducted in the committees of this House, by gentlemen who have been for years members of the largest committees of the House of Commons. I think the Senate has no reason to be ashamed of the manner in which it has conducted the business of this country. It is done carefully and thoughtfully, and I deny *in toto* that we have constituted ourselves merely a registering body for the

House of Commons. On the contrary, we have seen measures time and again changed and rejected and had I supposed the discussion would have taken the course it has to-day, it would have been very easy to have furnished examples. I should have no difficulty in quoting a large number of them, showing where this House has exercised a most wise and judicious control over the legislation of the House of Commons.

HON. MR. POWER—I should like to ask the hon. member if he would be good enough to point out any instance since 1878 where this House has rejected or largely amended any Government measure coming from the other Chamber.

HON. MR. HOWLAN—I think it is about time that this farce should be stopped. I want to know if this debate is in order?

HON. MR. ALLAN—I am in the hands of the House.

THE SPEAKER—Any member acting under the decision I have already given can stop the debate by a motion. If I had had control of the order of the House this discussion would have been ended an hour and a half ago.

HON. MR. ALLAN—After what the Speaker has just said, I should be very much inclined to sit down. (Cries of "Go on.") I intend to be very brief. I shall not go into the discussion of what measures have been rejected here by this House. I was speaking generally, and of my knowledge of what were the facts of the case. I desire to protest against the statements which have been made with respect either to the character of the legislation of this House or its position in the country. Even at the risk, perhaps, of calling up again my hon. friend on my left (Mr. Power), I venture to say that in a very large measure it will be found by any candid person that the manner in which this House has been spoken of by the press and outside of this House, as alluded to by my hon. friend from Ottawa, has been confined, to a very great extent, if not entirely, to that portion of the press which

is now in opposition to the present Government, and which, therefore, naturally tries to find fault with a House, the majority of whom they know to be in sympathy with the Government. But I desire to say another thing, and that was my chief object in rising: I have never concealed my desire that this House should not be composed exclusively of gentlemen of any one party, or should assume a strong political partizan character, and nothing would give me greater pleasure than to see appointments made to this House of gentlemen of standing and weight in the country who are not strong partizans, no matter to what party they belong; but that, or any other change, surely cannot be approached or properly debated on a resolution such as this which we now have before us. The time may come when it will be necessary to consider whether any and what changes will be made in the constitution of this Chamber, but I hope when that time does come the subject will be taken up in the earnest and thoughtful manner which the importance of the subject requires, and not taken up on a resolution which the merest tyro in constitutional law must know cannot be passed by this House.

HON. MR. READ—I hope the House will permit me to reply to some statements which have been made in the course of this discussion. It has been claimed, and it is not denied by the mover of this resolution, that the Senate is a high judicial body. Its acts have shown, ever since I have had the honor of holding a seat here, that it has acted in that capacity. Complaint is made that it is composed principally of Conservatives; that is not the fault of the House; it is the fault of the country. What does party government mean? It mean a way of governing by the majority. The majority, in this case, support the National Policy and the construction of the Pacific Railway. Those are the two great questions on which the country has been divided, and this House now represents public opinion on those great measures. It is no matter what you call me; I am a National Policy man, and it is no matter what you call anyone on the other side, he is against the National Policy. That is the great question which divides us. The con-

struction of the Pacific Railway has divided us; but that is decided; the Government, in its wisdom, has carried it out in a manner that is creditable to itself and to the country, and in a manner that the country will sustain when the occasion comes. It is not a very great misfortune to belong to a party which has carried out those great measures and possesses the confidence of the people. It has been said that we should have wise, honest and faithful administration of public affairs. Well, we have it; the electors say so, and the country shows it. If the people did not choose to return members opposed to the National Policy, and in favor of constructing an amphibious line of railway, the fault is not ours. Then, it is said that we have not the confidence of the people of the country because there are strictures on the Senate in a portion of the press. My experience is that a public man cannot pursue any course without meeting with the censure of a portion of the press. I do not mind what is said. I am prepared to do right though the heavens fall. That is what we are aiming to do in this Chamber. The hon. gentleman from Ottawa referred to some acts which were carried through this House during the time that he was leader of the Government, and he referred to the redistribution bills. If he had made a fair or honest statement, I should not have attacked him, but as I had the honor of making the motion, and the hon. member from Belleville seconded it, defeating the Tuckersmith Bill, I propose to say something about it. During the redistribution of seats to increase the number of members from Ontario, it was necessary to rearrange the constituencies and the county of Huron was divided into three ridings by Sir John Macdonald's Government. The county of Huron contains 822,000 acres; that is divided into three sections, the north having 313,000 acres, the south 256,000 acres and the centre 253,000 acres. Now, take the householders. In the north there were 3,759; in the south 3,703; and in the centre 4,002. Now, take the population; in the north there were 21,856, in the south 21,512, in the centre 22,721. There is an equal division of acreage, householders and population; but the gentleman who held the seat in the other branch

of Parliament for the south riding, whose election was protested, knew that he would be unseated, and he did not expect to be re-elected. He said: "You have not rearranged the constituency properly; it is not exactly uniform; there are right angles and acute angles, and the county of Huron is all angles; you will do better by taking the county of Tuckersmith from centre Huron and adding it to the south riding.

HON. MR. DICKEY—He was angling for votes.

HON. MR. READ—There were four hundred voters in that county, three hundred and fifty of whom petitioned to be added to the south riding. I have a return of the Clerk of the Crown in Chancery from which I find that that Township of Tuckersmith had given in one election a Grit majority of 200, so you may imagine why he wanted the Township of Tuckersmith added to his constituency. I will state now how the rearrangement would have left the acreage and population. South Huron would have contained 299,000 acres and Centre Huron 219,000, a difference of 80,000 acres. Then, in householders, South Huron would have had 4,300 and centre Huron 3,405. The rearrangement would have made a decided inequality. It was a Bill for the purpose of enabling the hon. gentleman, who was subsequently unseated, to get returned if possible. Then, if the Bill had passed and he had been re-elected, what would have been the effect? Tuckersmith would have been represented by two parties in the same Parliament. I think I have proved sufficiently that we had good reason for rejecting that Bill. It has been stated that the Legislative Council of Old Canada threw out the Supply Bill because the Government of that day put a vote in the estimates for moving the seat of Government. Now, was that done by an elected or a nominated Council? In 1856 the first election for a Legislative Council was held. On that occasion 12 members were elected. Twelve more were elected in 1858; 12 in 1860, and 12 in 1862.

I see in Bourinot that in the session of 1856 the Supply Bill contained a provision for the erection of Public Buildings in Quebec, then the seat of Government.

The majority in the Legislative Council were opposed to the policy of the Assembly on that question and took strong ground against the passage of the Bill while it contained this obnoxious item. The majority carried a resolution defeating the Bill on the ground that the House had not been "consulted on the subject of fixing any place for the permanent seat of Government of the Province." Then, in 1859, Bourinot says "The Legislative Council again refused to vote the supplies, an amendment being carried on the second reading of the Bill, to the effect that the Council could not consider the Budget until the Government had made known its intention with respect to the Seat of Government. Subsequently, however, the Bill was revised and supply voted—other councillors who had been absent on the first division having arrived in time to save the Bill." So that the House, when this Bill was carried, was not composed of elective members. There might have been 24, and may not have been any on the first occasion. The House at that time was composed of 55 members—that is in 1859, and I see among the names that of the hon. gentleman from Toronto (Mr. Allan); consequently the hon. gentleman who leads the Opposition in this House was a little mistaken as to the composition of the Upper House at that time. I shall decidedly vote against the resolution of the hon. gentleman from Woodstock, as I consider those constitution tinkers are not exactly what we require at present. The constitution that has stood so long and has served us so well should be retained until some just reason is advanced that will show that the country is dissatisfied with it. The best proof that the country is not dissatisfied is the fact that when we have defeated any measure of the Government they have never brought it before us again. We have defeated some Government measures, and the country was satisfied that we were right and the Government was wrong.

HON. MR. HAYTHORNE—I shall endeavor to follow the good example set me by the hon. gentleman from Amherst, who, I think, confined himself very closely to the resolution before the House. I think it is to be regretted that a question

of such great importance should have been taken up in this desultory fashion. A question of such importance as this should have been the result of considerate deliberation and concert between leading members of this House. I have, myself, on a former occasion, and I think a more suitable one, expressed my views as regards the manner in which this House should be reformed. Possibly I may, on some future occasion, have an opportunity of repeating those opinions, and I intend to reserve anything I have to say on that point until that opportunity shall occur. I think some things have been said during this debate which are not altogether relevant to the question before us, and which might be fairly commented upon. For instance, a great deal has been said about the dependence of members of this House. I, myself, am a standing monument of the contrary fact. I was appointed to this House by the Government of Sir John A. Macdonald in 1873, and I and my colleagues saw fit to take a position opposed to that Government, and I have been opposed to it ever since—not blindly, I hope, because any measure of theirs which I thought was a good and useful one I have always been ready to support. Then, as regards my own party, I took a position opposed to my own political friends upon an important franchise bill which came before this House. I opposed that measure, in concert with other Senators from my own province, and we opposed it so successfully that our amendment was sent down to the House of Commons and adopted there. That shows that there is room for independent action of members in this body. I could not agree with the remarks which fell from the hon. gentleman from Niagara to the effect that a Senator appointed to this body is emphatically a Senator of the Dominion—I think the hon. gentleman went so far as to say mainly and chiefly a Senator of the Dominion. I cannot take that view of the question. I think that the number of Senators appointed for the smaller provinces, as alluded to by the hon. gentlemen from Amherst, indicates very clearly that the intent of the framers of this constitution was that the Senators should have special charge of the interests of their particular provinces. I have felt that to be the case with reference to the

terms of Confederation of our province. How often have I brought that question before the House? I have now the satisfaction of knowing that a deputation from my Province, which recently went to the Imperial Government and had various interviews with the Secretary of State for the Colonies, based their proposition upon motions made by Senators from Prince Edward Island, and upon answers given by a gentleman whose absence we all deplore—the Postmaster-General. Upon the answers made by him was a large portion of their memorials addressed to the Secretary of State. I therefore say most emphatically, notwithstanding the opinion of the hon. gentleman from Niagara, that I consider myself and my colleagues charged, first and foremost, with the interests of my province, not necessarily opposed to the interests of the Dominion, but that specially and particularly the interests of our province are placed under our charge. I say that with the more confidence because in the other Chamber it frequently happens that there occurs a difficulty. It is not so easy, where a large number of motions are before the House, to bring a matter affecting any one province before the notice of Parliament, and it frequently happens that some particular motion which interests some province specially is not reached. The consequence is that the wants and wishes of that province are not so prominently and so pithily brought before the notice of the Government as when the motion is made in this House where, from a paucity of business, every motion is sure to obtain an attentive hearing. I do not, after the patience with which the House has listened to a very irrelevant debate, wish to be drawn into any speech in reply to hon. gentlemen who have become rather discursive. I could make some remarks on the Kaministiquia River, and some other questions that have been referred to, but I decline to do so. As to what changes must take place in this House, I have already expressed my opinion, and I will again do so when the proper time occurs.

HON. MR. ALEXANDER—I do not propose to reply to the very modest speeches of the hon. members from Dorchester and Niagara. Their arguments, so logical and convincing, must have been

satisfactory to the House ; but I desire to specially notice the remarks of the hon. gentleman from Amherst, a very distinguished barrister of long standing, who raised the point that the motion was unconstitutional. I ask him now, is a motion requesting the Senate to express an opinion upon any great public subject unconstitutional? Would he answer now? I observe that he is silent, which will make it evident to the House that he was trifling with the Senate. As to the hon. senator from York (Mr. Allan), I understood that he used the same language with regard to the motion, and added that any tyro would know that the motion was unconstitutional. It is the general mode of reply of the hon. gentleman, as I have observed, for many years, that he and his leader generally called those from whom they differ bad names. They say that such members are out of their minds: that they are slanderers: that they are beside themselves: that in fact they know nothing. That is the style of reply of that hon. gentleman who appears always to be very scrupulous in his manner of dealing with public questions. I only hope that he and his leader can satisfy their own consciences with regard to their public conduct.

The House divided on the resolution, which was lost on the following division:

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Hon. Messrs.	
Alexander,	Leonard, Power.—3.

## NON-CONTENTS :

Hon. Messrs.	
Allan,	Haythorne,
Almon,	Kaulbach,
Archibald,	McDonald (C.B.),
Armand,	McKay,
Baillargeon,	McKindsey,
Bellerose,	McMillan,
Bolduc,	Macdonald (B.C.),
Botsford,	Miller (Speaker),
Boucherville, de,	Montgomery,
Boyd,	Ogilvie,
Chaffers,	Pâquet,
Clemow,	Pelletier,
DeBlois,	Plumb,
Dever,	Read,
Dickey	Robitaille,
Ferrier,	Smith,
Girard,	Sullivan,
Glasier,	Sutherland,
Guévremont,	Turner,
	Vidal.—39.

It being 6 o'clock the Speaker left the Chair.

## AFTER RECESS.

## FINES AND FORFEITURES BILL

## SECOND READING.

HON MR. DICKEY moved the second reading of Bill (82) "An Act respecting the application of certain fines and forfeitures. He said: This Bill is intended to remedy a defect in our legislation in respect of the application of fines and forfeitures under the laws of Canada. The first section is to that effect. The second section provides, in cases where such fines have been imposed, that they may be paid over to any provincial or municipal authority that has, wholly or in part, been put to expense in connection with those fines, or for any other purpose that the Government may choose. As the Act has such an obvious application there can be, I fancy, no possible objection to it. I hope the House will agree to the second reading, and it can be referred to committee at a future day.

HON. MR. KAULBACH—I have not got the Bill before me, but does it not provide how the fines shall be applied that come to the Crown?

HON. MR. DICKEY—Yes, only fines imposed under laws that are not local.

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

LIGHT HOUSE AT CAPE RACE  
BILL.

## SECOND READING.

HON. MR. SMITH moved the second reading of Bill (100) "An Act respecting the transfer of the lighthouse at Cape Race, Newfoundland, and its appurtenances, to the Dominion of Canada." He said: This Bill is intended to take over the lighthouse that has been in possession of the home Government and the fund created by fees, amounting to \$100,000. That fund is handed over to us with the lighthouse. The expense of maintaining

the lighthouse is about \$4,000 a year. The lighthouse is at Cape Race, on the Newfoundland side. In the past Canadian vessels passing that way have been charged fees. In the future there will be no fees collected from vessels going from or coming to this country. We think the arrangement a good one, and trust that this House will sustain the Bill.

HON. MR. KAULBACH—Do I understand that we are to be relieved from paying any lighthouse dues?

HON. MR. SMITH—In the future all vessels will pass free.

HON. MR. KAULBACH—Then shipping will be relieved from those fees, and we get the fund of \$100,000 and we pay the expenses of maintaining the lighthouse.

HON. MR. SMITH—Yes.

HON. MR. DEVER—If I understood the hon. gentleman well, I think we have made a good bargain by this transaction. I understood him to say that we are to receive a fund of \$100,000.

HON. MR. SMITH—Yes.

HON. MR. DEVER—That will be, at the rate of six per cent., \$6,000 a year, while, the cost of maintaining the lighthouse is estimated at \$4,000. That will give a profit of \$2,000 a year.

HON. MR. SMITH—Yes, if you can get six per cent. for the money.

HON. MR. DEVER—I think it is a good bargain for Canada.

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

ST. LAWRENCE AND ATLANTIC JUNCTION RAILWAY BILL.

SECOND READING.

HON. MR. FERRIER moved the second reading of Bill (58), "An Act to incorporate the St. Lawrence and Atlantic Junction Railway Company."

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

REFORMED EPISCOPAL CHURCH BILL.

SECOND READING.

HON. MR. MACDONALD (B.C.), moved the second reading of Bill (59) "An Act to incorporate the First Synod in the Dominion of Canada of the Reformed Episcopal Church." He said: I have to thank my hon. friend from St. John (Mr. Dever) for having taken charge of this Bill in my absence. This is a measure passed in the House of Commons to incorporate the Reformed Episcopal Church of Canada. Such legislation has been granted to all religious bodies which have applied for it. The object is to enable the church to hold land and to receive grants for school and church purposes, etc.

HON. MR. BOTSFORD—Is there not a petition against the Bill?

HON. MR. MACDONALD—The subject will be discussed thoroughly in committee. There was a long discussion over the word "First" used in this Bill.

HON. MR. KAULBACH—A petition has just been shown to me here pointing out that this will conflict with another Corporation bearing the name of "The Reformed Episcopal Church" otherwise known as the "Reformed Church of England" and it is also called "First," which is objected to. The other Reformed Church claim that they are the first Synod, and that this is a institution foreign to all the notions we have of religious organizations. I am certainly not in favor of this kind of reform. If we have one Church of that name already in the country I think it is enough. The title of this Bill conflicts so much with the name of the other church that I think it would be well for us not to give it our support, but to throw it out entirely.

HON. MR. DEVER—I found this stray lamb the other night. Though many shepherds were after it, it responded to my voice with more kindness than to the others: hence I took hold of it and assisted it to get its first reading. I have not the slightest doubt that it looks as far



back on its history and its foundation even as the days of Peter. I think this is a good Bill, and as I admire a free church in a free state I intend to support it.

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

HON. MR. MACDONALD moved that the Bill be referred to the Committee on Standing Orders and Private Bills.

HON. MR. DICKEY—I think no blame can be attached to members who have raised objections to this Bill, because now is the time to do so, on the second reading. It has been found to be a useful practice, at the second reading of private bills, to make any objections that were entertained to them.

HON. MR. MACDONALD—I rise to question of order. The Bill has been read the second time and the hon. gentleman is now speaking after the second reading of the Bill.

THE SPEAKER—I do not understand the hon. member to be speaking on the principle of the Bill. I understood that he was speaking on the motion to refer the Bill to the Committee on Standing Orders.

HON. MR. DICKEY—If the hon. member had exercised a little patience he would have found that my recommendation in no way conflicted with the rules of the House or the Bill itself. I was stating that no fault could be found with hon. gentlemen who raise objections on the second reading, because that is the proper time to do so. I was going to follow it up with the observation that I have often heard from the Treasury benches on the other side, when objections have been taken to Bills, the hope expressed that the Committees to which they were to be referred would take particular pains to require into the facts so as to be in a position to report them to the House, and then we could intelligently take up and discuss the measures. I hope there is no harm in making that observation, and that is all I had to say.

The motion was agreed to.

HON. MR. DEVER.

## ANIMAL CONTAGIOUS DISEASES BILL.

SECOND READING POSTPONED.

The Order of the Day having been called "Second Reading of Bill (19) Animal Contagious Diseases Bill,"

HON. MR. SMITH said: My name has been placed to that Bill, but I do not know anything about it, and cannot take the responsibility of moving its second reading.

HON. MR. WARK—I move that the Order of the Day be discharged and that the Bill stand for second reading on Wednesday next. By that time somebody will be prepared to take charge of it no doubt.

The motion was agreed to.

The Senate adjourned at 8.20 P. M.

## THE SENATE.

*Ottawa, Tuesday, May 4th, 1886.*

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

The following Bills, reported from the Committee on Standing Orders and Private Bills were read the third time and passed without debate:—

Bill (36) "An Act to grant certain powers to the Sable and Spanish Boom Slide Company of Algoma (Limited)." (Mr. Turner.)

Bill (30) "An Act to incorporate the E. B. Eddy Manufacturing Company." (Mr. Clemow.)

## LAKE SUPERIOR MINERAL RAILWAY COMPANY B LL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and

Harbors, reported Bill (34) "An Act to incorporate the Lake Superior Mineral Railway Company with several amendments. He said: This Bill appears to have been very carefully drawn from the revised bills which have been passed through this House, and although it is a long Bill, there are only one or two verbal amendments. There is one amendment of more material character in the 12th clause, in which the words are struck out which refer to the power given to the bondholders and proceedings under bond, that those shall take place in the name of the trustees. When we came to compare that with the proceedings on the same bond in the 14th clause, there was a slight incongruity in this, that the 14th clause required the proceedings to be in the name of the persons holding the bonds. The promoter of the Bill, on its being pointed out to him, agreed that it was better to strike out those words which require the bondholders to proceed in the name of the trustees in the 12th clause, as they already had the power, in order to make the Bill congruous. That is the only material amendment, and I see nothing to prevent the amendments being concurred in.

The amendments were concurred in, and the Bill was then read the third time and passed.

#### THE SHUSWAP AND OKANAGAN RAILWAY COMPANY'S BILL.

##### THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (33) "An Act to incorporate the Shuswap and Okanagan Railway Company," with certain amendments. He said: The amendments of this Bill are of rather a voluminous character, but at the same time they are purely verbal. The necessity for those amendments is caused by this Bill having been drawn from an old form before the more condensed form, that is free from tautology, was agreed upon, and the promoters of the Bill appeared before the committee and agreed to those changes. As the amendments are purely verbal I see no reason why the

House should not concur in them and allow the Bill to have a stage.

The amendments were concurred in and the Bill was then read the third time and passed.

#### BOW RIVER COAL MINE RAILWAY AND TRANSPORTATION COMPANY'S BILL.

##### THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (44), "An Act to incorporate the Bow River Coal Mine Railway and Transportation Company," with several amendments. He said: The amendments to this Bill are of the same character as those I spoke of with regard to the last bill. They are purely verbal, arising from a desire to use the abbreviated form and make the language more plain. I know of no reason why the amendments should not be concurred in.

The amendments were concurred in and the Bill was then read the third time and passed.

#### CENTRAL ONTARIO RAILWAY COMPANY'S BILL.

##### THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (67), "An Act respecting the Central Ontario Railway Company," with certain amendments. He said: There appears to have been in this Bill, as it came to us from the other House, a material mistake in the title of the Bill and the name of the Company. It was the Ontario Central Railway Company which was incorporated, and this is an Act to amend that charter, and it proposes to amend an Act to incorporate the Central Ontario Railway Company. The promoters, finding that these amendments were necessary to be made, not merely in the title, but in the preamble of the Bill, desired them to be made in the Committee, and certain parts of the Bill required it to be recast. The Bill is a short one and there are several amendments, and the

hon. gentleman who has charge of the measure will state to the House what course he chooses to adopt with regard to it

HON. MR. READ moved that the amendment be taken into consideration to-morrow.

The motion was agreed to.

### FREE PASSES ON THE CANADIAN PACIFIC AND GRAND TRUNK RAILWAYS.

MOTION POSTPONED.

The motion having been called, 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 list of the names of all Senators and members of the House of Commons who received Half Fare Tickets and Free Passes over all roads or portions of roads owned or operated by the Canadian Pacific and Grand Trunk Railway Companies between the first of November last and the first of April, 1886.

HON. MR. MCINNES (B.C.) said: My reason for asking on Friday last that this motion should stand until to-day was that I had to write to a distant part of the country for certain information bearing on this subject. I regret to say that I have not yet received that information, but I hope to have it within the next few days. I would therefore ask that this motion be allowed to stand until Tuesday next, and I shall then proceed with it whether I have the desired information or not.

The motion was allowed to stand.

### GOVERNMENT PROPERTIES AT SOREL.

MOTION.

HON. MR. GUÉVREMONT moved,

Qu'une humble adresse soit présentée à Son Excellence le gouverneur-général pour prier Son Excellence de vouloir bien faire transmettre à cette Chambre une liste donnant les noms de toutes les personnes qui occupent, en vertu de baux annuels, les propriétés du gouvernement situées dans la seigneurie de Sorel.

He said: (in French) I did not proceed with this motion yesterday because I did not at the time understand the answer to the inquiry which I then made. I am not quite sure that I am better informed to-

day than I was yesterday, because the answer to my inquiry, I find is not quite clear. The reply yesterday was that if the Government should decide to sell that property it would be in the same manner as was done in the case of Ile Ronde. It appears to me that the question of how these properties should be sold is easily decided. If this motion is adopted it will be seen from the return for which I ask that the properties in question have been occupied by different persons under lease for a term of years, but the leases have expired. In the case of Ile Ronde the properties sold were under lease and the leases are now expiring. If I am well informed there are some properties in two concessions which have never been leased or occupied, and I am informed that the Department has decided to sell these properties at \$2 per acre. Now I am convinced that if the Department would sell these properties by auction they would bring a much higher price than that, because the owners of the lands adjoining them are desirous of obtaining possession of them. I do not blame the Government in this matter but I wish to see all parties treated in the same way. I ask no favors for my friends or for any one, but I do ask that justice be rendered and that all persons be treated alike.

HON. MR. DICKEY—I regret that the answer which I gave my hon. friend yesterday on this subject was not so complete as he desired. I am instructed to state, in regard to the present motion for an Address, that the Government have no objection whatever to furnish the information asked for. It has already been given, as I am instructed, in response to addresses from the House of Commons on several occasions, but if my hon. friend, in the exercise of his discretion, desires to have the expense of these returns duplicated, there is no objection to the Address. The motion was agreed to.

### SISTERS OF CHARITY IN THE NORTH-WEST TERRITORIES.

MOTION.

HON. MR. GIRARD moved

That the fee of two hundred dollars paid on the Bill intituled: "An Act to amend 'An

HON. MR. DICKEY.

Act to incorporate the Sisters of Charity of the North-West Territories," assented to on the 1st May, 1885, be refunded to the petitioners for the said Bill. .

He said—If this application were made merely as a favor to these Sisters who have done so much good in that distant part of the country, I am sure there would be a unanimous voice in favor of granting their request, but they do not come absolutely asking a favor. They merely ask for something to which they are entitled. In 1882 an Act to incorporate the Sisters was passed. The sum of \$200 had been deposited, according to the rule of the House, but when the Bill was passed it was decided that that sum should be refunded to them. What was done at that time should in the same way be done when an amendment to the Act of incorporation is asked for. I think that the rule is clearly indicated in Bourinot, at pages 644 and 645. I find there that "in case the Bill is withdrawn, or otherwise fails to become law, the fee of \$200 is refunded, generally, and properly on the recommendation of the Committee on the Bill." Among the different instances in which a refund has taken place, it will be seen, if we look at the end of page 645, is "the Sisters of Charity in the North West Territories." The reason given is that an association like the Sisters of Charity in the North West Territories is not liable to the fee charged on Private Bills. The last case given is that of an amendment to a previous Act. By the certificate I have in my hands now, signed by the Clerk of the House, it appears that a sum of \$200 has been paid and an additional sum of \$9.46 for cost of printing. Although we may ask, perhaps without reason, that the cost of printing and translation should be paid, according to Bourinot it is not absolutely necessary that it should be. Bourinot says, at the end of page 645, "It is also usual, though not necessary, to add 'less the cost of printing and translation'—the fee to be refunded being the \$200 paid after second reading. In 1882, at the end of the session, a Bill was deferred for three months on the motion of the member in charge, who was unwilling to agree to amendments made by the Senate, and the fees were thereupon ordered to refunded." With these remarks, and the

citations from so well known an authority as Bourinot, I think I have shown that my motion is well founded and there will be no hesitation in giving to the Sisters who are doing an immense amount of charity in the North-West, a sum which will be employed not only for their own advantage, but for the advantage of the whole Dominion.

HON. MR. DICKEY—The action of my hon. friend who has made this motion in this matter must commend itself to the sympathy of the House. It is quite true that the usual rule is that an application for a refund of this character should be accompanied by the condition that the expense of printing and translation have been paid; but it appears from a certificate that he has in his possession that the small expenses incurred in that way have been paid. Therefore, he is entirely in his right in asking the House to pass the resolution although it does not contain those words.

HON. MR. PLUMB—I can hardly allow a motion of this kind to pass without expressing the opinion that I think the entire feeling of the House, apart from the technical question, is with my hon. friend. There is no portion of the community with whom I have more tender and earnest sympathy than with the holy women who devote their lives to the amelioration of suffering, who efface themselves, who efface even their family name, and give up the sacred ties of family, friends and affections, for the purpose of mitigating human suffering;

"Meek, prayerful, humble servants of the  
Cross,  
Who count as heavenly gain all earthly loss;  
Touching the fevered wound with hands like  
balm,  
Filling the pest-house with a holy calm,—  
God smooth the flinty pathway to their feet,  
Make their reward eternal and complete."

And if I can by my humble voice, in any way benefit them, I shall always be ready to do so, and on this occasion, apart from feeling of sect and apart from the feeling that I belong to another religion than that of the hon. gentleman, I have great pleasure and great delight in saying I believe that this House

will unanimously consent to the resolution which he has placed before us.

The motion was agreed to.

### CONSOLIDATED RAILWAY ACT '79 AMENDMENT BILL.

#### SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (8) "An Act to amend the Consolidated Railway Act 1879." He said: This is a Bill from the House of Commons which has for its object certain amendments to the Consolidated Railway Act of 1879, the particulars of which are set forth in the three short paragraphs of the Bill. They are as follows:—that this Act shall be read and construed as part of the Consolidated Railway Act of 1879, and that the powers given under any special Act to construct a railway shall be exercised, subject to the provisions of the Consolidated Railway Act of 1879, as amended by this Act. The third clause, which really contains the gist of the whole Bill, provides for compensation to be made to the owners of lands taken or injuriously affected. It is as follows:

For the value of lands taken, and for all damages to lands injuriously affected by the construction of the railway in the exercise of the powers by "The Consolidated Railway Act, 1879," or the special Act, or any Act incorporated therewith, vested in the company, compensation shall be made to the owners and occupiers of, and to all other persons interested in any lands so taken or injuriously affected.

Cases have arisen very frequently in which lands have been appropriated for railway purposes for which proper compensation has not been given. For example, the railway passes through a man's property, and he receives compensation for the land absolutely taken from him, but in many instances it so far injuriously affects the rest of the property as to render it of comparatively little value to the owner, and this measure is to provide for cases of that kind. Since the Bill has passed the House of Commons, suggestions have been made in reference to some other amendments which it is thought desirable to incorporate in this Bill, and as it is of great consequence that when it comes to take its place in the Consolidated Statutes of Canada it should

be as perfect as possible, I propose, with the permission of the House, after the Bill obtains its second reading, to refer it to the Standing Committee on Railways, because I think any suggestions or alterations can be very much better considered in that Committee. The Bill as reported by the Committee would then be again submitted to the approval of the House and it will be for the House to adopt the suggestion of the report of the Committee or not as they may think proper.

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

### PICTOU COAL AND IRON COMPANY'S BILL.

#### SECOND READING.

HON. MR. MCKAY moved the second reading of Bill (64), "An Act to amend the Act incorporating the Pictou Coal and Iron Company." He said: This company ask for power to expropriate lands for the purpose of building their railway. They did not have the power in their former Act; and they also ask power to secure the first mortgage bonds by giving security on the subsidies they received before building the road.

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

### GUELPH JUNCTION RAILWAY COMPANY'S BILL.

#### SECOND READING.

HON. MR. POWER moved the second reading of Bill (76) "An Act to amend the Act to incorporate the Guelph Junction Railway Company." He said: As I understand it the road that is to be built is a very short one of about 12 miles in length, and it is intended to connect the Town of Guelph with the Canada Pacific Railway system. One object of this Bill is to reduce the Capital stock which they thought was too large, and the object of the second clause is to enable the Town of Guelph, which I understand proposes to build the road out of its own funds, to be represented on the Board of Directors and to take stock in the Company. The

third clause merely extends the time for the beginning and completion of the road.

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

### LETTERS PATENT FOR INDIAN LANDS BILL.

#### SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (102) "An Act to expedite the issue of letters patent for Indian Lands." He said: This is a Bill to obviate the necessity of delay by the present requirement that a patent should be signed by the Governor-General. It provides that a Deputy Governor will be appointed to sign those patents, and it also provides how they are to be dealt with after they are so signed. Unfortunately, a good deal of delay has occurred in issuing these patents in the past, and it is expected that the provisions of this Bill will considerably expedite the issue, especially to persons in the North West. The patent, although required to be signed by the Deputy Governor-General, has also to be signed by the Superintendent of Indian Affairs. It has then to be registered, and it is to be transmitted to the Secretary of State, where the Great Seal is affixed; so that every provision seems to have been made, in the course of the passage of this Bill through the House of Commons, to assure the House and the public that there can be no opportunity whatever, for injudicious patents being issued. These are the leading provisions of the Bill and any suggestions will be made more properly perhaps in Committee.

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

### STELLARTON AND PICTOU RAILWAY BILL.

#### SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (67) "An Act respecting the extension of the Intercolonial Railway from a point at or near Stellarton to the Town of Pictou. He said: It appears that the sum of \$250,000 was placed in the supply bill last year for the purpose of

making an extension of the Intercolonial Railway from a point near Pictou called Stellarton to Pictou Town, so that railway communication should be had irrespective of the difficulties which at certain seasons of the year have been experienced in crossing the harbor. Before that no communication could be had until this railway branch was constructed except by crossing the harbor by ferry, which was inconvenient at some seasons of the year. The maintenance of that ferry was by no means a small expense. The Bill authorized the Government to construct a railway and to apply this money, as voted, or any revote of it, for that purpose. The railway will connect the county town of the county of Pictou with railways which it is supposed, will lead to a very considerable increase of business to the Intercolonial Railway.

HON. MR. POWER—I do not propose to move against the second reading of this Bill, but I think it ought not be allowed to pass this stage without some few observations. The hon. gentleman who has charge of the Bill has stated that it proposes an expenditure of some \$250,000. As I understand, that will be only so much on account; and from the best information I can get the proposed extension will cost at last half a million. At present the two points which this road proposes to connect are connected by the Intercolonial Railway and a ferry. The Intercolonial Railway from Stellarton to Pictou Landing is about ten miles in length. By the proposed road the distance will be 18 miles.

HON. MR. DICKEY—Oh no.

HON. MR. POWER—The hon. gentleman may say "Oh no," but I have very good authority for what I am saying.

HON. MR. DICKEY—I am instructed that it is fifteen miles.

HON. MR. POWER—I am not going to quarrel over the three miles. We will grant that it is 15 miles; that does not alter the principle much. I do not, however, admit that my information is incorrect. Here is the fact, that we propose by this Bill to incur an expenditure of

half a million of dollars for the construction of a second railway from Stellarton to the town of Pictou, and that second road will be at least five miles longer than the existing road. I think that that is a proposition which deserves a little consideration. We find that not very long ago we incorporated a company to build, what was called the Short Line Railway, from near Oxford Station on the Intercolonial Railway to Louisburg or Sydney, in the Island of Cape Breton. I understand that the Short Line Railway, if constructed—and I believe the company profess that they are prepared to go on with the work if they receive reasonable encouragement from the Government—would approach the town of Pictou from a somewhat different direction from that from which this road approaches it, and it would give the town of Pictou at much lower cost connection not only with the Intercolonial Railway at New Glasgow or Stellarton, but also with the Intercolonial Railway at Oxford Station, and would be in every way a much more advantageous connection for the town of Pictou than that which would be furnished by the road proposed to be constructed under this Bill. That is one important consideration. I am satisfied that if the Government will add to the existing subsidy to the Short Line Railway Company, the sum which this road is to cost, no difficulty will be found in building the road from Oxford to Pictou and New Glasgow; and the Short Line Railway will not only benefit the town of Pictou, but it will benefit also large portions of the counties of Cumberland, Colchester and Pictou. The town of Pictou has had railway communication with the city of Halifax since the year 1866 or 1867—at any rate since about the time of Confederation—and there are other portions of the Province of Nova Scotia more important than the town of Pictou which have not yet railway communication. There is the western portion of the province, the counties of Digby, Yarmouth and Shelburne, who are cut off from the Intercolonial Railway and from the capital of Nova Scotia by what is called the “missing link” of some 18 or 19 miles. The sum that is proposed to be voted for the construction of this Stellarton branch would build that road—would certainly insure its construction;

and clearly the claims of those three counties are greater than those of the town of Pictou with a population of not more than 4,000.

HON. MR. PLUMB—Have they petitioned?

HON. MR. POWER—They have been petitioning the Government for a long time, but in vain. I think it must strike the House that that is correct; but there is a still stronger case than the case of the western counties. There is the Island of Cape Breton. That island has a population at the present time of 90,000, and the Government have not yet built a single mile of railway in that Island, and it does seem to me that it is the duty of the Government and the duty of Parliament to see that the Island of Cape Breton has some railway facilities before the town of Pictou has duplicate railway facilities. I find it hard to understand how it is that the Island of Cape Breton has been neglected in the way it has hitherto been. That Island has been a portion of the Dominion since 1867; she has paid her share of customs and excise duties; has borne her fair share of the public burdens during all that time; she has a large population, and in many portions a very fertile soil; she has mineral resources which are not exceeded by those of any portion of the Dominion; yet we have this country spending some sixty millions of dollars in cash, besides many more millions in other forms, to effect a connection with British Columbia, and spending further large sums for the construction of a local railway on Vancouver Island, and all that for a Province which came into Confederation four years after Cape Breton came in, and for a Province whose white population is now not more than one-fifth of the white population of the Island of Cape Breton. I think it must strike every member that there is something unaccountable in the way in which the interests of Cape Breton have been neglected. If we leave the Pacific coast and come over to the Atlantic coast we find Prince Edward Island, which is, no doubt, a very fertile Island, and whose population is probably one-fourth larger than that of Cape Breton. We find that that Island came into Confederation several years after Cape Breton.

HON. MR. HOWLAN—We were an independent Province.

HON. MR. POWER—I do not think that makes any difference. Nova Scotia was an independent Province, and Cape Breton was a part of Nova Scotia.

HON. MR. MACDONALD (B. C.)—It was only a part of it.

HON. MR. POWER—Well, Vancouver Island is only a part of British Columbia, and yet has a railway of its own, why not treat Cape Breton in the same way that Vancouver Island has been treated? I give that conundrum to the hon. gentleman behind me. Now, how has Prince Edward Island been treated? The Government have assumed the debt which had been incurred by Prince Edward Island in constructing the railway.

HON. MR. HOWLAN—No they have not; Prince Edward Island paid for its own railway.

HON. MR. POWER—Prince Edward Island came in and was allowed so much for the debt created by the construction of the railway.

HON. MR. HOWLAN—So did the other provinces.

HON. MR. POWER—I grant that I am not so infallible as some of my hon. friends on the other side. The argument may not be without a flaw; but I take it that the argument as a whole is sound.

HON. MR. HOWLAN—No, it is quite unsound.

HON. MR. POWER—Within the last few years a large sum has been spent by the Dominion in extending the railway in Prince Edward Island to the point of crossing at Cape Traverse. The Dominion has assumed a large annual expenditure for the purpose of maintaining communication across the straits of Northumberland. If the hon. member from Alberton has his way, the Dominion will assume a still larger liability for the construction of a sub-way under the straits of Northumberland; and the Dominion Government pays

every year on account of a deficit on the Island railway something in the vicinity of \$100,000.

HON. MR. HOWLAN—\$150,000.

HON. MR. POWER—While I am not finding any fault with what has been done for Prince Edward Island, it does seem to me that the other Island which is larger and nearly, if not quite as valuable, deserves at least a little of the consideration which has been shown to Prince Edward Island. Here we are nearly 20 years in the Confederation and the first spade has yet to be put in the first sod on a railway in Cape Breton. Under these circumstances it is hardly justifiable to ask this House to pass a Bill like this which provides, as I have already explained, although this Bill only asks for \$250,000, for an expenditure of half a million, for a second railway to the town of Pictou. There are two costly bridges to be built on this line from Stellarton to Pictou. To ask Parliament to sanction such an expenditure as that before effectual steps have been taken to secure the construction of a railway in the Island of Cape Breton and to secure the construction of the missing link is exceedingly unreasonable.

HON. MR. ALMON—Which railway in Cape Breton does the hon. gentleman wish to have subsidized?

HON. MR. POWER—That is a matter for the Government. My view is that the Government should see that the railway is constructed from the Strait of Canso to the town of Sydney, which is the commercial as well as the political capital of Cape Britain.

HON. MR. ALMON—Some people think it should be to Cape North.

HON. MR. POWER—Nobody can seriously propose that. There is another circumstance in connection with this road: I find the people of the county, a very large minority at least of the people of the county of Pictou are dissatisfied with this measure. They have sent a petition to the other House signed by I think about 1,800 ratepayers of Pictou protesting against this measure. Public



meetings have been held; and a request has also been made that some amendment should be made in this Bill which will provide for the keeping up of the ferry across the harbor of Pictou. It appears that to the people who live along the line of the existing railway between New Glasgow and Pictou the cessation of the ferry service across the harbor would be a very considerable loss. They request that some guarantee be put in this Bill that that ferry shall be continued. Under the circumstances, this House would be perfectly justified in showing that independence of which we heard so much yesterday by rejecting this Bill; but it is not proposed to ask the House to do anything of that sort. I do not propose to oppose the second reading of the Bill, but I wish to give notice that, when the Bill reaches the Committee stage, as I presume it will, amendments will be moved looking in the direction of protecting the interests both of the other sections or Nova Scotia and of the eastern portion of the County of Pictou.

HON. MR. KAULBACH—Comparisons are odious and very often invidious. If my hon. friend had said something about Lunenburg too, he would have stated that we have been 20 years in the Confederation, as the people of Cape Breton have been, and have contributed largely to the revenue of the country and are struggling for a railway which is of very great importance to us. Whether we are an Island or not we should have railway communication. I think not being an Island we are more entitled to a road than we otherwise would be. Cape Breton ought to have, and I believe will have a railway in connection with the general railway system throughout the country, and if we are to be relieved of that ferry it will have a tendency to have all the other railways built. When we stop the building of a railway by saying that some other place is more entitled to one, I think instead of promoting and encouraging, we are rather retarding the construction of railways. I agree with my hon. friend that other parts of Nova Scotia are more entitled to railways and have not the same facilities as Pictou, yet I think our time will come. The policy of the Government to subsidize railways everywhere

extends to Nova Scotia, and I believe that Lunenburg and Cape Breton will have their railways. It seems that the trouble in Cape Breton is to decide what direction the road shall be in, and when the best route is discovered I am sure that the road will be built. The project has my earnest support, and I believe in the interests of the Dominion the road will be built.

HON. MR. GRANT—I would not like this Bill to pass without saying something on it, as I come from the very place where the road is to be constructed. Some facts connected with this question may not be to the knowledge of a number of gentlemen here, and I will place those facts before them. About 21 or 22 years ago the Pictou extension of the Intercolonial railway from Truro was built. At that time it was a matter of doubt between the engineers and constructors of the road, what direction it would take to Pictou town. There were two routes at the time under contemplation. One was down the West River, a distance of 22 miles from the westerly station to Pictou, down through the valley of West river, a perfect bed for a railway from end to end. The other route was from the present westerly station of Pictou town over a very expensive and hilly country, nine miles longer, to the coal mines through New Glasgow, landing on the south side of Pictou harbor, and on the opposite side from Pictou town. It was ultimately decided, through various influences used, the principal one being that by bringing it down to New Glasgow it would be nearer to the eastern extension when it was constructed, and the latter view prevailed. It was a great disappointment to the people of Pictou, who were put to inconvenience afterwards in the conveyance of their lumber, coal, brick and building materials of all descriptions, breaking bulk on the north side of the harbor and bringing all those things over in lighters and scows to a great extent. It was impossible, with the advantages and facilities for public works on the south side of the harbor towards the mines in the direction of New Glasgow, that Pictou could establish anything like a manufacturing industry, owing to the cost of erecting their buildings and finding their fuel. However, since that time the railway has come down there, a longer

distance by 9 miles, and at much greater expense in building the road and at great cost to the people of Pictou in crossing. There is also danger in crossing that harbor in winter-time. Although no lives have been lost, the danger has been great, and there has been much inconvenience caused. The boat could not cross when there was ice. Often the ice is not strong enough for teams, and I have myself, on more than one occasion, driven 22 miles to get to New Glasgow, because I could not cross the harbor to come here. However, that was all submitted to and a boat was put on by the Government which cost, so it is said, \$14,000 a year to keep it up. That represents interest on an amount of money which will meet the expenditure that is contemplated now in building the road to Stellarton and the bridge across the harbor. A few years ago the Minister of Railways entered into a contract with a company to build a short line from Oxford to New Glasgow. If that line had been constructed, the crossing of the harbor would have answered all the purposes that Pictou wanted; but the harbor was surveyed, and a large part of the road, as we all know, was half built, and then the whole work was abandoned and left it that state notwithstanding the promises given by the Minister of Railways to the people of Pictou that that short line of railway and the bridge to be built in connection with it, which would have been most satisfactory to the people of Pictou. When the work was stopped, they became very anxious and applied again here, and promises were continually made to them that if they did not get the short line it would be done in some other way. That is the way the Government are trying to do. They have taken the short line of railway into their own hands; whether they intend to build it or not I do not know; but the project that they have brought before Parliament is the substitute for the bridge across the harbor. I may say this, that if the Short Line is only built from Oxford to New Glasgow, it is not necessary that it should go a step beyond the commencement of this road that is now projected. The crossing of the harbor and the road to Stellarton answer all the purposes that were required of a short line. The Short Line was required to communicate with the eastern

extension of the road from Stellarton to Pictou, so that nobody will lose by the building of the present line when the short line comes to be constructed, if it ever is. I feel satisfied that with the saving of the steamer, which costs \$14,000 a year, the country will lose very little by the building of all that is contemplated by this Bill. It is true the hon. member from Halifax says that there have been petitions here from New Glasgow and the neighborhood of that place, objecting to the change in the railway. I must admit that it comes rather hard upon New Glasgow, because it is a flourishing town in the centre of a very flourishing population, and they have built large hotels and other things suitable to the locality in which they are and the facilities which are around them. The intention now to connect the eastern extension with Stellarton, which is two miles farther up than New Glasgow, will be an injury to them I admit. But that is a matter in the hands of the Government, and I regret that it is so; but it is too bad that the town of Pictou should be deprived of the advantage which they ought to have had from the very first and not now after twenty years. The road coming down through New Glasgow is no advantage to them; it is there and the public works are raised around it, and may suffer a little from it; but the road will not be taken away. The railway from Stellarton to the harbor will remain still, because it is intended to be and is used as a coal road, and will be so used hereafter. If there is passenger traffic enough to require a passenger car, that will certainly be continued on, and the present railroad goes past their manufactories, their glass works, their steel works and their forge works. They are all on the side of the railway, and that railway will still remain there. The Government never intend to remove that. But the line from Stellarton down, although it runs parallel with that road, is a good many miles away from it to the west, and it runs through a mining population who want that road to pass up through the town. That is the main advantage required for that Stellarton and Pictou road. It will serve a large population. It is, I think, four miles longer than the present road from Pictou to Stellarton; but the time consumed in running over four miles is much shorter than is required to cross the

harbor, and transferring from the railway to the steamboat landing.

HON. MR. HOWLAN—I do not rise for the purpose of raising any objection to the Bill, but merely to reply briefly to the senior member from Halifax. I am not, as a Prince Edward Islander, opposed to giving Cape Breton or Nova Scotia, or any part of the Maritime Provinces, the fullest and fairest consideration, and I am only surprised that the hon. gentleman, who is a member of the Chamber of Commerce of Halifax, does not take a broader and wider view of this matter than he seems to have done. He has forgotten to tell the House one thing, and that is that the connection between Pictou Landing and Pictou is by a ferry, and that that stretch of water where the ferry runs is frozen up about half the year. That is a matter on which he has not enlightened the House.

HON. MR. POWER—Excuse me, I did mention that.

HON. MR. HOWLAN—The hon. gentleman did not mention the ice. I remember very well some twenty-two years ago that there was a very great excitement at Pictou on account of the road going to the other side of the landing. The reason given was that the Pictou harbor being subject so much to in-drift, it was necessary that vessels should be enabled to load as late as possible in the season, and that was why the other side of the harbor was selected for the terminus. Since that time the people of Pictou have had a grievance about having no connection with the road, and have petitioned this Government, as they petitioned the late Administration, with regard to an extension of the railway into Pictou town. It is true they have a ferry there, but as has been well stated by my hon. friend who has just sat down, there are times in the autumn and late spring when you cannot get across the harbor and must go round. If this road is built it will not interfere with the Short Line as explained by the hon. gentlemen who proceed me. On the contrary it will be rather an assistance. Since I have had the honor of a seat in this House I have come to the conclusion that the Nova Scotia Railways

ought to be taken up *en bloc* instead of in detail, and it is possibly not the fault of this Government or of the late administration that that has not been done. In Cape Breton they require about eighty miles of railway; they are praying for the Nictaux and Atlantic Railway; they are praying for the extension and for the western extension to Yarmouth. All these, in the aggregate, amount to nearly 200 miles of railway which, at a cost of say \$10,000 a mile, would involve an expenditure of \$2,000,000. If some plan could be devised by the gentlemen who represent Nova Scotia, in connection with the Government, to take up these projects and let them give that portion of the road from Truro to Pictou as a basis to start with and a small subsidy per year, they would settle the extension of all these railways. Being placed under one management, a very great saving would be effected in the first place to the management and in the next place in the interests of the people of Nova Scotia. That would be the better way to handle it. Moreover, I contend that what is in the interest of one of the Provinces is in the interest of another. While I am here as the representative of Prince Edward Island, trying to do what I can in the interest of that Province, I do not wish it to be understood that I am in any way opposed to advancing the interests of Cape Breton, Nova Scotia, or any part of this Dominion. The motion was agreed to and the Bill was read the second time.

#### KINGSTON AND PEMBROKE MUTUAL AID AND INSURANCE COMPANY'S BILL

SECOND READING.

HON. MR. McMILLAN, in the absence of Mr. Sullivan, moved the second reading of Bill (24) "An Act to incorporate the Kingston and Pembroke Mutual Aid and Insurance Company."

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

#### LAW OF EVIDENCE BILL

SECOND READING.

HON. MR. KAULBACH moved the

HON. MR. GRANT.

second Reading of Bill (3) "An Act for the further amendment of the law of evidence in certain cases." He said: This is a Bill to do away with restrictions on the law of evidence in certain cases. I do not propose at this stage of the Bill to discuss it at any length: the details will come under discussion in Committee. It is founded, as to sections 1, 2 and 3, on two Imperial Statutes. Section 1, is the same in effect as section 4, of 32 and 33 Vic. cap. 68 (Imperial) and is to be found at p. 360 of the Statutes, published in Vol. 4 of the Law Reports of 1869, and the Ontario Act of 1882, Section 2 and 3 are similar to sections 20 and 21 of 17 and 18 Vic. (Imperial), cap. 125, (1854) but is extended to persons who declare that an oath is not binding on their consciences &c., and is intended to cover cases where such persons wish to or are required to make an affidavit or depositions, in any criminal or civil proceeding in respect of which the Parliament of Canada has jurisdiction &c., As to Section 1 and the principles involved in Section 2 the speech of Mr. Denman M. P., who moved the second reading in the British House of Commons, is referred to (See English Hansard Vol. 195, p. 1798, et seq.) Section 4 of the Bill speaks for itself, at present the Acts of the several Legislatures when brought in question in any other than the Province in which they are the law, have to be proved in the same way as foreign law, &c. This Bill proposes to obviate that difficulty.

HON. MR. DEBOUCHERVILLE—I was not aware that this Bill was coming up to-day, and had I known that it was to be moved this afternoon I should have been prepared to say something on the subject, but I shall not allow it to pass without at least protesting against it by my vote.

HON. MR. BELLEROSE—I did not know that such a Bill was before the other House even, having been occupied with other matters. I may say that I am a little surprised that in a Christian community we are asked to help those who profess to believe that there is no God and to relieve them of the disabilities under which they labor. If there are men so stupid as to believe that they

came into this world without supernatural power, they are dangerous members of a Christian community, and we ought not to help them, but ought to force them either to submit to natural law and the law of God, or to stand outside. For my part I am decidedly opposed to this Bill and it shall never be said that I have helped such a class of people. They are not very numerous; I do not believe there is one man in the world who is really an atheist. Those who profess to be, are merely influenced by pride, or perhaps they have devoted their attention always to materialism so that they have doubts on the subject, but that there is really a man in existence who does not believe in the existence of a God, is something which I cannot credit. I am confirmed in this opinion by facts. I have known men who have been recognized as atheists until they came to their deathbed and then they said: "If I call for a minister do not go for one." There is a natural law which tells every man that there is a superior being, and so I believe in a Christian community like ours we ought not to help atheists. We ought to say that they are dangerous men and not to be trusted because they do not believe in God. What is there to deter them from wrong-doing? It is well known that at the present time the breakers of the law do not dread penitentiaries or death. It is morality that keeps the masses of the people right at present. If the law has no terror for some it is better that they should not be relieved in this way but that they should be kept out of it where they will be neither useful nor troublesome. Although I have not studied the measure I am quite decided to oppose it to the bitter end.

HON. MR. DEVER—I had the honor of seconding this Bill, though I had not examined it before doing so. If there is anything infamous about the measure I am not aware of it, but certainly there is nothing in what the hon. gentleman has stated that would convince me that it contains anything wrong. If he can show me that there is anything against the Christian religion in this Bill, I will withdraw my name as its seconder, but I think he altogether misunderstands its scope and object.

The Senate divided on the motion which was adopted on the following vote :—

## CONTENTS :

## Hon. Messrs.

Allan,	McKay,
Archibald,	McKindsey,
Botsford,	McMillan,
Boyd,	Macdonald (B.C.),
Clemow,	Miller (Speaker),
Dever,	Montgomery,
Dickey,	Ogilvie,
Haythorne,	Power,
Howlan,	Smith,
Kaulbach,	Sutherland,
Leonard,	Turner.—23.
McInnes (B.C.),	

## NON-CONTENTS.

## Hon. Messrs.

Almon,	Chaffers,
Baillargeon,	DeBlois,
Bellerose,	Flint,
Boucherville, de,	Vidal,

The Bill was then read the second time.

## FORBES' STEAM ENGINE COMPANY BILL.

## SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (66), "An Act to incorporate the Forbes' Trochilic Steam Engine Central Company of Canada." He said : This is a Bill to incorporate certain gentlemen residing in the town of Windsor as a Company for the purpose of introducing into Canada a new discovery in the application of steam to engines. It is not very generally known, but it is a discovery of vast importance which, in the judgment of many eminent engineers, will work a complete revolution in the operation of the steam engine, both by the cheapness with which it can be operated, the increase of power, and the incredible quickness of its movements. It meets the hitherto supposed insurmountable difficulty with engines, the loss of power with the loss of momentum at the extreme limit of the piston stroke. This discovery also obviates the vibration that is felt in the working of the ordinary steam engines, and renders the motion continuous and equal all the time. I need not further enlarge upon the invention. The Bill is a very simple one incorporating those gentlemen, whose names are well known

to many members of this House, who will feel that they are responsible parties. They ask simply the powers that any company of gentlemen would seek who associate themselves together for the purpose of carrying out such enterprises.

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

## SEDUCTION BILL.

## SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (20) "An Act to punish Seduction and like offences, and to make further provision for the Protection of Women and Girls." He said :—At the request of the introducer of this Bill I have undertaken the responsibility of its charge in this House. I need scarcely say that I do so with a very painful sense of my inability to be its advocate. My slight and imperfect acquaintance with our criminal law disqualifies me to a great extent from advocating the measure with the clearness and force that it demands, and to substantiate its claims upon this House for its adoption. I may also remark at the outset that I have another difficulty to encounter, inasmuch as a measure for the same object, very similar to the one before us, was rejected by this House some two years ago. The Bill before us, however, is considerably changed from that measure on which we did not agree, and the circumstances under which it is now presented to the House are very different from those under which the other Bill then stood. It may be remembered by hon. gentlemen that when we rejected that Bill it was not entirely upon the ground that we disapproved of the provisions contained in it, or that we entertained the idea that there was no necessity for such a statute upon our books, but that the House was led to its decision rather by the assurance of the Minister of Justice that the amendment of the criminal law was then under the consideration of the Government, and he thought it was quite likely that the following year a Bill, in which the leading provisions of the then proposed measure might be embodied, would be submitted to Parliament. Under these circumstances the House rejected the Bill. I may also remind the House that at that

time we had no encouragement to adopt such a measure as a copy of British legislation on the subject; that is now entirely changed. During the session of the Imperial Parliament last year, a measure of this character became law in England, a measure much more stringent and much more severe in its penalties than this bill. I may say that the measure now before us is framed generally upon the British law. The very words of that Statute are employed in many provisions of this Bill. We have had on our statute book almost since Confederation—since 1869—some provisions to punish the offences against which this Bill is directed, but those provisions are very limited in their extent, and are felt to be entirely insufficient to properly meet the evil against which this Bill is really levelled. I may remark, however, that some of the provisions in the English law are not inserted in this Bill, because they are already on our statute book, and there is, of course, no necessity for duplicating or re-enacting them; and it may be well for me to ask attention to a few of the differences that will be found in comparing the British statute with the Bill now before us. I trust hon. gentlemen will at once admit that there is a necessity for legislation of this kind. When we remember that in nearly all civilized countries women and girls have a measure of protection thrown over them by the law of the land, and that Canada stands almost alone in having no sufficient provision for their protection, I trust it will have some effect on hon. gentlemen. When we examine the statute books of the neighboring Republic, we see that almost all the States have laws for the protection of women and girls, and that the penalties imposed for the offences referred to in this Bill are much more severe than those now proposed. In the State of New York, for instance, the offence is made a misdemeanor, and the punishment attached to it may be five years imprisonment in the State prison. We find also in the English law a similar provision and a similar punishment, graduated according to the discretion of the Court and the circumstances connected with the offence that has been committed. At the present stage of the Bill, I do not propose going minutely through its clauses,

because I trust that the House will permit it to be read the second time and let it go to committee, when it will be considered in all its details and provisions: but points of difference between this and English law, requiring some explanation, should be referred to perhaps just now. The first clause of the Bill which is directed against illicit connection with any girl *previously of chaste character*, to dishonor or deceive her is made a misdemeanor, when she is above the age of ten and under the age of sixteen. In the British Statute the age is different: and the reason why the term of "ten years"—which may seem a very tender age to mention at all—is because we have already on our Statute book that age fixed as the age at which the accomplishment of any design of this kind against a child is made a felony; and it is thought better by the promoter of this measure to be guided rather by the law, as it at present exists on our Statute book, than to take the limit which we find in the English Statute—than to take the more advanced age of thirteen years. The Canadian law I refer to is that in our own Statutes of 1877, where we have a clause which fixes at ten years the age under which it makes this crime a felony, and imposes as a punishment imprisonment in the penitentiary for life or for any term not less than five years—a punishment not one whit too severe for an act so inhuman as the crime contemplated by such a provision. The Bill provides that any person who attempts to seduce and have illicit connection with any girl of previously chaste character, being of or above the age of ten years and under the age of sixteen years, will be found guilty of a misdemeanor, and is liable to punishment according to the terms found further on in the Bill. Then provision is made for the protection of an unfortunate woman deficient in intellect or imbecile,—a very necessary and humane provision. In cases where it can be shown that such a crime is committed with knowledge of the person's condition, the party is severely punished for it. We have in the second clause a new feature which we do not find in the British Statute, and which I do not think can be objected to: that is where a person under promise of marriage commits this offence and brings grief and distress and dishonor

upon a woman, this is made an offence punishable in the same way as the other, with this proviso, that if the man is an unmarried man, his subsequent marriage with the woman may be pleaded as a bar to the conviction.

HON. MR. ALMON—Is there any age specified for the man? For instance, if a man of sixteen was to have illicit connection with a woman under promise of marriage, she being twenty years of age, would he be liable to this punishment?

HON. MR. VIDAL—No age is specified for the man.

HON. MR. ALMON—Therefore a lad of sixteen would be punished for seducing a woman of twenty or be obliged to marry her?

HON. MR. MCINNES—The boy would be punished for being seduced.

HON. MR. VIDAL—I can only say that in the English Statute provision is made for a case of that kind, and it is competent for the court to declare that such a young man should be whipped as well as put in prison. In the Bill before us I think we have no provision of that nature. I do not know that it would be wise at this stage of the Bill to go more thoroughly into its provisions, because in the Committee it will be examined very carefully before its final stage. It is worthy the consideration of this House that this is legislation that is needed, and comes before us with an example we may safely follow: that is, British legislation. The additional fact should be of interest to us, that in the Old Country the measure was twice introduced in the House of Lords, and passed there before it was accepted by the House of Commons. Here it was introduced twice in the House of Commons and refused by the Senate.

HON. MR. PLUMB—The hon. gentleman says it has been refused twice by the Senate: but he has told us that it has been very much modified since its introduction into the Senate. It would be hardly fair to say that this Bill has been refused by the Senate.

HON. MR. VIDAL.

HON. MR. VIDAL—The hon. gentleman from Niagara has given a very forcible illustration of the impropriety of an hon. gentleman not being in his place when an explanation is made—had he been in his seat he would have heard my explanation already given.

HON. MR. PLUMB—I say that the Bill which I understand the hon. gentleman is speaking of is the Bill now before the House. He says that the history of this Bill differs from the Bill of a similar kind passed in the British House of Parliament—that it was passed there in the House of Lords twice and refused in the House of Commons, while this Bill has been twice in the House of Commons and refused by the Senate. I want to call attention to the fact that it ought not to go on record unchallenged: that the Bill which was refused by this House is not the Bill which the hon. gentleman has in his hand.

HON. MR. VIDAL—I was not descending into minute particulars at this stage of the Bill, but merely stated that a Bill with the same object in view as this Bill, and with the same name, had been rejected, and was making an observation as to the origin and fate of the Bill in the old country, and its origin and fate here. I do not think it was an observation that will give any serious offence. One of the great advantages which we have at this time is that the Bill comes to us with the cordial sanction of the present Minister of Justice. On the last occasion when the former Bill was before us—and this will constitute a very important change—the Bill contained such features that the then Minister of Justice could not accept it, and spoke against it.

HON. MR. READ—It is not the same Bill.

HON. MR. VIDAL—No, the Bill is so changed in its features that it is not the same Bill.

HON. MR. MCINNES—It is not the same Minister of Justice either.

HON. MR. VIDAL—No, the present Minister of Justice not only sanctioned the

introduction of the Bill, but took a warm interest in the measure, watched its progress through Committee and through the House, and even suggested that stronger provisions might be in it than now are, and showed himself thoroughly satisfied with the Bill as now submitted to us for our consideration. I think that under those circumstances the Bill should be taken into consideration by us with minds entirely free from any prejudice which might remain from our dealing with the former measure which two years ago we thought proper to reject. There is one provision in this Bill where we are, I think, a little in advance of the English law. There the offence committed is spoken of as being committed against the girl, mentioning her age, without any reference to her former character. In the Bill before us you will observe that one essential feature of the crime is that the girl shall be a girl of previously chaste character, which I think is a very important feature, and one which ought to commend itself to our approval. Then again we have a provision—this, however, is taken from the English law—that no person shall be convicted of any offence under this Act upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused. Every safe-guard is thrown round the accused that he shall not be convicted on imperfect testimony, and so far from this being a measure to encourage the levying of blackmail by a designing woman, I think under this Bill such a thing would be utterly impossible. There are laws precisely similar in those features in force in the adjoining states of the Union for a number of years, over a quarter of a century, and this complaint that it would open the door to levying blackmail by designing woman has never been brought against the law there. As a matter of fact that result has never followed this legislation in the States, and it has succeeded to a great extent in diminishing the crime against which it is directed.

HON. MR. OGILVIE—What State is it in?

HON. MR. VIDAL—I believe it is in some 30 States. I have only looked into the law of the State of New York; but

I am aware of the fact, on good authority, that the law is to be found in the Statutes of some 30 States, as well as in the Statutes of nearly every civilized country in Europe.

HON. MR. OGILVIE—I do not often take up very much of the time of the House, nor do I intend to do it now. I opposed a measure of this kind last year. I would be just as careful that everything should be done to protect innocence as any hon. gentleman here, but I think that protection should be on both sides; and notwithstanding all that has fallen from the hon. gentleman about the protection of virtue and the impossibility of blackmail, I say that there are many opportunities afforded by this measure for blackmailing by designing women, while it has very little to do with the protection of innocent females. I think we are finding out very fast that it is almost impossible to legislate people into being honest at all times. It is hard to stop drinking by legislation when people want to get liquor. Temperance legislation has never succeeded, and I do not think we can legislate people into virtue and morality; they must be taught it without legislation. I think the proper place to inculcate morals in the minds of the youth of both sexes, and especially the female sex, is in the family circle, in the Sunday School, in the church, and in the public school. Where people are brought up properly, and their moral training is attended to, immorality will not prevail. When the public are educated where the sanitary conditions are improved, and the overcrowding of both sexes in tenement houses is done away with, it will do more towards checking immorality than any legislation we can enact. Legislation will not make people moral. This measure will afford to designing women an opportunity of putting young men in a very bad box occasionally. Young fellows such as my hon. friend from Halifax (Mr. Almon) referred to a few moments ago, that may be just as innocent, or very much more innocent than the female, may be got into trouble that he cannot get out of just by this kind of legislation, and I for one think that this Bill is an insult to the morality of the sex in Canada, more than it is a measure for their



protection. My hon. friend from Sarnia said that in all civilized countries of Europe such laws exist. I would very much like to see that assertion proved. I have been through most of the civilized countries of Europe myself, and if the hon. gentleman can show me such a law upon the Statute books of those countries, then he knows a great deal more than I do about them. I think this kind of legislation is calculated to do more harm than good. A virtuous woman as a rule can protect her own honor, and when trouble does take place it is very questionable in my mind if the woman is not more to blame than her seducer. As far as I am concerned I will vote against the Bill.

HON. MR. KAULBACH—I do not see that any necessity exists in this country for such legislation. It will do harm to society. I do not think that the morals of the sex are so weak or that their virtue is so easily overcome as to require such a bill as the one now before us. The present law is all sufficient for the chaste woman. It may be that in the case of female idiots or imbeciles some protection of this kind may be advantageous, but I believe that anything further is only an insult to womanhood. No law of man can make an impure woman virtuous. A female who allows her honor to be betrayed or bartered away under a promise of marriage is quite capable of going a little further and swearing falsely as to the circumstances under which the act was committed, and a law of this kind would be a temptation and a premium to some women to easily part with their chastity. This kind of legislation, in my opinion, is nothing more or less than sentimental nonsense in many respects, and it can have no beneficial effect upon the morals of the community. A good woman knows she is the guardian of her honor and lives above suspicion. Pure, modest women need not the protection of the law to guard their honor, and no man looking on one surrounded by purity can have evil thoughts. That purity which should pervade womanhood is a barrier against all kinds of immorality. A woman surrounded with the safe-guard of her own virtue is seldom or never improperly approached and when she is approached violently

there is already on our statute book a criminal law ample and sufficient to protect her. The moment we impress upon the minds of the community that woman is not the guardian of her own honor, that she requires a law of this kind to protect her against unchastity, that moment we are endangering the best interests of society and gratuitously insulting the whole female sex. They should be allowed to feel, as they do feel, that they are the custodians, the guardians of their own honor and virtue, that pure minded women need no such protection, and that the tendency of such measures as we have now before us is to increase the immorality that they are intended to suppress.

HON. MR. ALLAN—The Bill now before us, as I understand, is a very different measure from the one that was before the Senate last session. I have not had an opportunity of looking over this Bill, and I should like to do so in order to carefully consider the whole matter. I hardly think the description of the measure given by the hon. gentleman from Lunenburg, that it is "sentimental nonsense," is quite correct. The subject is one of great importance and of deep interest, and, I think, if the Bill, when it comes before the Committee of the Whole, is found to be objectionable or injudicious in any of its features, we can either amend it in the proper direction or reject it altogether; but I for one am not prepared to vote for its rejection on the second reading.

HON. MR. DEBOUCHERVILLE—At the second reading is the proper time to approve or disapprove of the principle of a measure. In this Bill there are many provisions, some of which I approve, and some that I will oppose; therefore I think it is but right before allowing the Bill to pass its second reading to state that I do not consider myself bound to support the measure as a whole, and I shall certainly vote against some of its clauses.

HON. MR. ALMON—I am not going to oppose the second reading of the Bill, because it is not the same measure that we had before us on a previous occasion; but I should be sorry to see this Bill pass as it now stands. Nobody is more con-

vinced than I am that punishment ought to be inflicted on any man who, under promise of marriage, seduces a young woman, more especially if he, with the sanction of her parents, is allowed to come to her home and associate with her as one of the family. A man may make a promise of marriage, acting under the excitement of the moment, and the woman may yield to him, but she knows when he makes the promise, under such circumstances, that he does not intend to keep it. I object strongly to the first clause of this Bill, which provides against illicit connection with any girl of previously chaste character, being of or above the age of ten years and under the age of sixteen years. I contend that such an offence against a girl of ten years of age ought to be punished with greater severity. The consent of a child of such tender years does not amount to anything, and I think the clause should provide a punishment for having connection with a girl of that age, whether she consents or not. The second clause which provides a punishment for the seduction of an unmarried female under twenty-one years of age, provided that in the case of an unmarried man, the subsequent marriage of the parties may be pleaded in bar of a conviction, is simply, in my opinion, a premium for blackmail. There is no provision that the man shall be over a certain age, and a lad of sixteen may have connection with a woman of twenty—she may be a servant girl in your house; your boy may have had connection with her, and frightened by the threat of exposing him to his parents he may be terrified into a promise of marriage as the only way he can get out of a severe punishment, and such a marriage would not only ruin the boy, but would bring unhappiness into his family. I believe that if this Bill passes as it now stands it will prove to be the greatest curse to the community that has ever emanated from Parliament since I have had the honor of a seat in this House.

HON. MR. HAYTHORNE—On former occasions when a bill bearing the same title nearly came before this House, I felt the greatest difficulty as to how I should vote, because I was far from being convinced that the plan proposed was likely

to result in the improvement of public morals. I felt that public morals were not to be improved by legislation but rather by domestic training, by the advice, control and supervision of parents and clergymen—that with these rested chiefly the care of the youth of our age. For this reason I should feel disposed to vote against any of those bills, but this measure differs widely from the bills we have previously had before us, and I do not think it contains any provision to which I should be disposed to entertain any strong objection. Hon. gentlemen will recollect that last year, in England, a case occurred which gave rise to a great deal of public discussion, and a great deal of interest was attached to it—the abduction of a girl from her parents in London as an experiment, conducted by the editor of the *Pall Mall Gazette*. Subsequently, as most hon. gentlemen are aware, that case came to the court and was tried, and I think that the circumstances which surrounded it gave rise to the English Bill to which my hon. friend referred in introducing this measure. I do not desire to detain the House on this question. I merely wish to say that I am generally opposed to the principal of improving morals by legislation. I think we must trust to other sources to improve public morality than to make laws to bind the people. I intend when the Bill goes before the Committee to comment on its various clauses.

HON. MR. O'DONOHUE—I shall vote for the second reading of this Bill. There are many parts of it which I think are good, and are not intended or designed for the improvement so much as for the protection of morals.

HON. MR. VIDAL—Hear, hear; that is the object of the Bill—not to make people moral.

HON. MR. O'DONOHUE—It is said that females are able to take care of themselves: those who are well not be affected by this Bill. It cannot hurt them. There are some provisions in the Bill to which I take exception, but I think it is quite necessary to throw protection about persons of unsound mind. Where it lessens the punishment of persons having inter-

course with children under the age of ten years, I think it is a mistake.

HON. MR. VIDAL—It does not do that. That clause of the Bill does not relate to the commission of the act, but to the mere taking of a person into a house of ill-fame for the purpose.

HON. MR. O'DONOHUE—The clause to which I refer is the following :

(1) Shall, if such girl is under the age of ten years, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned in any penitentiary for a term not exceeding five years, or for a period of less than two years in other place of confinement.

HON. MR. VIDAL—That is not a provision for the punishment of the offence of ill-treating the girl, but it is the punishment for taking her into a house where she may be subjected to ill-treatment. The prior statute is in force, with its penalty of imprisonment for life, or for a period of not less than five years.

HON. MR. O'DONOHUE—In committee we may perhaps be better able to discuss that clause. The present law is much more severe, and it occurs to me that perhaps this clause, if passed, might repeal that law.

HON. MR. VIDAL—This does not interfere with it at all.

HON. MR. O'DONOHUE—My hon. friend from Sarnia may think so, but others may not exactly agree with him. There are many provisions of the Bill of which I approve. Two years ago, after a pretty full discussion of a measure similar to this, the Minister of Justice did not exactly oppose the measure, but he promised to bring down a bill on the subject.

HON. MR. PLUMB—I did not understand him to say that he would bring down a bill for that special purpose, but that in any amendment of the criminal law he would introduce some provision of the kind.

HON. MR. O'DONOHUE—That is my recollection of it, that he promised to introduce a bill dealing with the subject.

HON. MR. O'DONOHUE.

I understand that the present Minister of Justice approves of this measure: therefore it seems to me highly proper that we should examine the Bill carefully and deliberately in all its details, and adopt all of it that commends itself to our judgment, eliminating from it the parts which we conceive to be objectionable.

The motion was agreed to on a division, and the Bill was read the second time.

## BILLS INTRODUCED.

Bill (17) "An Act to amend the Act respecting the North-West Central Railway Company." (Mr. Dickey)

Bill (70) "An Act respecting the Manitoba and North-Western Railway Company of Canada." (Mr. Turner)

Bill (74) "An Act to incorporate the Maskinonge and Nipissing Railway Company." (Mr. Clemow)

## CRIMINAL LAW AMENDMENT BILL

### SECOND READING.

HON. MR. BOTSFORD moved the second reading of Bill (2) "An Act to amend the Criminal Law, and to declare it a misdemeanor to leave unguarded and exposed certain holes and openings." He said: This is an amendment of the Criminal Law to provide a penalty for leaving exposed openings in the ice on rivers and streams. Everyone who is familiar with our rivers must know that it is a very dangerous practice, indeed, to cut holes in the ice and leave them unguarded during the season of the year when the ice is used for highways. The second section provides a punishment for leaving the openings of abandoned mines unguarded. I am not so well acquainted with the accidents which may happen from that cause, but I have no doubt that in certain districts those unguarded openings may lead to disastrous results. The third section provides that if a party convicted of either of these offences does not within ten days proceed to take the precautions pointed out in this Act, he may be proceeded against for another similar offence and punished.

The provisions of the Bill are such as ought to receive the support of this House. Any further explanation, which may be required on the subject, can be made in Committee of the Whole.

HON. MR. HAYTHORNE—I rather think that a bill of the same description as this has been before this House and rejected on a former occasion. It looks very plausible, but under certain conditions it might prove exceedingly mischievous. For instance, in the province from which I come a large proportion of our population are engaged in the winter season on the ice, dredging for shell manures to fertilize their lands. There may be a score of men engaged in one spot, and should an accident occur there it would be very difficult to trace it to any individual. Moreover, those places are sometimes abandoned for a time, and the work is resumed when the weather suits. In the meantime it would scarcely be possible to fence in the large space where danger might occur.

HON. MR. POWER—I wish to call my hon. friend's attention to the fact that this Bill does not apply to the case to which he refers. It only applies to holes made by persons for the purpose of harvesting or obtaining ice for sale or use.

HON. MR. READ—This Bill is an excellent one and quite requisite. From the neglect of my men this year accidents occurred near a public highway on the ice in front of where I reside. A couple of cattle fell into a hole in the ice which my men neglected to guard, and in the same manner during the night anyone might have driven into the same place.

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

The Senate adjourned at six o'clock.

### THE SENATE.

Ottawa, Wednesday, May 5th, 1886.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

### CONTINGENT ACCOUNTS OF THE SENATE.

#### THIRD REPORT OF THE COMMITTEE.

HON. MR. HOWLAN, from the Select Committee on the Contingent Accounts of the Senate, presented their Third Report. He said: With regard to the recommendation in this Report, it is an appropriation of \$150 to the Law Clerk of the Senate, for the purpose of purchasing Statutes of some of the Provinces that are now difficult to get and that it is necessary for him to have. It is thought that this sum will be sufficient, at all events for this year. I move that the report be adopted.

HON. MR. DICKEY—I think it would be well that the report should be placed in the Minutes, and at a future day taken into consideration.

HON. MR. HOWLAN moved that the report be taken into consideration on Friday next.

The motion was agreed to.

#### THIRD READINGS.

The following bills were reported from the Committee on Banking and Commerce and read the third time and passed without debate:—

Bill (41), "An Act to reduce the capital stock of the Union Bank of Lower Canada, and to change the corporate name thereof to the Union Bank of Canada." (Mr. Vidal.)

Bill (52), "An Act to reduce the capital stock of the Union Bank of Halifax." (Mr. Power.)

### PATENTS FOR LANDS IN THE GOULET RIVIERE SALE SURVEY.

#### MOTION.

HON. MR. SCHULTZ 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 applications for patents, and a list of all patents issued, together with a list of persons who received such patents in—

Township 8, Ranges 1 and 2, East.  
do 8, do 1 and 2, West.  
do 9, Range 1, East.  
do 9, Ranges 1 and 2, West.  
do 10, do 1 and 2, East.  
do 10, do 1 and 2, West.

Also Sections 11 and 29 in Township 10, Range 2, West, and in all other lands comprised in the Goulet Riviere Sale survey; also for copies of all applications for scrip, a list of scrip issued, and a schedule of the names of all persons receiving such scrip issued upon such applications for, in connection with, or in lieu of, said lands.

The motion was agreed to.

### TERMS OF CONFEDERATION WITH PRINCE EDWARD ISLAND.

#### MOTION.

HON. MR. HAYTHORNE moved

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid on the Table of this House, copies of all letters, telegrams, Minutes of Council, or memorials which have been received by the Government of the Dominion from the Local Government of Prince Edward Island, or from any deputation from that body since the 1st January last, on the subject of the fulfilment of the terms of Confederation between that Province and the Dominion, together with the replies made thereto; also, any letters or telegrams on the same subject from the Secretary of State for the Colonies, or from the High Commissioner of the Dominion in London, bearing date since January 1st, 1886.

He said:—The papers to which my motion refers were the subject of a question which I put to the Postmaster-General some weeks ago. At that time his honor was not in a position, although those papers existed, to lay them before this House. Subsequently I was informed that they would be brought down if moved for in the usual way, and accordingly I placed this motion, which I now make, on the notice paper.

HON. MR. SMITH—There is no objection to the Address.

HON. MR. HAYTHORNE—I was going to observe that perhaps the hon.

HON. MR. SCHULTZ.

gentleman would cause the papers to be brought down without any unnecessary delay.

HON. MR. SMITH—Yes, as soon as it is possible to copy them.

The motion was agreed to.

### THE REVOLT AT ST. VINCENT DE PAUL PENITENTIARY.

#### INQUIRIES.

HON. MR. BELLEROSE inquired,

Does the Government intend to order a serious and minute inquiry into the circumstances of the revolt which took place at the St. Vincent de Paul Penitentiary on the 24th instant, and into all the troubles which have occurred in the said institution for the four years past?

HON. MR. DICKEY—After the deplorable events which have occurred recently I am not at all surprised that my hon. friend has put this notice on the paper, and I am instructed to reply to the question he has put, in the affirmative—it is the intention of the Government.

HON. MR. BELLEROSE inquired,

Does the Government intend to order the Commission to be appointed to inquire into the proximate and remote causes of the said revolt and of the said troubles?

HON. MR. DICKEY—As any inquiry would be necessarily imperfect that did not deal with the subjects spoken of in this motion, I am instructed to say that the investigation will embrace those points.

### ST. VINCENT DE PAUL PENI- TENTIARY.

#### MOTION.

HON. MR. BELLEROSE moved

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, a copy of a letter to the Warden of the Penitentiary of St. Vincent de Paul, dated 31st July, 1885, and signed by ex-Guard J. E. Durocher, protesting against his dismissal, and making serious charges against certain Officials.

He said: The painful tragedy which took place at the Penitentiary of St.

Vincent de Paul on the 24th April forces me to bring this question before Parliament. It cannot be said that I am too hasty in my action, since I have been for some years past warning Parliament and the Government that there was something wrong with this institution, not merely inside of it, but more particularly outside of its walls, in the city of Montreal and even in Ottawa. It is only a few weeks ago since I renewed my appeal to the Government to intervene before it was too late. That was on the 4th day of March last, very nearly eight weeks ago, but nothing was done. Now that the evil predicted has taken place—now that one of the convicts has been shot dead and the Warden is lying on a bed of suffering, if not on his death bed—now that twelve or fifteen other officers and convicts are suffering from wounds, am I not bound, I, who know something of these facts, to take a further step and try to induce the Government to adopt such a course as will enable them to discover the true state of affairs? Charges of all kinds have been made, some by myself from my seat in this House, particularly last session on the 15th April, 1885. Have not a good many, and some of them of the gravest character, been made through the press? Have not even some of the dismissed officers, since the inquiry of 1884—an inquiry which some people say was a sham investigation—made some of the gravest charges against officials of high standing? It has been publicly stated that a conspiracy existed, the head of which was outside of the walls of the institution, and the actors inside, against the administration of this prison. Do not all the troubles we hear of indicate that there is something of the kind? Whether you call it conspiracy, plot, cabal, or other name, it matters very little; if such a state of things is allowed to exist, if any number of men are at work or are combining, or have agreed together to injure the administration, no such institution, whatever may be the ability, zeal and devotion of its head, can succeed. Progress and discipline are impossible, especially when convicts know of the existence of such a state of things, and it is alleged that every one of them knows such to be the case, and that they have already profited by that knowledge. How could the governor of such an

institution succeed? How could any honest man pass judgment upon him, if he, the chief officer, is surrounded right and left by officials who are hostile to him and to his administration, and who may have an interest in so being? Any intelligent man will understand that the chief officer of such an institution, so situated, may be forced, for his own protection and for the good of the institution of which he has command, to relax some of the less important rules of the institution to attain the object he may have in view, namely, that of forcing his enemies into their last entrenchment to enable him to expose them. In support of this expression of opinion, that an institution thus troubled cannot be worked satisfactorily, let me quote a few lines from a report of Messrs. Tache and Miall. Mr. Tache, then Deputy Minister of Agriculture, had been for many years a member of the Board of Directors of Penitentiaries. These gentlemen were appointed a commission to investigate the administration of this same institution in 1879, and the following expression of opinion is contained in their report:—

“We think it our duty to mention an occurrence which took place some time ago in which three or four under officers allowed themselves, as it were, to be enlisted into a sort of conspiracy against some of the superior officers of the Institution, the medical attendant, and at the request of a party outside the walls of the Penitentiary, they were induced to sign communications conveying unfounded charges and false statements in regard to this physician, which they themselves afterwards admitted to be such. Upon their admission of guilt, they were, through the generous pardon of the person thus offended against, retained by the warden, and are reported by him to have, since that date, given no cause of complaint. We could not pass by the incident unnoticed, or without recording our condemnation of an offence which, being in itself a grave moral wrong, showed, at the same time, on the part of the wrong-doers, a fatal want of the proper *esprit de corps* which should animate a body of men who, above all others, have to rely sometimes in the face of great perils, upon the honest dealings towards and generous help of each other. Notwithstanding the generosity of the superior officer in overlooking and freely pardoning those implicated, we doubt the wisdom of retaining in position men who had proved themselves so utterly recreant to even the common decencies of social intercourse.”

Now let me state some of the charges which have been made in connection with

the Penitentiary, and which, as hon. gentlemen will recollect, I made myself from my place in this House. They are to be found in the official reports of the Senate Debates, so that I need not repeat them here. Others, which I have made elsewhere, are to be found in different letters of mine as follows.—First, in a letter to *La Minerve*, of Montreal, published in its issue of the 5th March, 1885, in answer to an article against myself in the same newspaper in its issue of the 24th February previous; second, in a letter to *Le Monde*, of the 6th April, 1885, in answer to an attack upon me by a correspondent in *La Minerve* of the 10th of March, 1885. That newspaper having refused to publish my answer I had to ask *Le Monde* to insert my reply; third, in a letter to the *Chronicle* of the 7th March, 1885, being my answer to an attack upon me by that newspaper in its issue of the 3rd of the same month; fourth, in two other letters of mine in *The Shareholder* of the 27th March and the 3rd April, 1885, being my answer to an article in that journal, attacking me, in its issue of the 13th March, 1885.

The conspirators who had inspired all those attacks upon me, and whom I had silenced by my answers, ceased their attacks upon me, but continued their malicious work against the few officers who had been punished after the inquiry of 1884. These attacks may be seen in the *Star* of the 4th August, 1885, *La Presse* of the same date, the *Herald* of the 7th August, 1885, *Le Monde* of the 5th, and the *Times* of the 15th of the same month. One of the dismissed officers replied to every one of these newspaper attacks. His answers will be found in *La Presse* of the 7th August, the *Herald* of 29th August, *Le Monde* of the 10th August, and the *Times* of the 15th August, 1885. I also refer hon. gentlemen to the *Times* of the 2nd of September, 1885, for the answer of this ex-officer to the *Star*, that so-called independent journal having refused to insert his reply to its own attacks. The ex-official to whom I have been referring had signed his first letter "one of the Victims," but the *Herald* having refused to publish his answer to their attacks, unless he would sign his name in full, he did so, and his letter to the *Herald* is published over his own name—

J. E. Durocher. To his letter the *Herald* made such a reply that Mr. Durocher wrote a second letter, furnishing good evidence of a conspiracy against warden Lavolette. The *Herald* refused to insert it. Every one of these letters published by Mr. Durocher contains most serious charges. The following is the one published by the *Times* of the 26th August 1885.—

#### ST. VINCENT DE PAUL PENITENTIARY.

To the Editor of THE TIMES:

SIR,—I am most grateful to you for the good article which I find in your columns of the 15th instant, under the heading "St. Vincent de Paul Penitentiary," and wherein you give full justice to the five officers of the penitentiary who have been punished after the last inquiry. The consequences you draw from what you have been told, was the nature of the report of Messrs. Moylan and Baillarge, are most logical. If the Warden was proven to have introduced in the penitentiary the vicious system of espionage, how could we, his subordinates, be punished, and he, the most guilty party, be retained in office. But let me state as a matter of fact that though the presiding judge, Inspector Moylan, has shown himself, during the inquiry, to be the accuser and the most hostile adversary of the Warden, and at the same time has acted as the attorney and protector of the deputy warden; notwithstanding all such efforts, he has not succeeded in finding sufficient evidence to show that either the warden or the dismissed officers had been such guilty men as they have been reported to you to have been. No, the evidence which is now of record do not show that, though strong doubts are entertained by some of the witnesses as to its correctness. It is stated by some of the witnesses that they had occasion to read over their sworn declarations. Some say they found grave omissions, while others state that some important answers of theirs are quite incorrectly reported; some even the reverse of their statements. How far this may be true, I could no say, I had no occasion to verify it but one thing I know, and it is this: One of the witnesses was authorized to have his declaration read over to him by the shorthand writer. This witness stated them to the reader that he could never have sworn what was read to him. The reporter asked the witness to state what he had stated upon oath. So did the witness, the reporter writing as if he was taken the declaration *de novo*. This witness does not know which of the two versions is kept in the record.

Mr. Baillarge stated at the end of the inquiry that he had taken his own notes and that he would base his judgment on his notes, and not on the report of the evidence taken by the shorthand writers.

It is also a fact that the two commissioners

having not been able to agree to a joint report, had to make each of them a special report.

Had all these facts been known by the Minister, no doubt no action would have been taken upon the Inspector's report, but the Minister of Justice could not have known then how this investigation had been conducted by the Inspector, consequently I thought it my duty to give you such information as could induce you to attack the only guilty party and spare all others.

When the warden gave me notice that I had been dismissed for espionage, I wrote to him in the following words :

" St. Vincent de Paul, 31st July, 1885.

G. Laviolette, Esq.,

Warden, &c.,

" Sir,—If I had to deal with an ordinary boss, I would well know what I would have a right to do in case of such dismissal as that I am now a victim of, but with a Government I feel that I have to submit and suffer patiently until Providence furnishes me an occasion to show how have acted the different parties interested in this affair. You say (Mr. Warden) that by a judgment signed by the Minister of Justice you are bound to dismiss me for espionage (spying).

" I was so little inclined to spy that I state here, as a matter of fact, that I have refused important favors offered to me, rather than do the work of a spy in the penitentiary. Again as a matter of fact, I declare that I have been sufficiently honest to resist the most tender and honey-like words which were made use of to bring me out of the way.

" No one knows this better than Inspector Moylan and his *great, great* and intimate friend and chaplain, Father Leclerc.

" Those two gentlemen do not ignore that my leaving the penitentiary is the consequence of an act of vengeance.

" They know that I leave the penitentiary because I refused to be unjust and to become a tool in the hands of parties wishing to work mischief.

" They know that I leave because my conscience has triumphed of all efforts which have been made to turn me out of the good way.

" It is not then because I have acted a spy that I leave the penitentiary, but rather for having refused giving help to those who determined to bring trouble in the prison.

" Calumny has succeeded this time happily her reign is ordinarily short, while that of truth and justice, late as it may come, is permanent.

" I remain, Mr. Warden,

Your obdt. servant,

" SIGNATURE."

Now, sir, if these two grave charges are true, and I am ready to swear they are, it was neither the warden nor any of his subordinate officers who should have been punished, but it was those who had for years past inaugu-

rated the system of spying in the Penitentiary.

The charges which are mentioned in my letter to the warden explain why it is that Mr. Laviolette having tried over and over again, during the inquiry, to prove that the cause of the trouble was to be found outside, Inspector Moylan would never allow him to do so. But whatever efforts the inspector may have made to prevent such evidence being given he did not completely succeed.

An outsider, holding a high position, having been summoned as a witness, appeared before the Court; the inspector did not dare menace or try to make him fear, as he had done, again and again, with a part of the officers of the prison who had been called to give evidence. While cross-examined by the inspector, this witness added to an answer of his, " But I remember having written the warden during last winter (1884) from Ottawa, that he had to be on his guard, that there was a party in Ottawa working in the dark to injure him." Did Inspector Moylan dare to follow this up and put the question " *Who is the party?*" No, his lips were shut. The documents in this inquiry, which are of record, will show you many things else, which will show you what that man is.

I have reached the age of 45 years, and yet I unhesitatingly declare that I have never as yet met such a man, a man so decidedly prepared to be so deliberately unfair, unjust and partial as is Inspector Moylan. Numerous facts, which it would be too long to enumerate here, are ready for investigation.

Again, the inspector is quite changeable in his opinions as to the value of such officers who are under his supervision. Their worth much depends on his love or his hatred for them. An example:—

Nobody here ignores that when Mr. Laviolette was appointed warden, and for some time after, the inspector and his great friend were intimate with him, while they were quite adverse to the deputy warden, who they said had neither the proper instruction nor the proper education for the post he occupied. The deputy warden had, some time before, on the report of the inspector, been degraded from the post of farm instructor to that of simple guard for want of energy. To-day, and for some time past, the hostility of the inspector and of his *alter ego* towards the warden is quite apparent. Even convicts know it and speak of it. The warden is no more a fit man for the situation, while, according to Inspector Moylan & Co., the deputy warden is now the right man in the right place, though he is no better scholar now than he was four years ago, and though his energy cannot have increased while he is increasing in age. You know, sir, that the deputy wardenship necessitates more energy than that of a farmer instructor. The deputy warden had four years ago a convict in his office to do such work as required a good instruction. To-day the deputy-warden is also bound to have a convict with him to do the same work, which comprises correspondence



between the deputy and the warden, and even in the absence of the warden, correspondence between the deputy, acting as warden, and the Department of Justice. Now, sir, I leave it to you to say whether it is possible for the warden to succeed in his administration with a system which allows convicts to know the secrets of the administration. I remember an official of the penitentiary having complained to the Minister of the ill-treatment he was a victim at the hands of the inspector. The inspector being at the penitentiary some time later said to this official, "I do not care about your complaints. I am a match for every one of you; neither do I care about your friends, whether members of Parliament or others. Sir John is my friend and will stand by me." Such is the influence the inspector acknowledges is at his disposal for preventing officials receiving justice at the hands of the Government for any bad treatment he may impose upon them. No doubt it is not necessary for me to go over the whole ground. I have said enough to show that if my statements are true there is nothing extraordinary in the fact that it has been apparent for some time past that there was something wrong with our penitentiary.

An investigation was made some months ago to find out the cause of these troubles inside of the prison, but with no success. Let then the Government continue this investigation and they will find that such cause comes from outside, in Ottawa and in Montreal. Whatever may be the grade or the nationality of the party who is charged with this guilt, it ought not to prevent the continuation of the work begun. Poor men, occupying lower grades, ought not to be left victims in the place of more wealthy men who have done the mischief, whatever post they may occupy. I will also establish that while five French officers have been punished in this instance, others belonging to another nationality, that of Inspector Moylan, have been reported as having accomplished the rules of the institution, while the reverse only was the truth. The above charges I will be ready to make good whenever a competent tribunal will be ready to hear the evidence.

I remain, Sir,

"ONE OF THE VICTIMS."

St. Vincent de Paul, 19th August, 1885.

Did I not at the beginning of this very Session warn the Government—did I not tell them that if Inspector Moylan had wished to do his duty he could have discovered, when his attention was called to it, that some of the escapes which have taken place at that penitentiary during the last three or four years succeeded through help received? Those escapes, and the failure of the Inspector to do his duty, his neglect to take or suggest proper means to find out

who were the parties who had given such help, encouraged the convicts to try and use all means to recover their liberty. They understood full well what all these sham inquiries meant, and they persevered in their attempts, with such success that the instigator of the revolt of the 24th ult. managed to regain his liberty, though he was confined in a pitch-dark cell, with stone walls two or three feet thick, and after having been visited in his cell by an officer of the institution only a few hours before his escape, as I learn from reports published in the press. However, I will say no more at present on the subject of this escape, as I do not wish to prejudice the case.

HON. MR. KAULBACH—He has been re-captured, has he not?

HON. MR. BELLEROSE—Yes, I wish to congratulate the Government on their late—but better late than never—determination to have the whole matter inquired into and a thorough search made of the causes, proximate or remote, of all the troubles which have occurred at this institution. I particularly congratulate the present Minister of Justice on his decision to have the matter thoroughly investigated and to get at the bottom of all these troubles, which have resulted in revolt and death. I sincerely congratulate the hon. Minister who, though only a short time at the head of his department, has already arrived at the conclusion that a thorough and minute inquiry is a necessity. Investigation after investigation has been held, and the more inquiries there have been the more trouble has there occurred at the institution: the working of it has gone from bad to worse. This fact alone indicates the character of those inquiries. It shows that they were sham inquiries for the purpose of whitewashing what was black and blackening what was white. Let a good commission be appointed, every member of which will show a desire to do what is right, and peace and harmony will be restored—*justitia et pax osculatae sunt*. In 1879, having good reason to believe that there were some officers in the Department of Justice whose object was to injure this institution, I complained to the then Minister of Justice, Hon. James

Macdonald, of the fact and asked for an inquiry by competent men, whose appointment would inspire confidence. My request was complied with and Messrs. Tache and Miall were appointed. They made a searching investigation of all the matters submitted to them and reported their conclusions. The result was that one of the officers of the Department of Justice had to resign, and two of the officers of the penitentiary reported against left the prison. Not a single word of criticism was heard, and peace was restored. I am no way interested in anything having reference to this institution. The present Warden has not chosen a single one of my friends to fill the numerous vacancies which have occurred during the last five years. In that time he has not in any one election voted for any of my candidates. I did not advocate his appointment; on the contrary, I opposed it. I had my candidate and did my best to secure his appointment, but failed. My friends in the Government thought it better to put my recommendation aside and appoint the present Warden. What was then my duty? What was I bound in duty and honor to do? Was I not bound as a good citizen and a politician, knowing my responsibility, to let that man alone—to observe his work, and then pass judgment upon him and his administration? That is exactly what I did, as I will now show by quoting from the remarks I made in this House on the 15th April, 1885, the following:

I said at the time of the appointment, and I say now, that the Government were wrong in not appointing a younger man, such as my nominee was. Mr. Laviolette, though not an old man, was not a young man. But the appointment having been made, I was then, and I am now, bound in justice and in honor—and so is the Government—to judge this officer by his acts and his merits as Warden; and so I have done. I saw him at work, I also saw his works, and I was forced to the conclusion that he was a hard-working man, that he succeeded well, that the institution made good progress, that in the opinion of any disinterested party it could fairly compare with even the Kingston Penitentiary, and that he had shown himself to be the proper man to take charge of that prison at such a critical period of its existence, when there existed inside the walls two parties quite adverse one to the other as shown by the reports of Mr. Acting-Warden Mackay and of the Inspector.

Mr. Laviolette, before his appointment, had

generally under his control some few hundred men, which gave him valuable experience as to the proper mode of dealing with men. It was comparatively easy for him to gain the good will of his staff. This he did, and succeeded so well that that *esprit de corps*, so important to the good working of such an institution, had already been pretty well restored when two gentleman, from whom the country expected better, raised a cry of vengeance against him. From that day things became worse and worse every day through the efforts which were continually made to throw on Warden Laviolette the responsibility of this nefarious work with its consequences.

Such are the facts, so that if the Government desire to have justice done let them appoint a Commission of which every member will inspire confidence—men who will not allow themselves to be interfered with nor care which party will have to be pronounced guilty, men whose conscience will have full power over their passions. Let every member of that Commission show his determination to get at the bottom of all this trouble. Then and then only can the Government be satisfied that they have done their duty. They will be in a position to absolve the innocent and punish the guilty party.

As I have said, there has been nothing in the course of the warden to enlist me in his favor, except my desire to save the lives of men who during the past four years have been at the mercy of criminals confined in that institution. It is extraordinary that all the weak points in the prison are known to the convicts. We generally compare St. Vincent de Paul Penitentiary with the institution at Kingston, but the latter is an old establishment with good walls and good buildings. At St. Vincent de Paul it is different; the convicts are working from one end of the year to the other constructing necessary buildings. One side of the stone wall around the yard had to be pulled down, and for two or three years was replaced by a wooden fence. At the end, where the dungeon is, the walls had to be pulled down to build a central tower, and it was replaced by a brick work for a year or two, but at the same time I say the dungeon from which Viau escaped was secure. How then did he get the implements which enabled him to make his escape under such circumstances? Why was not an iron ball chained to his ankle, as has generally been done in such cases? I know, and hon. gentlemen who have read the reports in some of the Montreal newspapers know the views of a man who

understands something on the subject—one of the best detectives in Montreal. He says there is no mistake that it was the hatred of some of the officers towards each other that caused the revolt and the consequences which followed it. He adds : " I know what a dungeon is, and I believe I know something about prisoners, and I have no hesitation in saying that the man could not have escaped unless he received help." His words are published in the press of yesterday. I regret that the article has appeared, because nothing should be said or published to prejudice such an important case. I merely quote it to show the strength of that dungeon from which Viau escaped.

I have described the situation in which the penitentiary has stood for some years past, and hon. gentlemen will see that it is not at all extraordinary that there has been so much trouble there. Who is to blame? The Government have been informed of the facts from year to year. No doubt hon. members have thought it very strange that I should always be complaining about St. Vincent de Paul Penitentiary. Its bad working was the natural consequence of the state of affairs which, in spite of all kinds of remonstrances, was allowed to continue. The chief officer of the prison, not having received that protection to which he had a right, his authority suffered, and the consequence has been that in spite of all his efforts to improve the management it has been unsatisfactory. The chief officer was obliged at times to do double work—his own and his assistant's. He could not do both well, and he certainly could not do that part of the work to which the Government should attend. He could not force the Government to treat him with justice. On one occasion, having been informed by a friend in Ottawa that there was something wrong going on behind his back, he came up here with a view to having an understanding, but was badly received. I have read the damaging statements which have been published by correspondents in the press over their own signatures. I do not assert that all those charges which they make are true. I do not know whether they are or not, but the charge is distinctly made that the Government and their officials are responsible for all the trouble at

the penitentiary, and those who make the charge say that they are prepared to furnish evidence in support of their allegations. I am glad that an investigation is to be held, not only for the sake of the innocent but even in the interests of those who are guilty, because they, like the others, are in danger. Let justice be done, and there is no doubt that the institution will work well. I would have the House recollect that if I feel strongly on this question there is some reason for it. Hon. gentlemen will remember that the Secretary of State, last Session, in his place in the House of Commons, accused me of being the cause of the trouble. I replied to that very sharply, defying him to renew that charge, or to deny that the cause of the trouble lay in Ottawa and Montreal, and this I repeat. Even the journals of my own province accused me, and have been accusing me during the whole year; and why? Because I have here, on my feet been making charges against the management of this Penitentiary. I cannot, knowing what is going on in that institution, forget that I am bound in justice to let Parliament and the Government know what is going on at St. Vincent de Paul; so that if a man has gone to his Maker through the recent occurrences there, the responsibility is not mine; I have done my duty and would like to leave the responsibility on the proper shoulders. I may add that this Mr. Durocher is not an ordinary man; he is a man of good education in English and French, and writes both languages equally well. Through force of circumstances he was obliged to accept a situation to provide bread for his family in a position that he would not have otherwise sought.

HON. MR. DICKEY—The House will scarcely expect me to enter upon the various points so vigorously presented by the hon. gentleman, and I do not propose to follow him in that discussion. Indeed, I think hon. members will agree with me that it would be a most inconvenient practice to be called upon to do so before the charges mentioned in the letter asked for shall have been laid before us and inquired into. I may say, however, to the hon. gentlemen that there is no objection to this Address, and that the letter,

if it can be produced, will be laid before the House without any unnecessary delay.

The motion was agreed to.

#### BILLS INTRODUCED.

Bill (105) "An Act to amend the Act to provide for the granting of a subsidy to the Chignecto Marine Transport Railway Company (limited)." (Mr. Dickey.)

Bill (108) "An Act to amend the Adulteration Act." (Mr. Smith.)

Bill (109) "An Act in further amendment of the Weights and Measures Act of 1879." (Mr. Smith.)

Bill (110) "An Act respecting Commissions to Public Officers in Canada." (Mr. Smith.)

Bill (117) "An Act to amend the Act to authorize the granting of subsidies and land to certain railway companies." (Mr. Smith.)

#### RETURNS.

HON. MR. POWER—Before the Orders of the Day are called I should like to ask the hon. member of the Government in charge when he expects that he will be able to lay upon the table of the House copies of the commission or commissions and instructions issued to the commissioners appointed to inquire into and report upon the losses sustained in the North-West Territory during the recent rebellion. These documents were moved for on the 7th of April, and the Postmaster-General assented to the motion. Now the papers must be necessarily short, and I presume that a clerk would make the copies that are asked for in the space of an hour, and I really think that the Government ought to lay the papers on the table of the House very shortly.

HON. MR. SMITH—I will obtain the necessary information to-morrow.

HON. MR. POWER—I moved also for some correspondence on the 13th April last with respect to the importation of dynamite into Halifax. Perhaps the hon. gentleman would be good enough to ascertain at the same time when that correspondence will be brought down.

HON. MR. SMITH—I will endeavor to get the information.

HON. MR. HAYTHORNE—Before the Orders of the Day are called perhaps the Minister representing the Government in this House will be prepared to inform us when we may expect the reports of Lieutenant Governor Dewdney which I moved for at the opening of the Session.

HON. MR. SMITH—I do not know of any reports. I shall make inquiry, and if there are any I will give the necessary information.

#### FINES AND FORFEITURES BILL.

##### THIRD READING.

Bill (82), "An Act respecting the application of certain fines and forfeitures," was reported from Committee of the whole without amendment and read the third time and passed without debate.

#### CAPE RACE LIGHTHOUSE BILL.

##### THIRD READING.

The Order of the Day having been called, that the House resolve itself into a Committee of the whole on Bill (100) "An Act respecting the transfer of the Lighthouse at Cape Race, Newfoundland and its appurtenances, to the Dominion of Canada,"

HON. MR. POWER said: Before the House goes into Committee on this Bill I would ask the hon. member in charge if he would give us some information as to one or two points?

HON. MR. HOWLAN—The information can be given in committee.

HON. MR. POWER—I do not wish to be told when we get into committee that I should have asked for information at some other time, which would probably happen. I had not the good fortune of being present when the hon. gentleman made the explanation at the second reading of the Bill. I find in the preamble it is alleged that in pursuance of an Order of Her Majesty in Council, made on the 12th Decem-

ber, 1885, the dues leviable in respect of the said lighthouse will on and after the first day of July, 1886, cease to be levied. I simply wish to ask the hon. member whether that action was taken spontaneously by the Imperial Government, or whether the action of the Imperial Government depended on our taking over the lighthouse.

HON. MR. PLUMB—I have no doubt that it depends upon the taking over of the property—that it is contingent on this Bill being passed.

HON. MR. POWER—That is not definite information. It is a matter on which the House is entitled to positive and definite information.

HON. MR. SMITH—I am not prepared to give an answer at present.

HON. MR. POWER—Then I do not think we ought to go into committee on the Bill.

HON. MR. PLUMB—The Bill fully explains itself.

HON. MR. HOWLAN—The preamble of the Bill explains that it appears from a despatch from Her Majesty's Secretary of State for the Colonies, bearing date the 5th January, 1886, and other public documents laid before parliament, etc., that the matter is fixed that this lighthouse is to be taken over by the Government from the 1st July next. It is a very important measure to the shipowners of the Dominion, for it is a most obnoxious tax on shipowners. This Bill will place the Cape Race lighthouse in the same position as all the lighthouses in the Dominion—a free light. The accumulated dues, some £20,000 sterling, is to be given to the Dominion Government on condition that the lighthouse should be taken over by us on the 1st July.

HON. MR. POWER—We all know that; that is in the preamble of the Bill.

HON. MR. HOWLAN—That is the information the hon. gentleman asked for.

HON. MR. POWER—Not at all.

HON. MR. POWER.

HON. MR. DEVER—I thought this was a Government Bill, and I would like to know what the hon. gentleman from Prince Edward Island has to do with a Government measure?

HON. MR. HOWLAN—If the hon. gentleman had paid attention to the debates of the House he should know what I have to do with it; I have to explain it to the hon. gentleman who knows nothing about it.

HON. MR. DEVER—You know no more about it than I do.

HON. MR. HOWLAN—If the hon. gentlemen knew anything at all about it he would not be asking such foolish questions.

The House resolved itself into a committee of the whole on the Bill.

On the first clause.

HON. MR. POWER—I do not think that this committee is in a position to adopt the first clause of this Bill without getting the information which I asked for and which has not been given. If hon. gentlemen will take the pains to read the preamble of the Bill carefully, they will see that the matter is not quite as clear as the hon. gentleman from Alberton has stated. Beginning at line 21 it says "The whole of the said cost,"—that is the cost of the land and the erection of the lighthouse,

"has been so repaid, and that there remains a balance arising from the said dues, which it is estimated will, on the thirtieth day of June, one thousand eight hundred and eighty-six, amount to twenty thousand pounds, or thereabouts;

That in pursuance of an Order of Her Majesty in Council, made under the said recited Act on the twelfth day of December, one thousand eight hundred and eighty-five, the dues leviable in respect of the said lighthouse will, on and after the first day of July, one thousand eight hundred and eighty-six, cease to be levied;"

Now, hon. gentlemen, as far as we can learn from the Bill before us, it appears that the Imperial Government, acting under the powers which they had in connection with this lighthouse, on the 12th December last decided that dues should

not hereafter be levied in respect of that light. That being the case, what is the inducement for the Canadian government to take over that property? If the Imperial Government are prepared to maintain the light-house at Cape Race without cost to our government or to ship-owners, why should the Dominion take it over? We take over a piece of property which belongs to a province outside of the Dominion altogether, and we assume for all time to come the responsibility of keeping it up and providing the necessary expenditure in connection with its maintenance. Unless the hon. minister is in a position to state distinctly that this order-in-council of the Imperial government was passed as the result of an undertaking by the Canadian government to assume the responsibility for the light-house, it is an unwise step for this country to take over that property.

THE SPEAKER—I think the hon. gentleman from Halifax does not take the comprehensive view of this subject that he does generally of matters that come before the House, and on which he attempts to speak. This bill is one of the most desirable pieces of legislation which the House has been called upon to consider for some time. Hon. gentlemen who are acquainted with the light-house system of the Maritime provinces must know that the light-house at Cape Race has been a serious burden on ship-owners. The policy of this country for some years past has been to afford free light to all shipping visiting our ports. It is an act of commercial wisdom, for by taking off the charges from the tonnage coming to our ports, we are encouraging commerce with this country. If it were necessary I could say a good deal to show how glad we ought to be to pass a measure of this kind; but as the principle of the bill was affirmed before going to the committee, I shall not trouble the House with any remarks on that point. The hon. gentleman asks what business the Government has to take over this lighthouse and assume the expense of its maintenance when it is now in charge of the English Government, and will be sustained by them as a free light? The inducement that this country has in the first place is to make it a free light; for although it is

on the coast of Newfoundland it is to all intents and purposes a Canadian light. It is a light used by all vessels frequenting the Gulf of St. Lawrence. We have a desire in the first place to put that light on the same footing as our own lights. We have to consider also that annually there is paid by Canadian shipping \$1200 in dues to this lighthouse, which the Canadian Government refunds to Canadian ship owners so that no unfairness should exist in regard to vessels visiting the St. Lawrence any more than any other ports of the Dominion either on this side of the Atlantic or on the Pacific coast. We have to pay that \$1200 a year at any rate. In addition to that amount which will be saved there will have accrued at the time we take over the lighthouse a sum of \$100,000 in the shape of dues, the interest on which at four per cent. would be \$4,000. We have that \$4,000 of an income to commence with to support this light, and we have the \$1,200 which we already pay annually, which makes a sum of \$5,200 a year out of which to support the light, whatever the cost may be. I am not prepared to state what the cost of maintenance will be; but it was stated by the Minister the other day that he estimated the annual cost at about \$4,000. Under those circumstances we assume no liability whatever, and we free our shipping, and free the shipping of the world from the tax imposed by that lighthouse—the only lighthouse on the continent where dues are collected. I think this is a very desirable object, and if I am not mistaken the Government of this country have been for some years in negotiation with the Imperial Government in order to secure such legislation as we are now called upon to pass. I think the House ought to congratulate the Government on being in a position to present this Bill for our consideration.

HON. MR. KAULBACH—I think the general feeling of the country is that the Government should take over this lighthouse; but I do not understand from the Bill that the Imperial Government have decided on handing the lighthouse over to us. It seems to have been a recommendation from the Board of Trade to the Imperial Government that we should take over this lighthouse upon the condi-

tion that we make it a free light, and it is only conditional on the passing of this legislation whether it will be a free light to Canada or not. It is so expressed in the Bill before me.

The Government of the United Kingdom, on the recommendation of the Board of Trade, is willing that the lighthouse and its appurtenances be transferred to Canada on certain conditions. It will be done on condition that we pass this Bill, otherwise we will be in the same position we are in now—there will be a tax of \$1,200 a year on our shipping for this light. I believe this is a good measure financially, apart from anything else. The interest on the fund accrued from the tolls will be more than sufficient, with the amount we pay annually, to keep up the establishment in a more satisfactory condition than it is now, and the lighthouse will be no tax on foreign shipping.

HON. MR. POWER—I regret that even His Honor the Speaker has not exactly taken the point of my inquiry. I take the preamble of this Bill, and beginning at line 26 I read as follows:—

“That in pursuance of an order of Majesty-in-Council made under the said recited Act on the 12th day of December, 1885, the dues leviable in respect of the said lighthouse, will, on and after the 1st day of July, 1886, cease to be levied.”

HON. MR. KAULBACH—On certain conditions.

HON. MR. POWER—There it is stated distinctly in the preamble of this Bill that the British Government have decided that, on and after the 1st of July next, dues will cease to be levied in respect of this lighthouse. Then what becomes of the great benefit to the Canadian shipping to be derived from this measure?

HON. MR. KAULBACH—It is contingent upon it.

HON. MR. POWER—It has nothing at all to do with it.

HON. MR. PLUMB—My hon. friend does not pretend to say that the dues will cease to be levied and the money will be handed over to the Canadian Government also.

HON. MR. POWER—I say that if the English language means anything, under the Imperial Order-in-Council, the dues will cease to be levied in respect to this lighthouse on the 1st of July next; consequently the \$1,200 a year will not come out of the Canadian treasury after that date, even if we do not pass this Bill. The Minister in charge of the measure has stated to the House that it will cost \$4,000 a year to maintain the lighthouse. The interest on \$100,000 is \$4,000, and where is the financial gain to Canada in this transaction? We are to keep up this lighthouse for all time to come on receipt of the \$100,000, and it will require the interest on that sum at least to maintain it. We assume all risk and responsibility for maintaining the light, repairs, etc. If the Minister in charge had been in a position to answer the question I put before we went into committee, we would be able to discuss this measure intelligently. I think it is probable that the Order-in-Council passed by the British Government has been passed at the request of the Canadian Government, on their representation that they were prepared to take over the lighthouse; but if the British Government are prepared, under any circumstances, to declare this light free on the ground that they have money enough coming from the accrued funds of the lighthouse, to maintain it without any tax on shipping, then I do not think this Bill is any boon at all.

HON. MR. DEVER—I think it is but proper that this question should have been asked at the introduction of the Bill instead of taking it for granted that it is all right, as some hon. gentlemen would wish us to do. I could not help thinking, when I saw the hon. gentlemen who are supposed to represent the Government here declining to give that information, that I did not propose to be one of the blind to be led by the blind. I want to thoroughly understand what I am about to vote upon. It is quite evident now from the discussion that has taken place, and after the lucid explanation of His Honor the Speaker, that it is better we should understand exactly the question on which we are to legislate. It is an important matter to the shipping of the Lower Provinces, and I do not feel dis-

HON. MR. KAULBACH.

posed to raise any objection to the Bill ; and if I have made use of expressions during this debate which were not parliamentary, I wish the House to understand that I withdraw them. I spoke on the impulse of the moment, as I thought there was not sufficient information before the House to justify me in voting for the measure.

HON. MR. HOWLAN—How could the Imperial Government cease to collect dues unless the Order-in-Council was made?

HON. MR. POWER—They could not do so.

HON. MR. KAULBACH—It is conditional on our passing this Bill.

HON. MR. HOWLAN—Unless the Imperial Government passed an Order-in-Council to discontinue this tax, how could they cease collecting it?

HON. MR. POWER—Certainly it could not otherwise be stopped.

HON. MR. HOWLAN—Then the Order in-Council was passed doing away with the Imperial tax on condition that we take over the lighthouse.

HON. MR. POWER—That is the question.

HON. MR. HOWLAN—I might tell the hon. gentleman that if he consults any shipmaster who has sailed in those waters, he will find that the Cape Race lighthouse dues are most obnoxious. Every Board of Trade in Canada has made representations on the question of free lighthouses. I say that it is a matter of great importance to us that now, from California to Newfoundland, we have free lights.

HON. MR. POWER—There is no question about that.

HON. MR. HOWLAN—The hon. gentleman says there is no question about that : then why does he find fault—why does he split hairs on it?

HON. MR. POWER—I am not splitting hairs on it.

HON. MR. HOWLAN—This Bill, having passed the House of Commons, should not be opposed here. It has received the attention of the Minister of Marine and Fisheries and the Minister of Justice, and I cannot see any difficulty about it. I am surprised that the hon. member should ask such a question about a matter which is so plainly mentioned in the Bill.

HON. MR. POWER—Then I understand the Government to insist on pushing this clause through without giving the Committee the explanation to which I think it is entitled. The question which I asked was a reasonable and proper one, as I am sure every member must feel. I simply asked whether this Order-in-Council of the 12th December, was passed conditionally on Canada taking over this light or not. If it was, this Bill is an eminently proper one and in the interests of the country.

HON. MR. PLUMB—It was conditional, and is conditional upon the passage of this Bill.

HON. MR. POWER—I do not wish to question the statement made by the hon. gentleman from Niagara, who may be supposed to represent the Government in this House. He stated awhile ago that he thought so and now he is quite positive on the subject.

HON. MR. KAULBACH—We all think alike on this matter: it is evident that it was conditional upon this Government passing such a Bill.

HON. MR. ALLAN, from the Committee, reported the Bill without amendment.

## THE PRINTING OF PARLIAMENT.

### FIFTH REPORT OF THE COMMITTEE ADOPTED.

HON. MR. READ moved the adoption of the fifth report of the Joint Committee on the printing of Parliament. He said : This report makes a recommendation that certain papers be printed and certain others be not printed. The list of papers will be found in the minutes of last Friday.



HON. MR. HAYTHORNE—I was not present at that meeting of the Committee and I should like to know why certain papers having reference to superannuation, and which I thought were eminently suitable to be printed, were ordered not to be printed? Can the hon. gentleman explain why it was decided that they should not be printed?

HON. MR. READ—The matter came up for discussion and it was considered that such a long document, embracing all the superannuations since Confederation, need not be printed, and if any member required a copy of it, that it would be furnished.

HON. MR. VIDAL—I may add another reason was that the whole of the information either had appeared or will appear in the Public Accounts.

HON. MR. PLUMB—There is a leaf in the Public Accounts that shows the whole thing.

The motion was agreed to.

### CANADIAN COPPER COMPANY'S BILL.

#### SECOND READING.

HON. MR. READ moved the second reading of Bill (61), "An Act respecting the Canadian Copper Company." He said: This company, incorporated in the State of Ohio, wish to carry on operations in this country and to have their corporate rights confirmed under our law. I am informed by the Law Clerk, and others whom I have consulted on the subject, that there is nothing unusual about the bill.

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

### ANGLO-AMERICAN IRON COMPANY'S BILL.

#### SECOND READING.

HON. MR. READ moved the second reading of Bill (62) "An Act respecting the Anglo-American Iron Company."

He said: This is a Bill of a similar character to the one which has just been read the second time. These gentlemen are incorporated under the law of the State of Ohio and are carrying on operations in this country. They wish to have their corporate powers confirmed under our law. Every provision is made for the protection of the public interest.

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

### ANIMALS CONTAGIOUS DISEASES BILL.

#### SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (19) "An Act to amend the Animals Contagious Diseases Act." He said: This is a Bill to repeal Section 13 of the "Animal Contagious Diseases Act," and to substitute for it the following:—

The Governor in Council may order a compensation to be paid to the owners of animals slaughtered under the provisions of this Act; and whenever the animal slaughtered was affected by infectious or contagious disease, the compensation shall be one-third of the value of the animal before it became so affected, but shall not in any such case exceed twenty dollars; in every other case the compensation shall be three-fourths of the value of the animal, but shall not in any case of grade animals exceed fifty dollars, and in any case of thorough-bred pedigree animals two-thirds of the value of the animal, not to exceed one hundred and fifty dollars; and in all such cases the value of the animal shall be determined by the Minister of the Agriculture or by some person appointed by him:

"Provided always, that such compensation may be withheld in whole or in part where the owner or the person having charge of the animal has, in the opinion of the Minister of Agriculture, been guilty, in relation to the animal, of an offence against this Act, or where the animal, being a foreign one, was in his judgment, diseased at the time of entering Canada."

The second clause provides that if, in any case, the sum realized by the Government on the sale of the carcass of an animal slaughtered under the provisions of this Act exceeds the amount paid for compensation to the owner of the animal, the overplus shall be paid to the owner. This is very different from the Bill as introduced in another place, where it met with a

good deal of opposition, in consequence of which the promoter was obliged to recast it entirely. The amended Bill, which is now before us passed unanimously in the House of Commons.

HON. MR. KAULBACH — Does it restrict the claim to the party whose cattle has been slaughtered ?

HON. MR. DICKEY—It does somewhat. Objection was made, after other points were considered, that it should be applicable to horses as well as to cattle, but that was dropped and the Bill finally passed in its present form.

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

OTTAWA BOARD OF TRADE BILL.

SECOND READING.

HON. MR. CLEMOV moved the second reading of Bill (83) "An Act to amend the Act incorporating the Board of Trade of the City of Ottawa." He said : This Bill is merely to amend the Act with a view to increase the membership of the Ottawa Board of Trade, and make it more representative in character.

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

CENTRAL ONTARIO RAILWAY BILL.

THIRD READING.

HON MR. READ moved that the amendments made by the Committee on Railways, Telegraphs and Harbours to Bill (67) "An Act respecting the Central Ontario Railway," be concurred in. He said : By some mistake the word "Company" got into this Bill where it was not required, the principal amendment is to eliminate it. There are also some trifling verbal changes to make the phraseology of the Bill correct.

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

PATENTS TO INDIAN LANDS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (102), "An Act to expedite the issue of Letters Patent for Indian Lands."

In the Committee,

HON. MR. DICKEY said : The object of this Bill is sufficiently explained in its title. Its object is to simplify and expedite the issuing of patents for Indian Lands.

HON. MR. VIDAL, from the Committee, reported the Bill without amendment, and it was then read the third time and passed.

The Senate adjourned at 5.25 p. m.

THE SENATE

Ottawa, Thursday, May 6th, 1886.

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were read the third time and passed without debate :—

Bill (64), "An Act to amend the Act incorporating the Pictou Coal and Iron Company." (Mr. McKay).

Bill (82), "An Act respecting the application of certain fines and forfeitures." (Mr. Dickey).

GUELPH JUNCTION RAILWAY COMPANY.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (78), "An Act to amend the Act to incorporate the Guelph

Junction Railway Company," with certain amendments. He said: The amendments to this Bill are in the second clause, which is an amendment to the thirteenth section of the original Act of incorporation, and professes to enact that municipal corporations in the Province of Ontario might subscribe and take stock in the Company. As we had no power to pass such a provision as that, we amended it with the consent of the promoters by stating that any such subscriptions of stock, which are made under the law of Ontario, should entitle the parties to representation on the Board: and while the 13th section only allowed in such a case representation by the head of the corporation, such as the Mayor, Warden, or Reeve, the parties promoting the Bill asked that there should be two additional members allowed as directors on the Board of Directors: and it is altered in that sense by stating that in addition to the mayor there might be, if thought proper, two other directors to represent the corporation subscribing. They ask that on the ground that they expect to raise a great deal of money in consequence, either by bonuses or stock taken by corporations, to this Railway. I have no objection to the amendments: but I have not charge of the Bill, and will content myself simply by explaining the amendments.

HON. MR. POWER moved that the amendments be concurred in.

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

#### BILL INTRODUCED.

Bill (96) "An Act respecting the protection of navigable waters. (Mr. Smith.)

#### NATURAL FOOD PRODUCT OF THE NORTH-WEST TERRITORIES.

##### MOTION.

HON. MR. SCHULTZ rose to move

That a Select Committee composed of the Honorable Messieurs — be appointed for the purpose of collecting information regarding the existing natural food products of the North-West Territories, and the best means

of conserving and increasing them; and that the said Committee have leave to send for persons, papers and records.

He said: In making the motion which I am about to make, I am anxious to explain that I have been in some measure encouraged to do so by the recollection of the importance of the information which was obtained and the great good which was effected by a somewhat similar committee appointed by this hon. House just sixteen years ago. The Journals of the Senate show that on the 12th April, 1870—

"The Honorable Mr. McCully moved, seconded by the Honorable Mr. Botsford, that a Committee of the Senate be appointed on the subject of Rupert's land, Red River and the North-West Territory, with a view of collecting information respecting the condition and capabilities, and the means of access thereto, with power to send for persons and papers.

And that such Committee be composed of the following persons—Honorable the Postmaster-General, Honorable Mr. Dickson, Honorable Mr. Botsford, Honorable Mr. Letellier de St. Just, Honorable Mr. Locke, Honorable Mr. Burnham, Honorable Mr. Dickey, Honorable Mr. Sanborn, Honorable Mr. McLelan (N. B.), Honorable Mr. Benson, Honorable Mr. Dumouchel, Honorable Mr. Olivier, Honorable Mr. Miller, Honorable Mr. Reesor, Honorable Mr. Christie and the Mover. Three to be a quorum.

And that the question of concurrence being put thereon the same was resolved in the affirmative, and

Ordered accordingly."

This committee entered upon its duties with an earnestness of purpose which enabled them, by taking advantage of the opportunities of information then available, to present to this House a short time afterwards, a mass of carefully sifted evidence, which, attached to the following report, became of the greatest possible use to the Legislature, the Government and the people of this country. Their report was as follows:—

"COMMITTEE ROOM, SENATE,  
25th April, 1870.

"1st. The Select Committee appointed on the subject of Rupert's Land, Red River and the North-West Territory, having considered the matters to them referred, agree to the following report:

"The presence at Ottawa, during the existing Session of Parliament of a number of persons recently from Red River, all more or less personally familiar with the North-West Territory and its resources, having suggested the idea that it would afford a favorable opportunity for obtaining reliable information

HON. MR. DICKEY.

on the subjects set forth in the foregoing resolution, the Select Committee appointed for the purpose have had before them a number of witnesses, and have collected much valuable information, which will be found appended to this report.

"2nd. The vast extent of country capable of cultivation, the favorable accounts uniformly given of its agricultural qualities, and the salubrity of the climate leave no room for doubt on the minds of the Committee that the region north of the United States boundary, west of the watershed of Lake Superior, and extending north of the northern bank of the Saskatchewan River, is a good wheat and vegetable producing territory.

"3rd. The principal drawbacks would seem to be distance from navigation and railway communication, absence of markets for agricultural products, occasional visits from grasshoppers, and the cold winter. But the testimony of all the witnesses examined upon this latter point tends to establish the fact that although the thermometer indicates a much lower degree of temperature at the Red River in winter months than in Ontario, yet the cold in its effects upon individuals produces scarcely, if at all, more inconveniences in the former than in the latter country.

"The Committee are satisfied that if measures are taken at an early date to afford facilities for access through British Territory to Red River, it will be found to be not only a very desirable home for immigrants, but will materially enhance the prosperity and promote the best interests of this Dominion.

"All of which is respectfully submitted.  
"J. McCULLY, Chairman."

Honorable gentlemen are aware that the Senate has been called a useless branch of the Legislature. It may be so in these degenerate days—but, to honorable gentlemen now present, who were of its membership sixteen years ago, I desire to say that the blue book embodying the report of and the evidence taken before the committee ordered by them, became at once the standard of accurate and oft-quoted information, and was the most efficient immigration pamphlet issued for many years afterwards, and that when they visit Manitoba I will be able to point out to them a number of thriving settlers who were induced to go there by the pamphlet in question.

It may possibly be urged, however, that while sixteen years ago this hon. House might perhaps appoint a committee to investigate matters, then little understood and made of great importance by the recent acquisition of those vast North-Western Territories, yet that the information published since had been so exhaustive as

to leave nothing to hope for from the investigation of the subject matter of this motion; but, if hon. gentlemen will bear with me for a short time, I hope to be able to point out important information to be obtained—important conclusions to be reached which are not to be found in any of the Blue Books, nor have formed before the subject of consideration by either branch of the Legislature. In making the members of the Committee large and composed in great part of the more elderly gentlemen of the Senate, as I propose to do, I have in view the great advantage which will accrue from their intimate knowledge of early pioneer and Indian life in their various provinces, and the value of that experience in enabling the Committee to direct a line of investigation which will lead up to conclusions which may be, and, I trust, will be of great value to the Indians and pioneers of our North-West. Before, however, I go on to give my reasons for believing that the proposed Committee is desirable in the public interest, and make the effort—which will be a severe one to me—of speaking at the length which I had intended upon this subject, and as my illness has not admitted of my taking this matter up earlier in the session, I am anxious to elicit an expression of opinion from hon. gentlemen as to whether there still remains time enough, before the probable close of the session, in which such a Committee could sufficiently deal with this important question, which will necessitate the procuring and examination of a number of persons, and considerable work in the collating and condensing of such information, as well as the discussing and preparing of their report. If it is thought that sufficient time remains I will at once proceed with my speech, otherwise I shall with the sanction of my colleague from Manitoba, the Hon. Mr. Girard, who is to second my motion, bow to the opinion of the House.

HON. MR. GIRARD—I certainly admire the pluck and determination of the hon. member who has just spoken. As we can all see, he is struggling with a very serious disease; yet he has appeared to-day before this hon. House to do what he can in the interests of his country. I think the question he has submitted to the House to-day is a very important one.

We do not know yet the value of that great North-West country. There is certainly natural wealth there which is yet to be explored and developed. I may take the liberty of mentioning a fact which I learned lately in Manitoba. One of the Indian chiefs named Old Crow was dying. Some days before his death, in conversation with Lieut.-Governor Dewdney, after expressing his gratitude to the Lieut.-Governor for past favors, he made a recommendation in favor of his tribe. He said to the Lieut.-Governor that in the vicinity of his reserve there was a lake which contained fish in abundance; and he said: "The white people can always provide for themselves; but it is not so with my people—they have not the same means to make their own livelihood; they do not understand so well the means of providing sustenance as the whites, and if it is possible that that lake can be kept for my people you will have rendered me the greatest service possible." I mention this fact just to inform the House that there are in many directions different means of assisting the Indians to obtain the food necessary for their sustenance. I do not think the Government can, for any length of time, continue to provide for the Indians as they have been doing. It is impossible for a country to continue to feed a whole nation of Indians as they are being fed to-day. We must try and devise some other means, and I think we will find in what nature offers there, with a wise administration and with careful research, all that is necessary to reimburse the expenses which have necessarily been incurred to feed the Indian race. It is an important question, and I think if a committee were appointed it would not only be very wise but we might expect, from the researches of such a committee, most advantageous results. At this time of the session I do not hesitate to say that a committee would not be able to give to the question that consideration which its importance deserves. It is now too late to send for papers, persons and records, and to obtain other information necessary to place the matter fairly before the public. I think the House will understand that there is much to be done in the way of the motion made to-day by my hon. colleague from Manitoba. If it is too late it will be, at all events, the commencement

of a careful inquiry which at another date may be brought with advantage before the House and submitted to the Committee. At the present time perhaps it would be better for my hon. friend to withdraw his motion with the leave of the House, and with the understanding that he will have another occasion to bring this matter before Parliament.

HON MR. DICKEY—I have listened, as I doubt not the House has, with the greatest possible interest and pleasure to the brief statement my hon. friend has made. It is not the first time that we have been called upon to receive from him good advice and suggestions, and I think I quite interpret the sentiments of the House when I say that we are all glad to hear his voice once more within our halls. I trust that he is improving in health, and that, if he is spared for another session, he will be prepared to renew this inquiry with his health and strength fully restored, and give us his impressions of that land which was once his home. I may add that on every occasion when my hon. friend's health and strength would permit of it, his voice has always been heard here in the interests of Manitoba and the North West. He has done the country a great service on various occasions, and I have no hesitation now, as representing the Government, in acknowledging the deep obligation which we are under to the hon. gentleman. At the same time I feel the force of the suggestion made by my hon. friend from St. Boniface, and before I speak of that I think I am justified in adding that there are no two members in this House who have shown a more deep and vital interest in the resources and capabilities of the great North-West than the mover and seconder of this motion. At the present stage of the session I think it would scarcely meet the wishes of my hon. friend, who desires this committee, nor would it meet the convenience of the House, to go on with this inquiry. I therefore think that it is the sense of the House that my hon. friend should be permitted to withdraw his motion. At the same time, I desire to express in this public manner, our acknowledgement of the hon. gentlemen's services in the interests of the North-West. I may add for the comfort of my hon. friend, who takes such a deep in-

terest in the Indians, that we appear to be entering on a new phase of affairs in regard to the great subject he has brought before this House, because a bill has already been introduced in another place, by the Government, expressing their intention to establish industrial farms in various parts of the Dominion and, amongst others, in Manitoba, and each of the four great districts into which the North-West Territories have been divided. They will have industrial farms established there to the extent of one in each of those great sections. I am sure that will be a matter of interest to my hon. friend. I might add, that I think I am speaking the sentiment, not only of this House but of the members of the Government, when I say that it will be their pleasure to consult my hon. friend and to give him every information as to those points connected with the establishment of those industrial farms. That will be nothing more than acknowledging the services which my hon. friend has rendered, and I trust that he will not only be enabled to give the benefit of his good advice and assistance to the Government in reference to this matter, but that he may be able to appear amongst us again, and that we may be enabled once more to have the pleasure of listening to his voice on a subject in which he has taken so deep an interest. I trust my hon. friend will withdraw his motion with the consent of the House.

HON. MR. BOTSFORD—Having been a member of the committee to which the hon. member from Manitoba referred, I am in a position to say that no hasty examination of the question to which he refers would be doing it justice; and considering the short time which Parliament will be in session, I do not think that it can receive the attention which it deserves. I think he will concur in the opinion of the hon. member from St. Boniface that it is desirable to withdraw the motion, with the expectation that in another session it will be brought forward at an earlier period.

HON. MR. ALEXANDER—We appear to have three distinguished members of this House clothed with authority to represent the Government—the hon. gentle-

man from Amherst, the hon. gentleman from Sackville, and another hon. gentleman not far from me. I do not think it would be proper to allow the hon. gentleman to withdraw his motion until we express the great pleasure which it gives us to see our respected friend from Manitoba here to-day in very much improved health; and I quite join in the hope expressed that we shall see him next session in still better health. While I express those views, I cannot say that I concur in the opinion that the hon. mover, with his distinguished colleague from St. Boniface, should not proceed with the committee. What have we done during this session? We have had several adjournments, as usual, and have done little real work, and why should this committee not now be named and proceed with its work? The first two months of the session have been almost wasted, and now, when we are anxious to go on with work, and an humble member of this House wishes to render a service to the country, he is asked to withdraw his motion. Hon. gentlemen will remember that on former occasions, it was an old habit of the leader of the Senate, knowing that he is certain of his majority, to demand the withdrawal of such motions. How often have we seen such a thing in this Chamber? If we had in the Opposition a few more men like the senior member for Halifax (Mr. Power), we would teach the leaders of this House that they should not demand of those trying to do good service to the country to withdraw their motions. It is most important that we should go on with this motion. Have we not spent \$80,000,000 on the Canadian Pacific Railway, and is it not now a matter of vital importance that we should try and make known the resources of that great North-West, so that we may attract the emigration of the Old World?

HON. MR. SCHULTZ—I desire to explain that my hon. friend is quite mistaken, and that if any wrong has been committed it has certainly not been through the hon. member from Amherst. If there has been any delay in this matter it is entirely my own fault, or rather the fault of the illness which has prevented me from moving in this matter until this late period of the Session.

HON. MR. ALEXANDER—I was not aware that the hon. gentleman was willing to withdraw his motion to-day. Of course, the hon. gentleman having made such a statement, I have little more to say. I have often myself been asked to withdraw motions when it was in the public interest that I should press them.

HON. MR. OGILVIE—I think the hon. member from Woodstock has been wrong, not only once but twice. I do not think the hon. member from Manitoba said that he wanted to withdraw his motion on account of ill health at all; he said simply that he wanted an expression of opinion from this House as to whether there was time, if a committee were granted, to carry out this investigation properly.

HON. MR. PLUMB—This session.

HON. MR. OGILVIE—So far as I am concerned, I do not think justice could be done to that motion at this late period of the session. There would necessarily have to be correspondence with the North-West, as well as information we would get here, and if my advice is worth anything to the hon. member, I think it would be very much better indeed to leave the matter over until next year, and begin at the beginning of the session. It might be well, also, if the hon. member from Woodstock would consider occasionally before he makes such terribly rash statements. He has stated that our late leader in this House, with a large majority at his back, whenever there was a motion before the House that was a little inconvenient, requested that it be withdrawn. Every member of this House, on both sides of it, knows perfectly well that our honored leader, the Postmaster-General, was at all times most fair in conducting the business of this House, and it will be perhaps a good while before we will get another gentleman who will be more fair, more upright, and more straightforward than Sir Alexander Campbell. Although many members of this House differ in opinion from him, I have rarely heard an unpleasant word towards him from members of the Opposition; and I think it is most unfair, especially behind his back, that the hon. member from Woodstock

should stand up and make such statements about one who is so highly respected in this Chamber. The hon. member from Woodstock is only making himself (whether it is parliamentary or not to say so) a laughing stock to the outside world as well as to this House, and taking up a great deal of valuable time. I did think he had more consideration for his own dignity than to make such statements about our honored leader behind his back.

HON. MR. SUTHERLAND—I rise for the purpose of endorsing the sentiments which have been so largely expressed in this House with regard to the motion of my hon. colleague from Manitoba. I am very glad to observe the manner in which the House has received the motion, and I concur also in the opinion that it would not, perhaps, be doing justice to so large a subject to take it up at this late stage of the session. However, a good purpose has been served by the motion having been brought forward at all. It will enable those who may meet here next year to deal with it to better advantage, and I hope that my hon. colleague from Manitoba will himself be present to bring the motion forward at an earlier stage of the session. The question is one that demands a great deal of careful consideration. At first sight it may not appear to be of very great moment, but when viewed in all its bearings it is a very important question for this country to consider at the present moment. I shall not add anything further; I could not say anything which would add more weight to the motion than what has already been expressed, but I hope that at a future session the subject will come up and receive the attention which I think it deserves.

HON. MR. SCHULTZ—I desire to explain, lest there should be a misunderstanding in the matter, the reasons for which I ask the House to allow me to withdraw this motion. In the first place, I was in some doubt myself, and I would be departing from the course usually adopted by my colleagues and myself if I pressed it without consulting them, for I beg to assure the House that we from Manitoba are a happy family: we stand by each other and act to-

gether, or try to do so. When the hon. gentleman, the seconder of my motion, expressed his opinion as he has done, and a similar expression of opinion has been elicited from my other colleague (Mr. Sutherland), then of course, I have no option but to ask to be allowed to withdraw my motion, and if there is any fault found in the matter we three will shoulder the blame.

The motion was withdrawn.

## THE LIGHTHOUSE AT CAPE RACE.

### THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (100) "An Act respecting the transfer of the Lighthouse at Cape Race, Newfoundland, and its appurtenances to the Dominion of Canada."

HON. MR. WARK—In assuming the management of this lighthouse, the government should also assume other responsibilities in connection with it. It is situated three hundred miles beyond St. Paul's. In connection with the navigation of the coast of Newfoundland, which extends about the distance I have mentioned, certain very dangerous currents exist, and I do not know whether the laws which govern them have ever yet been fully ascertained. At one time a ship can sail from St. Paul's along the coast and scarcely perceive them; at another time she would be drawn into certain bays—Placentia Bay, St. Mary's Bay, and other dangerous places. Ships have been known to take their departure expecting to run safely past Cape Race, and have been drawn into these bays and wrecked. At some times the currents are very strong; at other times they are scarcely perceptible; but they must be governed by some laws, and it will be the duty of the government to take some such observations to ascertain what those laws are, as they are now undertaking in Hudson's Bay. Ships leaving the Gulf, whether it is the St. Lawrence River or lower ports, seldom experience any fog in the Gulf; but they sail out of bright sunshine into dense fogs when they approach Cape Race. They take their departure expecting to run clear of Cape Race and are drawn by those currents

upon the coast, and some most disastrous wrecks take place. I remember one wreck which occurred some years ago, of a ship that was carrying the wives and children of a regiment of troops. I believe there was scarcely a soul saved. I came very nearly being ship-wrecked myself in a dense fog on that coast. We providentially met a fishing schooner that told us where we were, and we found that we were running into a very dangerous position. I hope I am not out of place in calling the attention of the Government to this subject, because I think no time should be lost, now that we have assumed the responsibility of the navigation as far as Cape Race, to inquire into the nature of those currents and see if any law can be discovered which governs them. I believe it is sometimes the strong current setting out of the Gulf, in consequence of the freshets of the rivers which flow into it. The winds must also have an influence; but so far as I can gather information I have never heard of any law which governs them by which ships can be guided in dense fog which prevails on that coast.

HON. MR. ALEXANDER—I am very sorry I have to differ from the views of the hon. member from Halifax with reference to this Bill. It is a simple question of supporting one lighthouse which certainly concerns the safe navigation of the St. Lawrence and therefore the whole trade of the Dominion. The Imperial Government ask us to assume it; it is no very large matter for the Dominion to assume.

HON. MR. POWER—I am very sorry that the hon. member from Woodstock should feel himself obliged to differ from me. The hon. gentleman like others misapprehends my position on this Bill. I have not opposed it, but I have asked for information as to the exact position of things in connection with the Bill. I understood yesterday when the committee rose and reported the Bill that the hon. gentleman in charge of it would be prepared to-day to give the information for which I asked. I presume he is; and I supposed that in moving the third reading of the Bill he would have given the information I desired and which the House has a



right to expect. What I wanted to know was whether this order of the Imperial Government which was made on the 12th December last, abolishing the dues in connection with this lighthouse from and after the 1st of July next, was made in pursuance of an agreement that the Government of Canada should take the lighthouse over, or whether it was irrespective of that agreement. I think that was a very reasonable and proper question; and the House is entitled to the information. I beg now to repeat what I said then, that, if the Imperial order-in-Council was made in pursuance of an agreement with this Government, that the Canadian Government should take the light over, then the Bill is a very right and proper and praiseworthy one. If the Imperial Government made that order-in-Council independently of this Government, and if it is the intention of the Imperial Government not to levy any dues in connection with the lighthouse, whether Canada takes it over or not, then I think it is an undesirable measure; because we are taking over a piece of property from which we can make nothing, and we are assuming responsibilities which might just as well be left to the Imperial Government.

HON. MR. KAULBACH—Whether the Imperial Government intend to make this a free light or not, it is a proper and wise thing for the Dominion Government to take over the lighthouse, and, therefore, whether the hon. gentleman, who is to answer for the Government, replies to my hon. friend or not, his answer can make no difference so far as this Bill goes. It is in the interest of the country that we should take over that light; we lose nothing by it, but rather make money.

HON. MR. PLUMB—In reply to my hon. friend from Fredericton, to whom I always listen with the greatest respect, I may say that this is a matter by itself. I have no doubt that the Government are alive to the duty of doing everything they can to protect the fishing interests and the navigation along their coast, and any coast that may have dangers affecting the prosperity of the Canadian marine, or any interest connected with it. Therefore, I think this measure has nothing specially to do with the difficulties of the coast or

the dangers of navigation, but stands by itself. In reply to the senior member from Halifax, I beg to say that the order-in-Council is a part of the agreement. Unless this Bill is passed, the order-in-Council falls to the ground, and the charges and dues will not be suspended. I think that is the information that the hon. gentleman wants.

HON. MR. POWER—Yes.

HON. MR. PLUMB—I think if the hon. member had used the perspicacity which he usually brings to bear on questions of this kind, and had read the Bill carefully, he would have seen that it carries that meaning within itself and that the objection which he made was not well founded and he would not have been put to the trouble of making two speeches on the subject.

HON. MR. POWER—I am very much obliged to the hon. gentleman who represents a portion of the Government in this House for the information which he has been good enough to give. I say now that the hon. gentleman, as representing the Government, should have been in a position when the Bill was read the second time to give the information, and then the two speeches to which he objects would not have been made. I beg to say also that the Bill has now my most cordial support.

HON. MR. WARK—The hon. member from Niagara says these two matters are not connected. I think when we assume the responsibility of maintaining the lights on this coast, we are deeply interested in everything connected with the navigation between St. Paul's and Cape Race; and this is a question closely connected with the safety of ships. We support lighthouses there for the safety of shipping and to secure safe navigation, and if it is known that between those two points very dangerous currents exist, the Government ought to take steps to obtain further information about them.

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

PROCEEDINGS BEFORE JUSTICES  
AND MAGISTRATES BILL.

CONSIDERATION OF COMMONS AMEND-  
MENTS POSTPONED.

The Order of the Day having been read  
Consideration of amendments made by the  
Commons to (Bill A) Summary Proceedings  
before Justices and other Magistrates Bill.

HON. MR. VIDAL said :— When I made the motion for the consideration of these amendments to-day it was in the hope that our hon. friend from Barrie (Mr. Gowan) would have been sufficiently restored to health to be in his place and take charge of his own bill. That I am sorry to say has not been the course of events ; he is still too unwell to be with us. I think, therefore, in order to give hon. gentlemen an opportunity to look into these amendments, it would be well to defer the consideration of them to a future day, not so much with the expectation that the hon. gentleman will be restored to us, but in order that I may be able to take his place and explain the amendments. I move, therefore, that the Order of the Day be discharged and that the amendments be taken into consideration on Monday next.

The motion was agreed to.

STELLARTON AND PICTOU RAIL-  
WAY BILL.

IN COMMITTEE.

The House resolved itself into a Com-  
mittee of the Whole on Bill (57) " An Act  
respecting the extension of the Intercol-  
onial Railway from Stellarton to Pictou."

In the Committee,

HON. MR. POWER—When this Bill was being read the second time I gave notice that I would move an amendment when the Bill was in Committee, and I think this is the proper time to do so. I do not propose to go over the ground that I took in the House. Hon. gentlemen who are interested in the matter will probably be familiar with the arguments that were used then, and which were used

in the other Chamber too. I rise for the purpose of moving that the following clause be added to the Bill :—

" This Act shall not go into operation until a contract or contracts shall have been entered into for the construction of a railway from the Straits of Canso to Sydney or Louis-  
burg in the Island of Cape Breton."

Hon. gentlemen may remember that the substantial ground which I took when the Bill was being read the second time was that it was altogether inequitable and unbusinesslike, that a town with a population of some 3,000 people, should have a double railway communication while an important Island with a population of nearly 100,000 had no railway communication whatever. I did not care to move against the Bill, but I think this clause is a very reasonable and proper addition to it. It does not say that Pictou shall not have its little railway, but it says that Pictou shall not have its railway until the negotiations which I presume the Government are carrying on for the construction of a railway in the Island of Cape Breton shall have reached a successful termination. I see in the newspapers that the local government of Nova Scotia have devoted a respectable subsidy to aid the Cape Breton Railway, and I understand the Dominion Government are willing to add a reasonable amount ; and it is to be hoped that during the present session the Dominion Government will take such steps as will secure the construction of a railway from the Straits of Canso to Sydney or Louisburgh. My amendment is simply to provide what is a very reasonable thing, that this large expenditure shall not be entered into for this line, duplicating the Pictou railway communication, until these arrangements have been made with respect to the construction of a railway in the Island of Cape Breton.

HON. MR. KAULBACH—It is a wonder my hon. friend did not include the Nictaux and Atlantic Railway, in the County of Lunenburg. If he had done so he might have supposed that it would affect my vote on this question.

HON. MR. POWER—No, I know you too well.

HON. MR. KAULBACH—The hon. gentleman's object is simply to embarrass

members of the House—that is the object and motive of his amendment.

HON. MR. POWER—I rise to a question of order: the hon. gentleman has no right to impute improper motives to any member.

HON. MR. KAULBACH—My hon. friend from Belleville has answered the question. It is a mere matter of delay, because there is a chartered company now formed under a local charter to construct this road. The line referred to in this Bill is supposed to be a part of the Intercolonial Railway. The effect of the amendment if carried would be to delay the construction of this line, without helping the construction of the road in Cape Breton—in fact it would injure its position. As regards running to the town of Pictou and the population of that place, the hon. member says the population there is only 3,000.

HON. MR. POWER—That is what the hon. member from Pictou said in the other House.

HON. MR. KAULBACH—Pictou is not reached at all by the railway. It is like Prince Edward Island during the winter season for weeks—the harbor cannot be crossed for a long time the navigation is uncertain and, independent of that, there is no communication with Pictou at all: and the expense of that ferry is almost equal to what the interest would be on the money appropriated for this purpose. I am sorry that amendments of this kind should be introduced in this House. Such tactics may do very well in another place, but we ought to be above such a course here. It is simply an attempt to embarrass members of the House.

HON. MR. McDONALD (C. B.)—As the hon. member from Halifax says, this is simply a small local railway connecting Pictou with the Intercolonial Railway, a connection which Pictou already has. The agitation for this second line was not heard of in Nova Scotia until last year. I consider it unjust to the whole Dominion, and especially to the Island of Cape Breton,

that this large amount of money should be expended to build a second line of railway from the small town of Pictou. The Island of Cape Breton for the last 30 or 40 years has been agitating for a railway. My hon. friend from North Sydney knows more about that than I do. I remember reading a report of a meeting on the subject 36 years ago: and I think my hon. friend from North Sydney was at that meeting. We have a population of over 90,000 on the Island, and it is only just that we should be aided to get a railway. This clause, if added to the Bill, will not prevent the town of Pictou from having a second railway, while it may give us a lever to get the Government to extend the line of railway from the Straits of Canso to Sydney or Louisburg. While the railway to Pictou town is of no interest to the Dominion, except to a flourishing farming settlement on the west side of the Pictou River, the railway in Cape Breton would serve a very important section of the Dominion, and it is one which I think should be constructed.

HON. MR. ALEXANDER—This Bill just furnishes a proper opportunity for the Senate of the Dominion to exercise independent judgment. If I understand the matter rightly the Government already possess a railway connecting Pictou with the Intercolonial Railway. We all desire the welfare of the town of Pictou; but if the Government already possess the present line, I should like to know what interest can be served by the Government possessing a second line? The object of having a second line to any town in the Dominion is to prevent a monopoly and secure reduced rates. The two hundred and fifty thousand dollars granted in aid of this enterprise was one of the items in the famous Omnibus Railway measure introduced at a time when a large amount was being given to the Canadian Pacific Railway. The Government required the votes of members of the House of Commons to carry it, and they introduced that Omnibus Railway Bill, voting money to be expended on railways where they were not required. Could there be any stronger evidence that this Government are constantly spending public money unnecessarily, simply for the purpose of keeping themselves in power? Could we have an

HON. MR. KAULBACH.

instance more in point? Here we have my hon. friend from Cape Breton (Mr. McDonald), who rightly and correctly represents that important part of the Dominion which, to this day, has no railway communication. Why did the Government, before bringing in bills of this kind, refuse to grant to Cape Breton those railway advantages to which it has a right? In Ontario we have a network of railways from one end to the other of the province, but how is it with Cape Breton? There is no railway on the island; yet the Government has the audacity to bring in this item simply to carry its corrupt Omnibus Railway Bill into effect, which was demanded upon the large money grant to the Canadian Pacific Railway. When shall all this criminal waste of the public money cease? When shall we have a government in power that will act faithfully and honestly with the people's money? Here we have money scattered broadcast simply because there is a general election coming on in twelve months. I hope the House will accept the amendment of my hon. friend from Halifax, which is in the right direction.

HON. MR. ARCHIBALD—I would have great pleasure in voting for the amendment of my hon. friend from Halifax if I thought it was of any benefit; but I am afraid it will defeat what we want, and therefore I shall vote against it.

HON. MR. DICKEY—I feel a deep interest in the railway through Cape Breton, and I think it is but fair to the Government of the country to say that they have also expressed their interest in a very practical shape. They became possessed of the link of connection between the Gut of Canso and Stellarton, in the county of Pictou, a long distance, at a very large expenditure, for the purpose of getting the first stage of connection with the Island of Cape Breton, and they followed that up by offering a subsidy to any company who would build from the crossing at the Gut of Canso through the Island of Cape Breton to the principal towns of Sydney and Louisburg. The Nova Scotia Government has followed that up by the offer of another subsidy, and I do hope that the great object of the Island of Cape Breton will be accomplished ere long. At the

same time I believe, with my hon. friend from North Sydney, that the very way to defeat that object would be to press this amendment, if it could be carried. My objection is this: in the first place it is not germane to this Bill at all.

HON. MR. POWER—Oh yes, it is.

HON. MR. DICKEY—It has no possible connection with it, any more than it would have had if the most ingenious opponent of the Canadian Pacific Railway had offered an amendment that no subsidy should be given to that railway—that it should not be constructed until a railway was built somewhere in Prince Edward Island. I do not say that for the purpose of offensively opposing the thing, for I am in favor of the connection in Cape Breton. The demands which were suggested to us on the second reading of this Bill have been somewhat modified, because we were told then that it was unjust to make this connection until we provided the missing link between Digby and Annapolis on the western line, and until we have also built a line in Cape Breton. It appears that my hon. friend from Halifax has dropped the western line altogether, and he has got my hon. friend from Cape Breton to second this as the only thing to be done.

HON. MR. POWER—I did not ask him to second it; he did so of his own accord; and I did not know he was going to second it until he did.

HON. MR. DICKEY—I am perfectly satisfied that what my hon. friend from Cape Breton did was fair and above-board. This is after all a very simple matter. Some of the members here may not have been present when the hon. gentleman from Pictou gave his views of the question. It was originally the intention that there should be continuous communication with the town of Pictou by means of the Intercolonial Railway; but in consequence of local influence and other considerations connected with this large and flourishing town of New Glasgow, which is on the route, that object was not accomplished. Now, a word with regard to New Glasgow. It has been said that a large petition has been

presented against this Bill in another place. I dare say the people of New Glasgow wish to keep direct communication from Pictou, because they are rival towns, but they ought to be satisfied with being on the line of Intercolonial Railway to Pictou Point, and at the same time being the junction station on the line which has since been built, and which leads to the Gut of Canso—the eastern extension. They still retain all these privileges, and are in no way substantially affected by this Bill, except that it may indirectly take some trade from New Glasgow and send it over to the town of Pictou, because they find they cannot get on without it. My hon. friend from Pictou explained this matter the other day and showed the necessity of it, and that it was carrying out the original intention of continuous railway communication. But we were told yesterday that we ought really to make all those other expenditures. I hope they will be made in due time. My voice will never be raised in this House or in this Committee against any expenditure in the Province of Nova Scotia for completing any missing links in the great line of communication. I do admit that the necessity of a railway in Cape Breton is urgent, and I have no doubt that that necessity has impressed itself upon the minds of the Government. If the subsidy which they have already offered, and if the subsidy added to that which has been granted by the Province, be not sufficient, Parliament should consider by what other measure means may be raised for the purpose of carrying out the views of the people of Cape Breton; but I certainly am justified in objecting to such an amendment as this being introduced into this Bill, as the only effect of it would be to delay and destroy it, and deprive the people of Cape Breton of what they seek. I trust that the hon. gentleman, after having placed his views and his resolution before the Committee, and on the Journals of the House, will be content to allow this Bill to pass. At all events, I take it for granted that the Committee, having carried the clause of this Bill, and having thereby admitted that the Bill is a necessity, will not destroy it by adding this rider to the tail of it, which will have the effect of killing the measure.

HON. MR. DICKEY.

HON. MR. HAYTHORNE—I intend to vote for the clause, and to explain my reasons for doing so. I have been frequently a visitor at Pictou in the course of my journeys, and I have always been surprised at the inconvenience which has been experienced in that town for want of railway communication; and when I describe to the House the kind of place which is the present terminus of the Intercolonial Railway at Pictou Landing, they will cease to be at all surprised at the demand which is made by the inhabitants of Pictou for a branch of the Intercolonial Railway down to their shores. Within a few days a steamer arrived at Pictou Landing in the morning at nine o'clock, and passengers by that steamer had actually no place to go. They walked about the coal wharves and docks there until they were weary, and then had to return to the place whence they came—that is, they walked into the steamship that brought them there, and seated themselves in the cabin. When it became necessary for them to remove from that place they went into the cabin of the ferry steamer, and ultimately crossed to the other side by the ferry steamer and obtained a meal there, and after a delay of five or six hours continued their journey by the Intercolonial Railway. That same Pictou Landing is the point of approach for Georgetown and Charlottetown steamers. In the summer season the Charlottetown steamer arrives at Pictou Landing about five times a week, and the *Northern Light*, as long as she is able to run, arrives there daily from Georgetown, and all the accommodation that passengers have when they arrive there is just what I have described. Is it any wonder that the people of Pictou should seek to have the traffic brought over from this worse than ordinary railway station to their own shores? I can say, from communication with the captain of one of the steamers the other day, that if the railway were continuous to Pictou town the Island steamers would run in there and leave their cargoes and passengers on the other side instead of where they do now, and that certainly is some object for Prince Edward Island. For that reason, if there were no other, I would support this Bill; but I support it in the interest of Pictou itself. It is a rising town of some importance, and I think it is entitled to some

such expenditure, without in the least disparaging the claims of Cape Breton. I have no doubt that Cape Breton will ere long be amply supplied with railway accommodation; but it seems to me a very narrow minded policy to say that Pictou town shall have no railway communication until Cape Breton has, at all events the commencement of railway communication within that Island. It is a narrow minded policy that I cannot sanction; I therefore vote for the clause and shall vote for the Bill when it comes up for third reading.

HON. MR. POWER—The hon. gentleman from Marshfield gave as a reason for an expenditure which will probably amount to half a million of dollars, that there was no suitable refreshment and waiting room at Pictou Landing. Is not the reasonable and proper way to get over that difficulty, to build refreshment and waiting rooms there? I think it is very discreditable to the Government that there are no proper waiting and refreshment rooms at Pictou Landing; and I hope, even if this Bill does not pass, that such improvements will be made there for the accommodation of the hon. gentleman and the general travelling public. It has been stated by three or four hon. members who have spoken on this Bill that this rider if added to the Bill will interfere with the construction of the railway in Cape Breton. It is one of those things very hard to understand; and no hon. gentleman who made that statement has told us how it will interfere. Some hon. members say that if the Senate on this one occasion manifests a little of that independence of which we heard so much, the Government in a fit of spite for that show of independence will punish the Island of Cape Breton. That is logic which I cannot understand. It has been declared by the responsible representatives of the Government in the other House; it was declared by the late Minister of Railways, Sir Charles Tupper, and, by other men speaking on behalf of the Government, that the railway to Sydney or Louisburg was one of the roads which was not a local but a Canadian road and one which the Government of the Dominion had a right to see built. Can anyone pretend that this little road to the town of Pictou, which is admitted to be exclusively for the benefit of the town of Pictou and

its immediate neighborhood, is a road for the general benefit of Canada? If the Government choose to build this road to Pictou it will be a very good thing for that town, and as a Nova Scotian I shall be rejoiced to have it; but, at the same time, we claim that the Government have a right to build first the road which is for the general benefit of Canada before building a local road. This is just one of the evil results of the mischievous policy, which hon. gentlemen introduced some years ago before a general election, of subsidizing roads of a purely local character for political effect. The hon. gentleman from Amherst said that this measure had no connection with the measure for the construction of the railway in the Island of Cape Breton. His memory must be a little short; because it will be remembered that previous to the elections of 1882 a company was incorporated to construct a road from the Intercolonial Railway at Oxford to and through the Island of Cape Breton. That Company did work to the value of \$150,000, or thereabouts, chiefly in the county from which the hon. gentleman from Amherst comes. That work is there; the Company, with a little encouragement from the Government—with a much less expenditure than is involved in this measure—would, no doubt, be able to go on with their undertaking; and it appears to be understood by those who are familiar with what is going on, that the measure which is now before the Committee is intended as a substitute for the Short Line measure, and that if this measure is carried the Short Line Railway from Oxford Station will be heard of no more. My hon. friend can see then that there is a connection between this measure and the measure for the construction of a railway in Cape Breton. My hon. friend from Lunenburg wanted to know why the "missing link" was not included in the amendment, and why it did not embrace also the Nictaux & Atlantic Road. From the newspapers I see that a measure has been submitted in the Local Legislature of Nova Scotia, which provides for the construction of the so-called "missing link," consequently it is not necessary that we should embody any provision respecting it in this measure. As to the Nictaux & Atlantic Railway, I think it is a desirable public work; but

that road is just like the branch to Pictou. It is not a Dominion work ; it is a Provincial work ; and I feel that we are perfectly within the line of our duty and our jurisdiction in providing that this important Dominion work shall be gone on with at least as soon as this petty local work in the County of Pictou ; and I hope that the fairness and good sense of this House will imbue them to look at the matter in the same way that I think all disinterested persons do.

HON. MR. KAULBACH—I do not want to prolong this discussion, but when the hon. gentleman says that this railway is merely a petty local work, I am sure he is not speaking what is the sentiment of the members from Prince Edward Island. I say that Prince Edward Island and Nova Scotia are concerned in this ; it is of infinitely more importance than the road on the Island of Cape Breton would be, because all people from our part of Nova Scotia, in order to go to Prince Edward Island, have to go by way of Pictou Harbor. I have tried to cross there myself, and have been frequently delayed, and not, as my hon. friend says, because of the want of a refreshment room. At some seasons of the year for days at a time you cannot cross there at all, and I say it is in the interests of all Nova Scotia, and in the interests of Prince Edward Island especially, that this road should be built, because it is the only direct means of communication at certain seasons of the year with Pictou.

HON. MR. DICKEY—I desire to say a few words in answer to the hon. gentleman from Halifax. I must apologize to him for omitting to notice what he said yesterday as to the cost of this work, because that is unfortunately a misunderstanding on his part, and I do not accuse him of misrepresentation. The cost of this work is \$250,000, not half a million of dollars. The cost was ascertained by report of the engineer who surveyed the line, and it is all the money that is asked for by this Bill.

HON. MR. POWER—The Minister of Railways in the other chamber stated that the road would cost more than \$250,000.

HON. MR. KAULBACH—The interest on that is not equal to what we have to pay for maintaining the ferry every year.

HON. MR. DICKEY—I am not exactly aware of what the Minister of Railways stated, but I am speaking now of the reports of the engineers, and the estimate which is embodied in this Bill ; but possibly it may cost more than that. It may be well to remind the House that the interest on the money would not be any more than the cost of keeping up the ferry. My hon. friend undervalues the town of Pictou. Yesterday he said it was a town of 4,000, and to-day a town of 2,000 inhabitants.

HON. MR. POWER—My hon. friend has misunderstood me. I said to-day it was a town of 3,000.

HON. MR. DICKEY—It only shows how necessary it is to approach this subject without any feeling one way or the other. My hon friend from Prince Edward Island who has come here candidly and given his opinion on the subject, stated that this branch railway was a necessity and would be a great convenience for the trade and traffic of Prince Edward Island, and he would not have undervalued the amount of that traffic if he had said that it was connected to the extent of one-half of the whole railway traffic from Prince Edward Island to the mainland. I think I am within the bounds when I say that. I have just been reminded of an incident that occurred last year when the circumstances that took place show the necessity of this railway. It is well known that the tight little Island of Prince Edward with its fertile soil produces, amongst other things a large export in the shape of horses. Prince Edward Island horses are well known from New York to Halifax and they are largely exported. This year there was a dealer who had come across with fifteen horses and, as my hon. friend explains, all those steamers, embracing sometimes I think, in the whole, as many as twenty from Cape Breton and Prince Edward Island and other points, all converge to this coal centre, Pictou Landing, because it is at present the only terminus of the Intercolonial Railway. This man landed with his horses in bleak weather.

He had no place to put them. He had to take them out of the vessel, and was not within miles of any convenience for his horses, and the result was very great loss and inconvenience to the owner. I mention this as one of the inconveniences that occur and will occur again for want of this road. This is not a new railway project; it is merely asking that a branch be constructed to Pictou as branches have already been constructed to Mirimachi, Rimouski, Dalhousie and other points on the Intercolonial Railway. It is in no way a new railway or a substitute for another railway; it is simply the construction of a branch which was intended to be continued when the line was built; but in consequence of the influence of New Glasgow the line came to Pictou Point.

HON. MR. MCINNES—I hope I may be allowed to make a few remarks on the Bill now under consideration. I happen to know a little about the section of country though which this road passes, and can speak from personal knowledge. But before I attempt to discuss the merits or demerits of the Bill, I desire to make a few remarks in reply to some of the observations or rather allegations, made by the hon. gentlemen from Lunenburg. Having no arguments to offer in favor of the Bill, and no valid objections to the amendment—he goes out of his way to charge the mover of this resolution with improper motives, that he was insincere and only desired to place certain members, I suppose, representing the Island of Cape Breton, in a false position such a charge I believe is unfounded. I have no doubt that the hon. gentlemen from Lunenburg has heard, as I have, and as most of the members of this chamber have heard, not only last year but this year, that the reason why this \$250,000 was placed in the estimates was not that there was any particular necessity for this proposed branch railway—but that it was absolutely necessary to spend this amount of money in order that the county be retained by the Conservative party.

HON. MR. KAULBACH—It always was Conservative.

HON. MR. MCINNES—No it has not always been Conservative. To my personal

knowledge it was represented by two Reformers from '73 to '78.

HON. MR. PLUMB—I rise to a question of order.

HON. MR. ALEXANDER—State your point of order.

HON. MR. PLUMB—The hon. gentleman from New Westminster states that the object of putting the sum of money into the estimates was to bribe a constituency.

HON. MR. MCINNES—I did not say anything of the kind.

HON. MR. PLUMB—The hon. gentleman did say so in effect, and I wish to know whether it is permissible under the rules of this House—I appeal to the chairman, and I appeal to the reporter for the hon. gentleman's language, and ask that it be taken down.

HON. MR. MCINNES—Every word I have uttered is correct—is parliamentary and in order, and I want my remarks to be taken down.

HON. MR. POWER—There is no appeal in this House to the reporter. The hon. gentleman did not state it as his own opinion; but he said it was stated, and that is the fact.

HON. MR. ALEXANDER—I have heard it stated a hundred times that the chief object is to secure that constituency for the Government.

HON. MR. BELLEROSE—The Chairman cannot give his opinion before the discussion on the point of order is finished. There is no use in trying to put a man down while he is urging his rights.

HON. MR. MCINNES—I did not make any charge against the Government. I stated nothing of what the hon. gentleman from Niagara charges me with. I did not state that this grant was for the purpose of bribery; but I stated it was mentioned and I heard it last year, as well as this, and I believe the majority of the members of this House heard that it was for the purpose of bribing or keeping the county Conservative, if possible.



HON. MR. ALEXANDER—I heard it.

HON. MR. MCINNES—And most of the people throughout the country heard it—that it was for the purpose of maintaining the county of Pictou as a Conservative constituency.

HON. MR. PLUMB—I call the hon. gentleman to order ; I say he is imputing to the Government the intention of bribing the constituency.

HON. MR. ALEXANDER—There is no doubt that they did bribe them.

HON. MR. MCINNES—I am merely replying to the charge made by the hon. gentleman from Lunenburg. He charged the mover of this amendment with improper motives—with moving this amendment in order to place certain members in a false position. Now I wish to say that I do not think the senior member for Halifax is to be accused of improper motives in bringing this amendment before the Committee. On the contrary, I think he deserves the thanks of this House and the gratitude of the people of Cape Breton for moving in their interests. The Government was charged with an attempt to influence the constituency by putting this sum in the estimates last year and all the circumstances in connection with this proposed railway would warrant such a construction. That is my contention. I do not say that it is correct ; but I do say and state to the House and to the country what every hon. gentleman must know to be a fact, that that charge was made, and a vast majority of the people of this country believe it to be true.

HON. MR. ALEXANDER—Everybody heard it.

HON. MR. OGILVIE—Everybody did not hear it.

HON. MR. MCINNES—There are none so deaf as those who can, but will not hear.

HON. MR. OGILVIE—Tell the truth.

HON. MR. KAULBACH—I do not think the hon. gentleman can name one man who heard it.

HON. MR. MCINNES—I ask the hon. member from Lunenburg to get up in his place and state that he did not hear it ?

HON. MR. KAULBACH—No, I do not think I did hear it.

HON. MR. MCINNES—Are you positive about it ?

HON. GENTLEMEN—Order, order, order !

HON. MR. MCINNES—I hope the hon. gentleman from Niagara will not again attempt to interrupt or call me to order when I am perfectly in order and endeavoring to discharge my duty.

It has also been claimed by some hon. gentlemen who have spoken that this amendment, if carried, would interfere with the building of a railroad in the Island of Cape Breton. I do not see how it is possible that it can interfere in the slightest degree with the extension of the Inter-colonial Railway, or the eastern extension from the Straits of Canso to Sydney or Louisburgh. To my personal knowledge that railroad (Cape Breton) has been agitated for a number of years, and I know that the late Minister of Railways, Sir Charles Tupper, promised the people of the Island of Cape Breton that this road should and would be proceeded with and in operation long before this. Unfortunately nothing has been done yet, but a few preliminary surveys in order to keep the people quiet and hopeful until after the general election. I do not think that there has been as important a portion of this Dominion that has been so badly treated as the Island of Cape Breton. In round numbers she has a population of 100,000, nearly as many as Prince Edward Island, and yet with the exception of a few thousand dollars expended on the St. Peter's Canal, a public work undertaken and nearly completed before Confederation, and a few other petty jobs in connection with a few harbors and wharves, she has remained patiently waiting and hoping for railways and other public works, similar to those projected in less deserving and necessary portions of our vast Dominion, but she has hoped and waited in vain up to the present time. I think it is only just and fair that something should be

done for my native Island—that is why I take my stand here in behalf of Cape Breton, and I think I would be remiss in the discharge of my duty, as a member of this House, if I failed to raise my voice in her behalf when I consider that she has been ill used, and denied the common justice accorded other portions of the country. I cannot see the force of the argument that has been advanced here by the hon. member who has charge of this Bill about the building of this eighteen miles of railway, when they can go from Pictou Landing, a distance of only ten miles. I know at some seasons of the year there is danger and inconvenience in connection with the ferry, owing to floating and insecure ice in the harbor of Pictou, but I would like to ask that hon. member and the hon. gentleman from Prince Edward Island, who has also spoken about the inconvenience to which passengers are subjected in crossing the Straits of Northumberland and the harbor of Pictou, if they ever had occasion to cross the Straits of Canso in the winter season? I have had to do so many a time before now at great inconvenience, delay and peril of my life.

In the winter and spring, on account of high winds and floating ice, I have had to wait day after day for an opportunity to get across the Straits of Canso. I remember a few years ago meeting my hon. colleague from Sydney, Cape Breton, and the Speaker of this House at that place where we were snow bound for several days. Is the convenience of those 100,000 people in Cape Breton not to be taken into consideration at all? Is the population of the three or four thousand in Pictou town to receive all this consideration while the population of Cape Breton is ignored. I ask why this yearning—this solicitude—this patronizing care and affection for a handful of people in Pictou? Doubtless the near future will reveal. I am not against Pictou getting a second line of railway but I do think a small measure of justice ought to be done Cape Breton, the most neglected part of the Dominion, when the Government are recklessly spending millions in much less worthy undertakings. There is nothing in the amendment to prevent that work going on simultaneously with the construction of that road in the Island of Cape Breton.

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If the Government are sincere in the repeated promises made Cape Breton they will accept the amendment.

The Committee divided on the amendment which was rejected, contents 9, non-contents 23.

HON. MR. POWER—I give notice that I will bring that amendment up again on the third reading. I now move that the following clause be added to the Bill:—

“This Act shall not go into operation until arrangements have been made to secure a continuance of the ferry from the railway terminus at Pictou Landing to the town of Pictou.”

I referred to a petition yesterday which came in from a very large section of the population of Pictou County, asking that some steps of this nature should be taken. While we are attending to the interests of the town of Pictou with its population of 3,000—

HON. MR. ROBITAILLE — Four thousand.

HON. MR. POWER—No, 3,000. The hon. gentleman from Amherst, with that fondness which I think he has for small points, remarked that I had stated yesterday that the population was 4,000 and today I mentioned 2,000. The hon. gentleman was not as accurate, as he generally is, on this occasion. I stated that the population did not exceed 4,000; and having looked over the speech of the hon. gentleman who represents Pictou in the other House I found that he stated the population at 3,000. I thought his authority was good and I have to day mentioned the figure which he gave. I hope therefore the hon. gentleman will acquit me of having made an incorrect statement. While we have a right to look after the interests of the 3,000 people who live in the town of Pictou, I think that the several thousands who live on the other side of the river between Pictou Landing and New Glasgow, have a right to be considered also. There is a very large population there which does business over this railway and a population for whose interests this ferry is very

necessary. I understand that some sort of undertaking has been entered into that the town of Pictou will keep up this ferry if the branch railway is built. I do not care who keeps up the ferry, whether it is the Dominion Government or the town of Pictou, but in the interests of the large population to which I refer, and whose petition has been laid before the other House of Parliament, I move this amendment in order to secure the maintenance of this ferry.

HON. MR. KAULBACH—I doubt whether this is a proper amendment. The keeping up of this ferry is a matter of a purely local nature. The hon. gentleman is inconsistent. He says Pictou shall not have this railway and then, his amendment to that effect having been defeated, he asks that the Government of the Dominion be charged with the keeping up of that ferry. He said that the Government shall not only construct the railway but that they shall maintain the ferry at an annual charge on the revenue of the country of \$13,000. I think, however, that my hon. friend will find that Pictou has agreed to keep up this ferry if the railway is built. The result of his motion, if it were adopted, would be this—that the Dominion Government would have not only to subsidize the railway but also to keep up in perpetuity that ferry across the harbor.

HON. MR. POWER—My hon. friend misrepresents the amendment; it does nothing of the sort.

HON. MR. DICKEY—This resolution as proposed is entirely out of order. It is a resolution proposing a charge upon the country which cannot originate in this House. My hon. friend must be satisfied with having moved it.

HON. MR. POWER—I think that perhaps the point of order is well taken.

THE CHAIRMAN—Will the hon. gentleman withdraw it?

HON. MR. POWER—The chairman can decide that it is out of order.

THE CHAIRMAN—It would be more

HON. MR. POWER.

courteous to allow it to be withdrawn than to rule it out of order.

HON. MR. POWER—I shall stand the discourtesy.

The amendment was declared out of order and the preamble was adopted.

HON. MR. GIRARD, from the committee, reported the Bill without amendment.

HON. MR. DICKEY moved the third reading of the Bill.

HON. MR. POWER—I hope the hon. gentleman will let the third reading stand until to-morrow.

HON. GENTLEMEN—No, no.

HON. MR. POWER—I am now appealing to the courtesy of the hon. gentleman who represents the Government in this House; and I wish to say that it is not intended to have any discussion on the third reading, but simply to move an amendment and have a vote upon it.

HON. MR. DICKEY—I have no disposition to press an hon. member who takes the responsibility of stating in his place that he wants time, especially as he says that there will be no discussion on his amendment. I therefore move that the Bill be read the third time to-morrow.

The motion was agreed to.

## MANITOBA AND NORTH-WESTERN RAILWAY BILL.

### SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (70) "An Act respecting the Manitoba and North-Western Railway Company of Canada." He said: This is certainly one of the most important roads in the Province of Manitoba. It is a large feeder of the Canadian Pacific Railway, and I think before long it will extend to the limits of the province, and thence, in another year, will be extended to Prince Albert, the seat of the late troubles. Power is asked to cancel certain second mortgage bonds issued by the company, and to issue

in lieu thereof preference stock. The different clauses are to specify the authority thus given. There are also other amendments. In section 5 a clause of the old Act is repealed, and a new one with certain modifications is substituted, and by the last clause the company ask authority to construct a branch railway.

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

### MASKINONGE AND NIPISSING RAILWAY COMPANY'S BILL.

#### SECOND READING.

HON. MR. CLEWOW moved the second reading of Bill (74) "An Act to incorporate the Maskinonge and Nipissing Railway Company." He said: This Bill is to incorporate a railway to run from Maskinonge, in the Province of Quebec, to a point on the Pacific Railway. This line will pass through a country susceptible of great improvement and which greatly needs railway accommodation.

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

### CRIMINAL LAW AMENDMENT BILL.

#### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (2), "An Act to amend the Criminal Law and declare it a misdemeanor to leave unguarded and exposed certain holes and openings."

In the committee,

HON. MR. BOTSFORD—The first section of this Bill provides that if any party cuts the ice on a navigable stream or other water and does not place guards about it he shall be liable to a fine or imprisonment at the discretion of the justice who tries the case.

HON. MR. KAULBACH—When this Bill came up on the second reading I did not oppose it or criticise it, because I was in favor of the principle of the measure; but it is an amendment to the Criminal

Law the object of which, to my mind, is good. However, one question suggests itself to me—whether it should be confined to the persons who cut the ice, and also whether it should not be made to apply to other cases than those mentioned in the Bill. There are many ways in which holes are cut in the ice which, if left unguarded, are dangerous to the public. For instance, holes are cut in the ice for fishing and spearing and it is a question in my mind whether the Bill should not extend to all such openings. The Bill is an amendment to the Criminal Law, and such acts are always construed strictly. This Bill provides that if any person does such a thing he shall be punished; it does not say that if he causes it to be done he is liable to a penalty. It is a question whether a person cutting a hole in the ice, under instructions from another party, would not be liable and not the person who ordered him to do the work, and this clause, if strictly construed, might render an innocent man liable to punishment. Then, again, unless it could be proved that the hole was cut for the particular purpose mentioned in this Bill the offender could not be punished. Under that clause the chances would be that there could be no conviction, unless it could be established that the hole was cut for the specific purpose described in this clause. In that respect the Bill is defective. I think it also ought to be extended to persons who cut holes for fishing. There is another objection, that the offence is declared a misdemeanor, and some misdemeanors have heavy penalties attached to them. These cases are to be tried before magistrates, and the Bill does not state the term of imprisonment or the amount of the fine to which an offender is liable. It is usual in such laws to name the penalty, and I think that it should be done in this instance. We know what some magistrates are, especially in Nova Scotia. Yet they are given this large power not only to fine, but also to imprison, or to do both. Although it may be the first offence, and the party may be innocent of any wrong intention, the magistrate has the power of inflicting a very severe penalty. It is a large power to give magistrates, who are not always the best class of men to whom it should be entrusted. I would not like to trust many of them in

any case, and especially in criminal cases. I think the Bill is defective, in the first place, as regards not specifying that the party liable to be punished shall be the one who causes it to be done, and also in not naming the penalty, the amount of the fine or the limit of the imprisonment.

HON. MR. BOTSFORD—Those who have experience in those matters know that the principal danger arises from persons cutting ice for the purpose of harvesting it. There may be certain cases in which dangerous holes are cut for other purposes; but so far as my own experience goes, the danger has been confined to places where ice has been cut for the purpose of saving it. In fishing, the holes that are cut are not dangerous—they are small.

HON. MR. KAULBACH—On the sea coast they are large, and the fishermen drag from the sea.

HON. MR. BOTSFORD—The hon. gentleman objects to the Bill because it does not go far enough. If he thinks so, let him propose an amendment. I think the Bill will accomplish good, and that it will be quite sufficient to meet all the cases of which I have any knowledge. Let the hon. gentleman propose any amendment that he thinks proper, and if it is concurred in by the House it can be incorporated in the Bill. Now with respect to the limit of the fine or term of imprisonment it seems to me that there are sections in the Consolidated Act which provide that every one who is summarily convicted of any crime, for which no punishment is specially provided, shall be liable to a penalty not exceeding \$20, or imprisonment, with or without hard labor, for a term not exceeding three months, or both. I hold that if we pass this bill without that limitation, the provision in the Consolidated Act would apply; and as I have stated, if the hon. gentleman does not think the Bill goes far enough let him propose his amendment, but the originator of this measure thinks, and so far as my own experience goes I agree with him, that it will meet the evil. It is a dangerous practice for persons to cut ice and leave the holes unguarded or

unprotected, and the party who does so should be held guilty and punished as provided by this section.

HON. MR. KAULBACH—My hon. friend has largely answered my objections in that regard, but the Bill provides a penalty for the person who cuts ice—it should state for a certain purpose, as the law in criminal cases is construed strictly. The party to be prosecuted is not the person who cuts the hole in the ice, but the man who ordered it to be cut. The man who cuts the ice is simply a servant sent there, and if he cuts for a certain purpose you would not convict him: I think the clause should be amended by inserting in the first line of the first clause the words "causes to be cut or made," so that it will read "Every person who cuts or makes, or causes to be cut or made for the purpose of harvesting or obtaining ice for sale," etc.

HON. MR. POWER—I think the hon. member from Lunenburg is quite right. As a general thing ice is not cut by the man who proposes to sell or make use of it. As a rule, the party who causes the ice to be cut is a person of considerable means and employs workmen to do the cutting, and the workman is not the responsible party as a rule. I think the proposed amendment is a perfectly good one, and I hope the hon. gentleman in charge of the Bill will accept it.

HON. MR. CLEWOW—As far as this section of the country is concerned, those holes in the ice are a source of great inconvenience, and sometimes loss of life and property. It makes very little difference whether the person who makes the hole or the party who employs him or uses the ice is punished—the party who leaves the hole unprotected is the one who should be punished. This Bill is a step in the right direction.

HON. MR. VIDAL—I think the objections that are raised are hypercritical. In all courts it is understood that the person by whose authority the act is committed is held to be the person who committed it.

HON. MR. POWER—No.

HON. MR. KAULBACH.

HON. MR. VIDAL—I would like to know who would be the party liable in the place where I come from, where the holes are not cut by human hands but by horses! It is an unquestionable principle of law that the person in whose interest the act is performed is responsible in law.

HON. MR. KAULBACH—Not in criminal matters.

HON. MR. VIDAL—The Bill says every person who cuts ice for sale. The workman who cuts for wages does not cut for sale: it is the person who employs him, and he is the responsible party.

HON. MR. POWER—I think it is to be regretted that the hon. gentleman from Sarnia has not made law a regular study.

HON. MR. VIDAL—The hon. gentleman need not give himself any concern about it. I am content with the very limited acquaintance I have with it, and I think it enables me to discharge my duty without making as many mistakes as some hon. gentlemen who have studied law.

HON. MR. KAULBACH—The hon. gentleman from Sarnia will not find a lawyer in the House who will agree with him in his proposition as to where the liability would lie.

HON. MR. VIDAL—This Bill has been drawn up by a lawyer of considerable eminence, and it has received the support of many of the best lawyers of the Lower House; and I contend that the wording of the Bill is ample, as it is, to punish the person in whose interests the work has been done, and by whose negligence the hole has been left unguarded. The amendment is not necessary, and would not accomplish the object which the hon. gentleman has in view.

HON. MR. KAULBACH—No magistrate would prosecute an innocent man if he could get at the person who committed the principal offence.

HON. MR. POWER—The hon. gentleman from Sarnia has spoken as though the Bills that come from the House of Commons are always perfect.

HON. MR. VIDAL—I did not say any such thing.

HON. MR. POWER—That is the conclusion one would come to from the remarks of the hon. gentleman.

HON. MR. VIDAL—The hon. gentleman jumps to extraordinary conclusions without any reason for doing so.

HON. MR. POWER—The hon. gentleman says it was drawn by a lawyer of considerable eminence, and supported by other legal gentlemen, and that therefore it should receive our support.

HON. MR. VIDAL—I merely made the remark in reply to a statement of the hon. gentleman from Lunenburg that no lawyer would admit the correctness of my proposition. I merely made the remark that it was a lawyer who drew this clause.

HON. MR. POWER—I think that the ground taken by the hon. gentleman from Lunenburg is a perfectly sound and proper one. Penal statutes are always construed strictly, and I will put this case to my hon. friend. Where ice is being cut, the man who is having the work done may employ a dozen or twenty men to cut this ice. If the holes are not properly guarded and some one falls into them and is drowned, who is responsible?

HON. MR. VIDAL—The man who employed the workman to cut the hole.

HON. MR. POWER—Perhaps no one is looking on to see who it was that cut the hole, but everybody knows who the employer of these workmen is and with the amendment my hon. friend proposes you could convict the employer, and without those words in amendment you would fail altogether to convict anybody.

HON. MR. BOTSFORD—I am not authorized to accept the amendment, and therefore I shall oppose it.

HON. MR. WARK—I would just remark that it is customary with us in New Brunswick to mark those holes in the ice with bushes, and I think if the words "Bushes or some sufficient safeguard" is inserted it would meet the difficulty.

HON. MR. TRUDEL—I think the suggestion of my hon. friend from Lunenburg is quite appropriate, because in creating new criminal offences we ought to be very careful. On the one side we ought to protect the lives of the people, but, on the other, we should not go too far in prosecuting a party who is not guilty of any wilful negligence.

HON. MR. LACOSTE—I do not see what objection there can be to this amendment. As the Bill stands some member of this House think we can reach the employers; other are of opinion that we cannot reach the employers. Why not make the law clear by framing it in such a way that in every case we can reach the responsible party and not merely the poor man who is employed to cut the ice?

HON. MR. DICKEY—I believe that amendment is substantially what the Bill is, as it stands, because any person who causes another to do an unlawful act is equally liable with the person who does it. For that reason I cannot vote against the amendment, because it makes the law so clear that any person can understand that if he consents to a person doing the unlawful act he will be liable for it.

HON. MR. BOTSFORD—With the explanation of the hon. gentleman from Amherst, I consent that the amendment be made.

The amendment was agreed to.

HON. MR. POWER—It seems to me that this clause requires some modification. It provides that if a party leaves such hole, opening, aperture or place, while it is in a state dangerous to human life, whether frozen over or not, unguarded and unenclosed by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking, skating or falling therein, is guilty of a misdemeanor. It might require a very high fence to keep some people from "falling therein."

HON. MR. ALMON—In Nova Scotia accidents of the kind which this Bill is intended to provide against occur very fre-

quently. The north-west arm which is in the vicinity of Halifax, is frozen over in the winter season, and holes are cut in the ice by fishermen through which to spear eels, and such holes are always left unguarded. Myself and my servant man drove into one of those last winter and were nearly drowned. I would like to enquire if there is anything in this Bill which makes it unlawful to leave such holes unguarded.

HON. MR. DICKEY—Let us settle this other matter first, and afterwards we can "rope in" the eel holes.

The clause was agreed to.

On the third clause,

HON. MR. PELLETIER said that ten days after conviction, for one of the offences referred to in this Bill, was too long to permit the danger to be continued. If there was any real danger the guard should be constructed as soon as possible, and he proposed to amend the clause by limiting the time within which the party would be liable for a second conviction for omitting to put a suitable guard or fence round the place, to five days.

The amendment was adopted.

HON. MR. FERRIER considered that the owner of a property on which some one had made an opening in prospecting for minerals should not be held liable under the second clause unless the excavation was made with his consent and permission.

HON. MR. TRUDEL said there was force in the suggestion of his hon. friend, as an excavation might be made on a person's property, by others prospecting for minerals, and under this Bill, as it stands, the owner of the property would be held responsible, although he might not be guilty of the slightest negligence.

HON. MR. VIDAL—An excavation of that description could not be termed an "abandoned or unused mine or quarry."

On the title.

HON. MR. POWER—I move that the title be amended by striking out the word "openings," and inserting the word "excavations" in lieu thereof. The first clause refers to holes in the ice, and the second clause to excavations in the ground.

HON. MR. PLUMB—A hole in the ice is not an excavation.

HON. MR. POWER—The amendment would read "holes and excavations."

HON. MR. KAULBACH—I think the amendment suggested in the title would better indicate the nature of the Bill.

HON. MR. POWER—There is another objection to the title also. It will be remembered that there was a very broad smile even round this venerable chamber when the title was read on the introduction of the measure.

HON. MR. BOTSFORD—I cannot accept the amendment.

HON. MR. TURNER—I really think the amendment is an improvement, supposing we make it "holes, openings and excavations"?

HON. MR. ALLAN—I think the three terms are used in the Bill, and it would be better to add the word "excavations" to the title.

HON. MR. POWER—The hon. gentleman's suggestion is a better one than mine, and with the leave of the Committee I will add the word to my amendment.

The amendment was agreed to.

HON. MR. DEBOUCHERVILLE, from the Committee, reported the Bill with several amendments.

The amendments were concurred in, and the Bill was read the third time, as amended, and passed.

The Senate adjourned at 6.05 pm.

## THE SENATE.

*Ottawa, Friday, May 7th, 1886.*

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

## ST. LAWRENCE AND ATLANTIC JUNCTION RAILWAY COMPANY'S BILL.

### THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (58), "An Act to incorporate the St. Lawrence and Atlantic Junction Railway Company," with amendments. He said: The only amendments to this Bill are purely verbal. The amendment of the clause respecting the terminus of the railway is to substitute the town of Sherbrooke for West Farnham, it being found necessary that they should have that power to complete the connection. So far as I know, there is no objection to it, and the preamble is required to be amended in the same way, so that it shall be an application for a railway to terminate at Sherbrooke.

HON. MR. OGILVIE moved concurrence in the amendments.

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

## NEW YORK AND BROCKVILLE BRIDGE COMPANY'S BILL.

### REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (68), "An Act to incorporate the New York and Brockville Bridge Company," with amendments. He said: The amendments made to this Bill are rendered necessary by the fact of its being very clumsily drawn. There are two or three clauses which require important amendments, and while making them it was thought advisable that the Bill should be made conformable to the drafts of bills already passed. I do not think it



necessary to enter into any explanations of the amendments, because it would be advisable and save the time of the House that they be considered at a future day. I move that the amendments be taken into consideration on Monday next.

The motion was agreed to.

### THIRD READINGS.

The following Bills, reported without amendments from the Committee on Standing Orders and Private Bills, were read the third time and passed without discussion:—

Bill (66) "An Act to incorporate the Forbes' Trochilic Steam Engine Central Company of Canada." (Mr. Vidal.)

Bill (59) "An Act to incorporate the first Synod in the Dominion of Canada of the Reformed Episcopal Church, and for other purposes connected therewith." (Mr. Macdonald, B. C.)

Bill (42) "An Act respecting the Saskatchewan Land and Homestead Company." (Mr. Plumb.)

### ANGLO-AMERICAN IRON COMPANY'S BILL.

#### THIRD READING.

HON. MR. LACOSTE, from the Committee on Standing Orders and Private Bills, reported Bill (62) "An Act respecting the Anglo-American Iron Company," with an amendment. He said: This amendment is merely striking out the words "and their successors," in the second clause. By the Bill as brought up to this House, it is provided that all the privileges conferred on the Company shall pass to their successors. As corporations have no successors, those words are struck out. I move that the House do concur in the amendment.

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

### CANADIAN COPPER COMPANY'S BILL.

#### THIRD READING.

HON. MR. LACOSTE, from the Committee on Standing Orders and Private

HON. MR. DICKEY.

Bills, reported Bill (61) "An Act respecting the Canadian Copper Company," with an amendment. He said:—This Bill is similar to the one which has been already accepted by this House, and the amendment is to the same effect. I move that the amendment be concurred in.

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

### STELLARTON AND PICTOU RAILWAY BILL

#### THIRD READING.

HON. MR. DICKEY moved the third reading of Bill (57) "An Act respecting the extension of the Intercolonial Railway from a point at or near Stellarton to the town of Pictou." He said: In moving the third reading of the Bill I do so without remark, as it was agreed with my hon. friend the senior member from Halifax, that the third read should be moved without debate.

HON. MR. POWER—I beg to move that the Bill be not now read, but that it be amended by adding the following clause thereto:—

"This Act shall not go into operation until a contract or contracts be entered before the construction of a railway from the Strait of Canso to Sydney or Louisburg in the Island of Cape Breton.

HON. MR. ALEXANDER — The House is indebted to the senior member from Halifax for having moved this amendment. This is a Bill which, from my standpoint, appears to be of a character to demand a more thorough investigation than we gave it when before the Committee of the Whole. If I have been correctly informed, the Government has constructed a road from the Intercolonial Railway to Pictou Harbor, and the purport of this Bill is to construct a line of railway to the same place. Now, I asked three impartial members of another Chamber, who heard a lengthened debate on the subject of this Bill, whether during that discussion they had heard one solid reason advanced why this expenditure should now be incurred by the Dominion. They replied that they had not heard one, and that is the opinion of three of the most

independent members of the Commons. After giving to any town in the Dominion one railway, the only argument that has ever been advanced, that I have heard of, for constructing a second would be, that an opposition line should be built, because of the danger of one line exercising a monopoly of rates. But this second line is to be built by the same parties who built the other line, and the two lines are to be run by the Dominion Government. Now, is there enough traffic to sustain one road? And how, therefore, could two roads be operated? Could there be a more practical illustration of the recklessness and waste of the present party in power? Is it possible that a majority of the Dominion Senate can ratify this Bill to-day? I can scarcely believe it. Feeling deeply the responsibility of this Chamber as a judicial body to sustain and protect the interests of the people, I cannot believe that they will take the responsibility of passing this Bill. It is self-evident that other reasons exist for pushing a second road through. Rumors abound in regard to this; especially one, that the money will be expended in constituencies formerly represented by Sir Charles Tupper in the Commons. That is surely no reason why we should throw away \$250,000 of the people's money.

HON. MR. HOWLAN—It is not Sir Charles Tupper's constituency at all.

HON. MR. ALEXANDER—It is in the proximity of Sir Charles Tupper's old constituency, and if it is not, we all know that Sir Charles Tupper influenced the last elections in Nova Scotia by his great talent and ability; and this grant is made so that the poor will be employed, and all those people will be expected to vote for the party in power. I am told by my hon. friend from Westminster that Sir Charles Tupper's son at present represents the county. Gentlemen have been reproved in this Chamber for saying that the object of the Government in voting this money was to influence the constituency. What rule of Parliament can be framed to prevent any member of this House from charging the Government when they are doing wrong? What is the object of Parliament meeting if rules are constructed to prevent members from

performing a manifest duty? I ask, should rules be constructed to prevent members of Parliament from checking improper conduct? There would be an end of all parliaments if such were the case, and it would be better to shut up the Legislature, and to say let the whole Dominion be ruled by Sir John Macdonald and his colleagues. It is an enigma to me how the hon. Senator from Amherst can support this Bill. He has shown himself to be a great advocate for frugal administration. Scarcely 48 hours have elapsed since he raised an objection to give a suitable salary to a most efficient clerk of this House upon the grounds of economy, and here to-day we find he is an advocate of this road. He acts on behalf of the Government to press it on this House, although he has all along professed to be solicitous to save the people's money. It is somewhat mysterious, his sustaining this Bill. Perhaps he would furnish information to the people of this country, how many of the hon. gentleman's sons and sons-in-law and his kith and kin are now employed in the public service through the influence of the hon. gentleman in this House? Is that a reason why he should so often interrupt me in debate and upon every possible point of order, because he has his kith and kin, his sons and his sons-in-law employed in the public service as a bribe to him to use his political power here to prevent all criticism? Should I not be wanting in my duty if I did not hold him up to the contempt of House and to the contempt of the country—a man advanced in years—a man of the grey hairs—a man of wealth? Why can not his sons go forth like my son into a commercial city and there earn their bread, instead of having them pensioned on the country?

HON. MR. BOTSFORD—I rise to a question of order.

HON. MR. ALEXANDER—The hon. gentlemen can sit down, I am done.

The SPEAKER—I am surprised that that some one did not call the hon. gentlemen to order long ago.

The House divided on the amendment which was lost on the following division.

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The Bill was then read the third time and passed on a division.

## CHIGNECTO MARINE TRANSPORT RAILWAY SUBSIDY.

## SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (105) "An Act to amend the Act to provide for the granting of a subsidy to the Chignecto Marine Transport Railway Company." He said: This Bill refers to the construction, under an agreement between the Company and the Government, of a Marine Transport Railway across the Isthmus which connects New Brunswick and Nova Scotia, for the purpose of transporting steamers and sealing vessels whether loaded or unloaded, across that Isthmus. Most members of this House are, no doubt, familiar with the geographical position of the line. Nova Scotia is a peninsula jutting out into the Atlantic and is only saved from being an Island by this narrow flat Isthmus of some 16 miles wide, which connects it with the Province of New Brunswick. About four years ago legislation took place by which the Government and Parliament of Canada were committed to the expenditure of \$150,000 a year, for a period of

twenty-five years, to this Company for the construction of this work, commencing at its successful completion. That has been changed in consequence of negotiations which have been going on. It was found that the subsidy was spread over too large a period of years. They were unable to make their financial arrangements, and, in consequence of that, the work has stood until this period. We find that on the 4th March last an agreement was made substituting for that subsidy another for a shorter period—for a period of twenty years only, instead of twenty-five. Under that arrangement made between the Company and the Government, which was consummated in the form of an agreement, a copy of which I have here, arrangements have been made by which the Company will receive the subsidy which I shall mention presently. In the course of those negotiations they demanded a subsidy, spread over a period of twenty years, of \$187,500 a year as the amount which would be equivalent, for that period, to a subsidy of \$150,000 per annum for 25 years. But the Government, although willing to make the change, would only do so on the principle of its being that equivalent, and having referred the matter to an actuary they found that, in order to make the two subsidies equivalent, it was only necessary that they should give the amount mentioned in this Bill, which is \$170,602 instead of \$187,500, a very large difference spread over 20 years. I may state briefly that the amount under the previous agreement to which the Government and Parliament were committed would be, spread over the whole period of 25 years, \$3,750,000, whereas the amount that is now agreed to is \$3,412,000, a difference of nearly \$340,000. I mention this in the first instance to present to the House one of the reasons why this Bill should pass. The new arrangement is important on behalf of the Company for this reason, and for other reasons which I shall mention presently. Now this project, which has been very much talked about, was entered upon as a substitute for the well-known Baie Verte Canal. That was an undertaking which was agitated in the Provinces of New Brunswick, Nova Scotia and Prince Edward Island for half a century. It received the sanction of every governor and every military commander to whom

it was referred during the whole of that period and it became one of those things that had to be done. At all events the Provinces very strongly urged it, and when the Quebec Conference took place in 1864 it was then distinctly agreed and understood that this Baie Verte Canal, across this same Isthmus dividing the two Provinces, should be constructed by the Dominion, because, as the House will readily see, these three small Provinces, in their disunited state and with their small treasuries, could not grapple with a work of that magnitude. It was distinctly understood that it should be done and, following up that understanding, the Dominion Government from time to time made efforts towards the accomplishment of that work. I need not weary the House detailing those efforts, but I may state that about 10 years ago, during the administration of the Hon. Mr. Mackenzie, an accurate and, I believe, a thorough survey of the line took place; estimates were made of the cost, and it was reported that it would amount to at least \$10,000,000. In consequence of the magnitude of the cost, the idea of constructing the work was for the moment suspended; and so it stood until the period to which I have already adverted, 1882, when the Company, which is named in this Bill, made an offer to construct the work under circumstances which I shall now detail. The proposed line begins at the same terminus on the Bay of Fundy where Mr. Keefer, the engineer who presided over the survey of the canal, starts, and the terminus is pretty nearly the same on the St. Lawrence. I may briefly state that the project has always been supported by the Maritime Provinces, especially by New Brunswick, the Northern part of Nova Scotia and Prince Edward Island, as one which would immensely benefit the trade of those Provinces and of the Dominion from the St. Lawrence down to the coast of America, and from the Northern part of New Brunswick to St. John; and it has always been regarded as a project of very great consequence. Having been suspended in the way I have already described, it was renewed by these people, and the result was the passing of the Act which this Bill now proposes to amend. This brings me to consider the agreement which was

made, a copy of which I have here. It was entered into on the 4th March last, and I will just state briefly from it what the conditions are. In the first place the Company agree to undertake the acquiring of the right of way at their own expense.

HON. MR. KAULBACH—Was there any other agreement ever entered into but that one?

HON. MR. DICKEY—Yes, there was an arrangement by correspondence based upon this \$150,000 subsidy, but it was slightly different in some respects, as I shall explain as I proceed. By this agreement of the 4th March last, the Company undertakes to acquire right of way and to faithfully construct and equip, in a sufficient and workmanlike manner, a ship railway across the Isthmus of Chignecto from Tidnish on Baie Verte on the Gulf of St. Lawrence, to a point at or near the mouth of the La Planche River, in the Bay of Fundy, capable of raising and lowering in its hydraulic lifts, and transporting over its line, steamers and other vessels of not less than one thousand tons register each, with full cargo.

HON. MR. KAULBACH—Vessels of less than one thousand tons would not be carried over it?

HON. MR. DICKEY—It should be capable of carrying vessels of not less than 1,000 tons register, or as much more as you like. Of course the greater includes the less, and it includes vessels of smaller capacity, but it should be capable of doing that at least.

HON. MR. KAULBACH—Then the word "less" has no right to be there.

HON. MR. DICKEY—If the parties agree to construct a line of canal, or railway, or anything which will carry a vessel of 5,000 tons, surely they fulfil the agreement when they carry one of 50 or 100 or 500 tons—the greater includes the less. The agreement continues: "The gradients shall be as nearly level as practicable, and the alignment one straight line." The House will see that in such an undertaking it is necessary that there should be a

straight line. The agreement continues: "The rails shall be of steel weighing not less than 110 pounds to the lineal yard." That is double the weight of the ordinary steel rails. The Company, by the Act of 1882, had until the period of 1889 to complete the work, and they ask for no change in that respect. They are still committed to build this railway by the 1st day of July, 1889, and they are committed to this, that they shall complete the same in a substantial manner and fully equipped for the services for which it is intended, and "to the entire satisfaction of the Minister of Railways." So much for the work? The Company also are required, after the completion of the work, to "truly and faithfully maintain and keep the same," so that it shall be "ready and fit at all times for the purposes for which they are intended," and they agree to work the railway efficiently, "charging such tolls on hulls and cargoes as may be approved of by the Governor in Council." So that the rates are to be fixed, as in the case of ordinary railways, by the Governor in Council. So much for what they are required to do. Now what is the Government to do? The agreement says:

"Should the said Railway and Docks, and works appurtenant to the present undertaking, be completed in every respect in accordance with this contract, and should they be accepted as such by the Governor in Council, then, and in such case only, and so long during the term of twenty years from the date of said acceptance by the Governor in Council, as the said Ship Railway is kept in thorough repair and satisfactorily performs the services aforesaid to the satisfaction of the Government, a subsidy at the rate of one hundred and seventy thousand six hundred and two dollars per annum shall be payable to the Company at the end of each half year, in instalments of (\$85,301) eighty-five thousand three hundred and one dollars; it being expressly understood and agreed, however, that such subsidy shall not be payable for any period during the said twenty years during which the conditions above mentioned have not been complied with."

I hope that is perfectly clear. The House will see by this that nothing is to be paid at all until the work has been completed satisfactorily; so that it shall meet with the acceptance of the Governor in Council. There is another clause in this agreement which I will read. The Minister of Railways appears to have taken advantage of the position to endeavor to get at all

events a small instalment of benefit from the Company. While a great many people think that this work will never be a productive line and never yield large returns—

Hon. MR. POWER—Hear hear.

HON MR. DICKEY—The hon gentleman says "hear, hear." That may be the opinion of a great many; yet, at the same time, no man can undertake to say, in the progress of events, what will be the effect of that railway on the trade of the country and what profits this Company may receive in the course of twenty years after this work is completed; and the Government have provided for that. They say

In case the earnings of the undertaking should exceed seven per cent. per annum upon the aforementioned capital, the Company agrees to pay over to Her Majesty's Government of Canada, one-half of the surplus profit beyond the said seven per cent., until the whole of the subsidy which may then have been paid to the Company shall have been repaid to the Government by the the Company.

Then there is a provision that in case of a dispute between the parties on any matters relating to this agreement, the decision is especially given to the Minister of Railways and Canals of Canada, whose determination shall be final and conclusive. My hon. friend rather laughs at this idea of 7% return. I am not undertaking to state to the House that there is a prospect of it; I am not in a position to judge, I can only say this, that if they get no return whatever for the money, the whole undertaking will be at the risk of the company. They will have to find the money. How much? The capital of this concern, including the power to borrow, is five and a half millions of dollars. The work is estimated to cost at least \$5,000,000, and that money is to be expended, to a large extent—very much more than in the case of an ordinary railway, because it is chiefly work that must be done upon the spot—in this country. We have the benefit of the expenditure of it and of all the results of that expenditure in the shape of the duties, &c. We pay nothing until after the whole of this money has been expended, and then we only pay it upon the condition that the work has been

completed to the satisfaction of the Government; and if the lifts, docks and track of this line are not sufficient to perform this work—in other words, if the work is suspended—they get no subsidy. Under these circumstances, I cannot conceive that it was possible for the Government to have made a safer bargain with the company than this. But some hon. gentlemen go further. I have heard it in former debates—and I have no doubt it will be repeated here—that this is a chimerical project—that it is absurd to think of such a thing being done, with this criticism more especially directed to the fact of the lifting of those enormous bulks upon the cradle which is to support them on this line of Railway. Let me say, in the first place, that I think the hon. gentleman had better recall a little history which is now some thirty years old in England, where the Britannia Tubular Bridge was lifted from the surface of the water of the Strait separating the Island of Anglesea, from the rest of Wales to its present exalted position, from 150 to 200 feet above the sea level, in order to allow steamers and sailing vessels to pass through; and I have to call their attention to the fact that this is no new project. It is new in this respect—the transporting vessels a distance of 16 miles over a level country—but the fact of these lifts carrying out a work such as I have described has been verified both on this continent and in Europe. It has been verified in the Weaverton Canal in Cheshire, where barges carrying thousands of tons are lifted up a distance of fifty feet, and landed into a canal from the River Mersey. It has also been tested and proved on this continent in the Canal which spans the Alleghany in the United States with reference to loaded barges carrying thousands of tons of coal, with their own weight, which are lifted up and transported over a short distance and landed in a dock on the other side. So that, in one sense, it is no new project; but if the lifting of vessels, (which can be easily done upon this cradle placed on the line of Railway,) and the transporting of them across that distance of 16 miles, be a new project, we shall have solved a problem which will be a credit to the Dominion, because it will be new to the world, and we will be solving it without a dollar of expense to ourselves.

HON. MR. MACDONALD (B.C.)—There is a ship railway of the same character being built across the Isthmus of Nicaragua.

HON. MR. HOWLAN—I think that is more than 30 miles. The distance across at Panama is only 30 miles.

HON. MR. McINNES (B.C.)—The distance is about 130 miles; Panama is 48 miles.

HON. MR. MACDONALD (B.C.)—There are some long lakes at Nicaragua.

HON. MR. DICKEY—This is not a new project, although it may be deemed by some hon. gentlemen to be chimerical. I do not hesitate to say that the leading mechanical engineer in the United States, Captain Eads, has proposed to undertake that work if the capital is found, and to carry it through to success—not merely carrying vessels of a thousand tons, but vessels of five thousand tons; he has undertaken, at Nicaragua, to carry them to the Pacific, over not an easy surface which, as my hon. friend from Sackville knows perfectly well, is in this case as level as a floor for miles, with no cutting of more than twenty feet—

HON. MR. BOTSFORD—Not over sixteen feet.

HON. MR. DICKEY—If Captain Eads' project can be carried out at Nicaragua, surely it can be carried out in this short distance at Chignecto. Captain Eads in crossing at Nicaragua had to cross mountain ranges, and had to make curves in his line. To overcome that, stationary platforms were constructed on which the train was run on the turn-table principle, and it was turned around at various points on the line so as to give it another direction, and thus avoid the curves which would be an insuperable difficulty with a long steamer or vessel on the track. All this he has undertaken to do, and I may say, with regard to the Chignecto Transport Railway project, it has been submitted to Capt. Eads, and he laughs at the idea of there being any difficulty. He has given it his sanction and approval. But it does not rest upon that alone; this

project has received the sanction of the most eminent engineers in London, amongst them Fowler, Brunlees, Edwin Clark, and one of the ablest engineers in this country, Mr. T. C. Keefer, and in the face of such opinion hon. gentlemen should not sneer at the project, especially when it costs us nothing to see whether it can be carried out or not. Therefore I think the Government have done nothing more than their duty in making this agreement, guarded as it is by the stringent conditions that are imposed upon it, and I trust the House will give the Bill a second reading.

HON. MR. POWER—I am not one of those scoffers who think this project an impracticable one. With unlimited money it is possible to do almost anything, and the difficulties in the way of this work are not insuperable. They do not at all compare with the difficulties in the way of the proposed ship canal at Nicaragua. While we may all admit that this a feasible and practicable project, we may hesitate to say that it is a desirable under the circumstances in which it presents itself to us. The hon. gentleman from Amherst has told us that it will not cost anything to see whether it can be done or not; but we find that if the thing is done—and it is not denied that it can be—this country is to pay a sum amounting to nearly three and a half millions of dollars for the job. I think the question that naturally suggests itself is whether it will be worth that to the country or not. I venture, with all deference to the better judgment of my hon. friend, to think it is not. In the first place it is a remark which I think would suggest itself in connection with a measure of this sort, that there does not seem to be any general demand for this measure from any large portion of the country. I have never heard any demand coming from any extensive portion of the Maritime Provinces for the construction of this work. An hon. gentleman opposite spoke to-day of the probability of an election next year. I am disposed to think from the appearance of this measure, and from the measure which we read the third time just now, that the general elections are coming off during the present year. The appearance of these measures is almost as certain an indication for the

immediate coming of the elections as the appearance of swallows is of the coming of summer.

HON. MR. PLUMB—We do not swallow that.

HON. MR. POWER—My hon. friend's capacity to swallow is very considerable; it just depends on whom the dose is coming from. If it comes from the proper quarter, he is able to swallow almost anything. I do not attribute any motives; I simply propose to state a few facts. In 1882 we passed a measure giving a subsidy for the construction of the Short Line Railway through Cumberland, Colchester and Pictou Counties. Something was done with it, and it was dropped. To-day we finally passed a measure providing for a very considerable expenditure of money for the construction of a railway in the county of Pictou. In 1882, before the elections, we passed a measure granting a subsidy to this Chignecto Marine Transport Railway Company. There were two counties largely interested in it. It was a measure which would involve, as my hon. friend has said, a large expenditure of money in those counties. We did not hear anything about this railway from 1882 until 1886; and I presume that the same result that followed the measure in 1882 will follow it in 1886; and I hope our friends in that portion of the country will get ready to meet this as they met the previous measure in 1882. The point that my hon. friend did not deal with was the value of this measure. He did not point out the commercial value of it. The commercial value of the Baie Verte Canal was a matter that was considered some years ago, and was reported unfavorably on; and I think that my hon. friend will find it very hard to show that the Chignecto Marine Transport Railway will have any appreciable commercial value. What does it do? It proposes to take a vessel from the Baie Verte, a place where navigation is anything but favorable, and deposit that vessel at the head of Chignecto basin, where navigation is still more unfavorable. The truth is that the only vessels that we could imagine as using this ship railway would be vessels coming from the Gulf of St. Lawrence to some point on the Bay of

Fundy. Any ordinary captain who is in the Gulf of St. Lawrence with a staunch vessel, and is going to any point on the Atlantic coast of Nova Scotia, or to any United States port south of Boston, will take his vessel by the open sea rather than over this ocean ship railway, paying a considerable sum for the privilege of going over the road, and then having his vessel put down at the head of an exceedingly difficult and dangerous navigation in the Bay of Fundy.

HON. MR. CARVELL—It is not so as to the navigation of that Bay, and I know whereof I speak.

HON. MR. POWER—I think in the judgment of those who know about the navigation of the Bay of Fundy, it is difficult water to navigate in.

HON. MR. DEVER—The navigation of the Bay of Fundy is not difficult.

HON. MR. POWER—I am not reflecting on the harbor of St. John. The amount of traffic that now exists, in British bottoms, between the Gulf of St. Lawrence and the Bay of Fundy, is very small indeed; and as far as I can see the vessels that would be most likely to use this railway would be American fishing vessels. They might possibly be able by using this ship railway to make an additional fishing trip in the year—vessels from the State of Maine for instance. I do not think they would; but it is barely possible that they might. I cannot myself see that the construction of this Marine railway would be of any appreciable benefit to the mercantile marine of Canada.

HON. MR. KAULBACH—And it is a question whether we would allow the Americans to use it for fishing purposes.

HON. MR. POWER—The hon. gentleman referred to the feeling which formerly existed in favor of the construction of the Baie Verte canal, and he told us that at the conference in Quebec, the Maritime members were in favor of the construction of that work. He must remember however that things have changed considerably since then. Since that time, numerous railways have been constructed which

render this ship canal of much less value now than it would have been at that time. It is only a little while ago that we voted a respectable subsidy for a railway which would lead down to Cape Tormentine, and which would run to a certain extent parallel with this ship railway; and I understand that another railway company has been chartered in the hon. gentleman's own county from Amherst, running in the same direction.

HON. MR. DICKEY—No.

HON. MR. POWER—I was under the impression that a company had been chartered to build a railway from Amherst to Cape Tormentine.

HON. MR. DICKEY—No.

HON. MR. POWER—The truth is we have subsidized railways to carry on business in this neighborhood, and we are now proposing to subsidize a ship railway which will to a certain extent compete with them. If private enterprise will build it, let it be built; but I do not think we ought to spend so very large a sum of money for the construction of a work of doubtful utility. The hon. gentleman said that these people were going to spend a large sum of money. I take it that if there were wealthy capitalists anxious to invest money in this work they would have done so before now. The energetic gentleman who promoted this enterprise, Mr. Ketchum, has been endeavoring to interest the capitalists of England in this work for years.

HON. MR. MACDONALD (Victoria)—And did not catch them.

HON. MR. POWER—And did not catch them, as my hon. friend suggests. It is thought by making the annual payments larger, and limiting it to twenty years instead of twenty-five, that he may catch them this time. I do not think there is the slightest probability of it; and I think that after the next election we are not likely to hear anything more of the Chignecto Transport Railway Company for a long time to come. If the Government are in a position to give \$170,000 a year for twenty years to an undertaking



which is of comparatively questionable value, and whose benefits would be confined to a very limited area, surely they could do something towards extending the railway into the Island of Cape Breton. If that sum of money were devoted to that purpose, it would be much better expended. There is the Nictaux & Atlantic Railway, in which my hon. friend on my left is naturally interested, which is much more deserving of public aid than this Chignecto project. There are a great many other works of the same character, and my hon. friend from Amherst will not think I am reflecting on his scheme when I say that the scheme of the hon. gentleman from Alberton is one that promises more benefit to the country than this. If the Government have so much money to spend they had better devote it to some of those objects, than to the one now under consideration. I do not suppose there is any use in moving an amendment to this measure. It is a Government measure, and notwithstanding the declarations of independence which we sometimes hear, we have never seen a Government bill defeated in this House. I shall content myself with voting against the Bill.

HON. MR. VIDAL—If this were the introduction of this project to the House, and the first proposition being made to spend money for this object, I could understand the speeches which have just been delivered. When we remember that this is not the case, that the statute now on our books has made this grant, and that we are not asked to interfere with it in the slightest degree as to its amount, as we are really not called upon to incur any additional expense, the remarks of the hon. gentleman are beside the question. This is a thing which Parliament in its wisdom, at a former period thought fit to adopt, and the sum specified in this Bill is precisely the equivalent of the amount in the original Act, as calculated by an actuary; consequently the whole argument drops to the ground. If we refuse to pass this Bill, we do not free the country from the obligation which it has incurred. It is there still on our statute books. We are not putting it there for the first time. I could understand if the hon. gentleman from Halifax brought in a bill to repeal that Act.

HON. MR. POWER—The gentlemen proposing the measure find that they cannot float the scheme on the present legislation.

HON. MR. VIDAL—The hon. gentleman has told us that the opinion is that even with this concession nothing will be done. He does not himself believe that any evil is to come of this; he thinks that no money is to be spent, and notwithstanding that is his conviction, clearly stated, he thinks it necessary to oppose this Bill. I cannot conceive upon what ground he can stand in doing so. The obligation is not increased in any way except in a slight variation in the time of making the payments, which are clearly shown to us to be the equivalent in value of a sum extending over the larger period of years. As to the reasons why this railway should be constructed, or as to the beneficial results which would follow its construction in connection with our trade and commerce, I do not think we need enter upon that now, because we are not inaugurating the scheme. The only new feature in this Bill is a provision which I think is a very wise one although, as the hon. gentleman from Amherst has said, it is sneered at by some hon. gentlemen. I think there is no harm in having a provision that there shall be a repayment of the subsidy to the Government out of any surplus profit which the Company may have beyond 7%, in the event of its turning out to be a complete success, and who can say to the contrary. Most extraordinary changes take place. When the Suez Canal was projected no one ventured to predict that there would be one-tenth of the traffic coming to it that there has been since it was opened. I consider it my duty to support the Bill.

HON. MR. ALMON—I am sorry that my colleague has given this matter a political complexion. However, that shall not prevent me from doing a thing I very seldom do, adopting his views on this question, and voting against this measure. I am not altogether adopting his views, because it will be in the memory of some hon. gentlemen that three years ago, when the original measure was brought before this House, I opposed and spoke against

it. The money that we talk about as being a bagatelle is really an immense sum—\$150,000 a year for twenty-five years. It is now increased to \$170,000 a year and the time is limited to twenty years, and for what? For building a road which, if built, will not be of the slightest benefit. Only vessels passing down the Gulf of St. Lawrence to St. John may utilize it. They are small vessels, and it may be of advantage to them, so far as time is concerned; but when it is remembered that sailing vessels are run as cheaply as possible, and when we are told that the fact of having a harbor master at Halifax, to whom a small sum is payable by vessel owners, might prevent sailing vessels from coming there, I doubt whether the masters of sailing vessels will use this railway for the sake of the difference it will make in the length of their voyage. The hon. gentleman from Amherst has put this matter in a very favorable light. I should like to know how many capitalists in Cumberland County have taken stock in his project?

HON. MR. DICKEY—I have explained that this is an English undertaking.

HON. MR. ALMON—It is an English undertaking, and this sum is granted in order to catch English capital.

HON. MR. DICKEY—There is not actually enough money in the whole county of Cumberland to construct this work.

HON. MR. ALMON—Has any stock been taken in Cumberland County?

HON. MR. DICKEY—I do not think there is any.

HON. MR. HOWLAN—I am in a position to state that I saw the contract signed for the construction of this work.

HON. MR. ALMON—While we should be grateful for this clause providing for a repayment of the subsidy of the Government out of any surplus profits there may be over seven per cent., I do not suppose any person imagines there is the slightest expectation of the enterprise being a paying one. I do not think there is a man in the county of Cumberland,

unless he has land to sell to the company, who has taken one share of stock in this project. In the present state of the finances of Canada, which I am sorry to say are not as flourishing as they should be, our object ought to be to economize money and not to vote, as in this case, funds for a scheme that cannot be carried out except at an enormous expense, and if carried out will be of little or no use. Look at the amount of money that has already been spent at Panama for a ship canal, which is only a little over twice the length of this. If this scheme were practicable, would not a Marine Railway have been built at Panama instead of undertaking the construction of a canal at such an enormous expense?

The hon. member from Amherst says it would be a great credit to this country to make this experiment a success. Perhaps it would, but I should like the experiment to be tried in some other country. If the senior member from Halifax will move the three month's hoist I shall be very happy to second it; or if he does not care to do so I will move it myself if he will second it.

HON. MR. POWER—I think the hon. gentleman had better move the amendment himself.

HON. MR. ALMON moved that the Bill be not now read the third time, but that it be read the third time this day three months.

HON. MR. KAULBACH—I am placed in a difficult position with regard to this Bill. I remember long before Confederation this matter was talked of in Nova Scotia.

HON. MR. POWER—The Baie Verte canal.

HON. MR. KAULBACH—Yes, the Baie Verte Canal. Sir Charles Tupper, who then led the country, spoke in favour of it. Considering the position of the country at that time, and not having such railway facilities as we now possess, it was thought that the canal would be beneficial to Nova Scotia. But since then matters have changed and we have railway facilities in every direction. To a large extent they have done away with shipping. I was in

favour of this railway. A Committee of this House was appointed in 1870 or 1871 to report on the cost of Baie Verte canal in connection with the other canals of Canada: and their report, I think, was favourable to the construction of it, the amount being stated at \$6,000,000 or \$8,000,000. It seemed to me, when this scheme was proposed, that it was going to cost less: and the money we were to give was contingent upon its being built. Instead of giving a subsidy and probably losing it, we were put in that position, of only aiding the work in case it should be successful. I, at the time, as a Nova Scotian, having endorsed the views of our leader in Nova Scotia, was favorably inclined to the project, or at least gave it my support. Since then I have not looked upon it so favorably, and if I had to give that vote again I do not think it would be obtained from me. I feel embarrassed, however, by what has occurred in the past. We who voted for it authorized the Government to enter into an agreement with this Company, and I cannot place myself in the position of going back upon that, and now condemning the Government for doing that which we gave them power to do. Therefore I am obliged, contrary to my convictions, to vote for this Bill. I am also opposed to this measure, because I believe that any alteration we may make in it will be an inducement to capitalists to invest in this enterprise. I do not wish to say anything to prevent capitalists from investing money in this country: but when it is proposed to expend it in an enterprise which I think will be futile, I believe it is contrary to the interests of the country that it should be done. I remember the experience of the Shubenacadie Canal on which so much money was thrown away, and the effect of it on capitalists in England. For a long time they were very cautious about investing in our province: and they were suspicious of persons going over to ask for investments in any enterprise in Nova Scotia. I believe that this project will have that effect again. It seems to me we are, by this Bill, holding out inducements to capitalists to invest in this work as though we believe it would prove a success—because we are by this Bill, to some extent, entering into a partnership with the Company. I

do not like to see the Government a party to anything of the kind. We state in this Bill that we want to participate with the Company in their enterprise. We hold out the idea that there will be profits above 7%, and if there should not be any profits we agree to pay a subsidy of over \$170,000 a year. I understand that if earnings do not yield a profit of seven per cent. on the investment, that we only pay the deficiency.

HON. MR. DICKEY—Yes.

HON. MR. KAULBACH—Then we are partners in something which may be a bankrupt concern. When we participate in its profits we are partners in it, and to a large extent we are holding out inducements to capitalists abroad to embark in that enterprise. We put a certain amount of capital into it and participate in the profits, if any are realized. It looks very like a partnership which I, for one, would not care to be led into,—one that I cannot approve of. So far as the construction of the Railway is concerned, I believe that capital, with engineering skill and science, will accomplish almost anything—will accomplish very much more than perhaps any of us here imagine—but, after all, while I believe that this enterprise will be to a large extent a failure, I cannot oppose the Bill. No vessel will go that way from Halifax, and I cannot see in the future what will be done by it. I hope that no capital will be invested in it. I cannot encourage such enterprises, and yet at the same time, as I have already explained, I am in this position: having committed myself to it, having voted to give authority to the Government to enter into an agreement of this character, and seeing no material alteration in that agreement, I cannot oppose the Bill.

HON. MR. ALEXANDER—The projector of this work Mr. Ketchum is a gentleman who stands very high not only in his province but wherever he is known, and I believe his attainments as an engineer to a large extent inspired the parliament of the country to pass the first money vote; but I do not believe with all his skill that that first measure would ever have passed or that money would have been granted in aid of his enterprise

if there had not been other influence— But the chief object was to strengthen Sir Charles Tupper in the surrounding constituencies. With regard to the work itself, we find very few who have any real faith in its practicability. I have asked a great many merchants in Montreal and Toronto what their views are with regard to it, and I find scarcely one who has thorough faith in the enterprise; and when we couple that opinion with the fact mentioned by the senior member from Halifax, that the trade of the Bay of Fundy is not sufficient to sustain such a public work if it were practicable, we can scarcely vote for this Bill. Now the first bill was passed and a subsidy of \$150,000 a year was voted when we had a full treasury. In giving that subsidy we voted the interest on very nearly \$3,000,000. It is really absurd to listen to the objections of the hon. member from Sarnia that there is no alteration in that agreement—that it is exactly the same thing. If there is no change in it why do they come to parliament? How can he adopt such arguments to this House? They are asking now that we should increase the amount to \$175,000 annual subsidy. The question with the House and parliament is this—with a deficit of upwards of \$3,000,000 at the present moment, with a depleted treasury and with the prospect of having enormous claims on the Government—are we justified in altering the first arrangements made? That arrangement we are bound in honor to carry out. We are desirous of doing what we can for the provinces of Nova Scotia and New Brunswick and Prince Edward Island. I feel, myself, that justice has not been rendered to Nova Scotia and New Brunswick in the past. I cannot help feeling, as a western man that in voting moneys we have not done justice with regard to Cape Breton and other parts of Nova Scotia, which require railways, and where there is legitimate work for them. But that is no reason why we should alter the arrangement to make the subsidy equal to the interest on \$3,000,000. The hon. member from Alberton calls upon this Parliament to carry out, in good faith, the terms which Sir John Macdonald made with Prince Edward Island. We cannot deny that that promise was made in unmistakable language to the

effect that they should be secured a winter passage between that beautiful and fertile island and the mainland. Having made the pledge the Government are bound to try and carry it out. Certainly we should not waste money, while we are unable to carry out our obligations of honor. Let us stand by the first agreement. Let us try to carry out in good faith what we have already promised. If there is any money to be granted certainly the enterprise of the hon. member from Alberton, which will secure what the First Minister promised to Prince Edward Island, has a prior claim.

HON. MR. CARVELL—The remarks which have been made by several gentleman with reference to the utility of the proposed railway and the probabilities that it will pay, do not call for any serious reply from me because—and I hope hon. gentleman will not misunderstand me as speaking unkindly—I think they, and especially my hon. friends from Halifax, are not in a position to judge much of the trade and navigation of the Bay of Fundy and the Gulf of St. Lawrence.

HON. MR. KAULBACH—The insurance rates are higher there than elsewhere.

HON. MR. CARVELL—The junior member for Halifax said that only a few vessels from Prince Edward Island—small vessels—would use this railway. They are not all small.

HON. MR. ALMON—The vessels that would trade between New Brunswick and Prince Edward Island would necessarily be small.

HON. MR. DICKEY—There are vessels trading with the United States.

HON. MR. CARVELL—There are other points besides those in New Brunswick and Prince Edward Island, and there are vessels trading that weigh up to 2,000 tons, and some of these are at this moment, or were a few days ago, and had been for many days previously, prevented from getting through the straits of Canso by the ice. Sometimes vessels are obliged to lie there for weeks—vessels of 3,000 tons—

waiting for a chance to get through. With this avenue open between the Gulf of St. Lawrence and the Bay of Fundy they would not be blocked in that way. The Straits of Northumberland are sometimes blocked with ice when Charlottetown and other ports are free from it, and communication is practicable between them and ports in Nova Scotia and New Brunswick. There is just one point to be considered here fairly: the senior member for Halifax was pleased to say that this work was an impossibility—something that never was intended to be built—that it was an electioneering dodge emanating from the Government, and that after the election we would hear nothing more of it. Perhaps it would be just as well to give the hon. gentleman the benefit of his own concealed weapon. He tries to make a party vote of it, as his colleague has already said. The facts in reference to this bill are these; the original Act was passed four or five years ago.

HON. MR. POWER—In 1882, just before the election.

HON. MR. CARVELL—On the strength of that the Government entered into an arrangement with certain capitalists in England to pay them a certain sum to accomplish this work, and, notwithstanding the contradiction of the hon. gentleman from Woodstock, it was exactly the same sum, but made in different payments. Instead of paying \$150,000 a year for twenty-five years, the Government agreed to pay \$170,602 for twenty years, making by actuarial calculation a sum precisely the same as that mentioned in the original Act. The Government had entered into an arrangement; they consented to the proposition when it came from the capitalists in England. Orders in Council were passed; cable communication was had between Mr. Ketchum on the one part and his moneyed friends on the other, and the thing was settled definitely and completed, and now the company come here for a ratification of that, not for any increased payment, but to have their agreement ratified. That is all, and I do not think any objection should be raised to it.

HON. MR. CARVELL.

HON. MR. BOTSFORD—I can hardly allow this measure to pass without saying something as regards this project. I have been deeply interested in it since I was twenty years of age. I accompanied the engineer who made the first survey of the isthmus by an appointment from Sir Howard Douglas, who was an engineer himself. I accompanied him throughout and Sir Howard Douglas came up and examined the route himself and approved of it in the highest terms. Therefore I began a long time ago to take a deep interest in this work, and from that time until the late government appointed a commission expressly for the purpose of preventing the canal being constructed, the government and the people of New Brunswick have recognized the importance of this matter, and had it not been for that commission I have no manner of doubt that the canal would have been constructed; but I am not sure that it would have been so advantageous as the scheme now before us. It is all very well for members to prognosticate that this could be of no service—that it must be a failure. What were the prognostications of a great many people when the Canadian Pacific Railway contract was made? I can recollect statesmen in the other house of parliament saying that the whole resources of the British Empire could not construct that road in the time that was mentioned, and I have heard not only in this House but in the House of Commons members state that if it were constructed it would entail a charge of some \$8,000,000 per annum for working expenses over and above its earnings. When we take into consideration how completely those prognostications of evil and failure have been falsified, we may apply, perhaps, the same principle to this undertaking. I was not surprised at all to find opposition coming from the members who represent Halifax in this House. From the first inception of the project of a canal through the Isthmus we met with the opposition of the merchants of Halifax, and it was obvious why that opposition came from them. They were well aware that the large commerce of the Gulf of St. Lawrence would pass down the Bay of Fundy and go to

United States ports instead of going by way of Halifax; and they knew that it would not be an advantage to their city. But Halifax is not all the Maritime Provinces; nor should the pecuniary interests of the merchants of Halifax prevent the construction of a work which will be of great advantage to all the rest of the Dominion. It is impossible to say what the traffic may be, provided that work is a success. It is admitted, and all the ablest engineers that have been consulted state decidedly, that there is no difficulty in constructing this marine railway. The capitalists in England have taken all these circumstances into consideration. They have had details with respect to the existing commerce, the population of New Brunswick and Prince Edward Island and the trade which now exists between the river and Gulf of St. Lawrence, and the United States and the Port of St. John. They have taken all these circumstances into consideration; and if they see fit to advance their money to construct this work, which may be one of vast importance, surely we ought not to throw any objection in the way of their doing so. We did not entice them to come.

HON. MR. ALMON—You gave them over \$170,000 a year.

HON. MR. BOTSFORD—It is a voluntary act on their part, and I was somewhat surprised at my hon. friend, the junior member from Halifax, ridiculing the idea of getting English capital to construct our public works. Because the County of Cumberland did not advance capital he seemed to think it was a matter of merit. I consider if we can, by proper inducements, get the capitalists of England to come to this country and build these works, we should not throw any difficulties in the way of their doing it. The project of constructing the Baie Verte Canal has been under consideration for years: it has been the dream of the people of New Brunswick for sixty years to have some communication across the Isthmus in order to facilitate the trade of their province, and at that time I was acquainted with some merchants in Boston, men of prominence who were doing a large business in connection with the province, and their statement was that the construction of a

canal at that time would be of vast benefit to commerce and to the fisheries. Now, under these circumstances, I may say we are bound in fact to carry out this undertaking. We entered into this contract, the appropriations were made by the House of Commons, and the change is made for two reasons. I believe the company were sincere when they first undertook this work, having examined it in all its features, and they would have gone on with it, but the Dominion Government inserted in the original contract conditions which were considered unnecessarily expensive to the company. I have been so informed. After the first contract was entered into, it was discovered that there was a portion of the line where there was rock which was not supposed to exist at the time the first contract was made. The reason of the second contract and the shortening of the time has been that certain conditions and expenditures with respect to the basin and the extent of it have been so modified that parties in England are now prepared to go on with the work. It is impossible for any person to say when we look to the great works which have been accomplished and the advance in science, what the result of this railway may be when it is completed. I think this House would be doing that which would not be consistent with the advancement of the interests of the country if they should oppose this Bill.

HON. MR. DICKEY—The hon. gentleman from Halifax asked me a question with reference to a point which I was not able to answer at the time. In fact, I knew nothing about it until I looked at the Act of incorporation. I will now read the names of some of the corporators who belong to Nova Scotia and New Brunswick. In addition to Mr T. C. Keefer, who lives in Ottawa, I find the following: Charles R. Coker, R. C. Hunt, Willam Elder M. P. P., Charles C. Gregort J. Stewart Christopher Milner, Hon. P. A. Landry, Hon. J. C. Townshend, James S. Hichman, W. D. Douglas, W. D. Main, J. C. Brundage, John H. Parks, A. E. Killam, M. P. P. These gentlemen are corporators, and all belong to Nova Scotia and New Brunswick.

HON. MR. KAULBACH—They never invested any money in it.

HON. MR. ALMON—How many shares did they take in it.

HON MR. DICKEY—My hon. friend will get that information at the head office in London. I am surprised that such an objection should be made to this Bill. I must say one word about the navigation of the Bay of Fundy, concerning which the senior member from Halifax has made some sweeping statements. It is not the first time that he has done so with regard to the Bay of Fundy; and I, as a resident at its head feel just as susceptible on that point as the hon. member from Sackville who lives on the other side of the head of the Bay. My hon. friend from Halifax has thought proper to speak of the navigation of the Bay of Fundy as being difficult and dangerous; if his statement were true no body of capitalists would ever think of constructing this work. I tell him that he is mistaken—that he knows nothing about the navigation of the Bay of Fundy. I doubt if he ever sailed on it except to cross it. The Bay of Fundy is one of the safest in the world for its area, and there are less disasters there than in most navigable waters, for this obvious reason, that it is a tidal bay, and the ebb and flow of the tides is of great assistance to vessels, even sailing vessels passing up and down, because they have the eddy as well as the flood, and it is a protection against vessels running against reefs and rocks in time of flood. I point to the fact that it has not been of the dangerous character that the hon. gentleman describes. For one disaster in the Bay of Fundy, I can point him to half a dozen on the south coast of Nova Scotia. I do not wish to detract from any portion of my province, but it is one of those things that this very project was to avoid—the dangers of the navigation down on the south coast of Nova Scotia between Sable Island and the iron bound coast of the province, and therefore I could not sit still and hear that noble bay maligned, lighted as it is from top to bottom by one of the best systems of light in the Dominion, and also down the American coast, which is a better lighted coast than perhaps that of England—lighted from Maine to Florida—and that is one of the advantages which will be held out to shipowners and others

who desire to carry trade over this railway and down this bay to the United States and even to the West Indies. But I did not go into the commercial argument, for the obvious reason that it is a matter for the company to enquire into. They know what they are about and if they are satisfied I am. I could talk for half an hour on that subject: but I do not wish to waste the time of the House. The Government and the country are committed to it. The contract has been signed by the Minister of Railways, and yet hon. members ask that we should vote to repudiate that and to throw out this Bill.

HON. MR. TURNER—I confess that I am more bewildered with regard to this than any other measure which has come before the House. I think it is better that I should get further information, and I am therefore prepared to vote for the second reading of the Bill.

HON. MR. WARK—My hon. friend from Westmoreland has saved me the trouble of referring to the jealousies which have always cropped out at Halifax when this project is mentioned. Every time this question is before the country whether as a canal or as a railway that disposition has been shown. It is only the other day that we received a round robin on the subject of union between Prince Edward Island, Nova Scotia, and New Brunswick. This is a poor way to forward such an undertaking. We want direct communication with Prince Edward Island, and I think Prince Edward Island wants it with us. Is it reasonable that Halifax should stand in the way of the produce of Prince Edward Island coming round to St. John if a better price is offered there for it? I think it is only reasonable that we who wish to have a short route to St. John should get it and have the advantage of competition. It is no argument that there is now no traffic between the Bay of Fundy and the Gulf of St. Lawrence. Open the way for that traffic and we do not know to what extent it will develop. We have to look merely at the trade of the Bay of Fundy; but if the whole of Western Canada find that trade with the West Indies can be carried on safer and better terms by this route than by sailing round the dangerous coast of Nova Scotia, it is im-

possible to say to what extent that trade will develop in consequence of the construction of this road. The promoter of this undertaking is my next neighbor. I know he has been engaged in engineering for 20 years at least. He is not an old man, but he is very energetic. He has been an engineer in South America, and in different parts of the world, and he has carefully investigated this subject and deserves great credit for the pains and energy he has bestowed upon it. Therefore he is not promoting it for his own interest, but it is a public work in which he has taken a deep interest, and I think no obstacles ought to be thrown in his way.

The Senate divided on the amendment which was rejected on the following division :

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THE SPEAKER—The question is now on the third reading of the Bill.

HON. MR. BELLEROSE—My reason for voting for the Bill is that it seemed to be a part of the arrangement entered into by the Conference of 1867; consequently, having voted for Confederation at the time, it is my duty to carry out this part of the agreement. But I wish it to be an example to our colleagues in this House, that if we stick to our agreement made verbally, we will also expect them to stick by our agreement made constitutionally.

HON. MR. POIRIER—My reason for voting for the amendment is this: I favor

personally the building of the Marine Transport Railway, but I would prefer the building of a canal, as being more permanent; and I believe sufficient attention has not been given to the feasibility of the canal between Shediac and Moncton, which would favor the interest of vessel owners much better than this marine railway. That is the reason why I voted for the three months' hoist.

HON. MR. WARK—Ought not the agreement between the Company and the Government form part of the Bill, or a schedule of the Bill? In the Pacific Railway Act the agreement forms part of the measure.

HON. MR. DICKEY—I would say to my hon. friend that the Act, which is on the Statute book, authorizes the Government to enter into the agreement. If there is any information desired upon that point I will lay a copy of the agreement on the Table. The agreement has been entered into, and has been signed and sealed by both parties.

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

## BILLS INTRODUCED.

Bill (114) "An Act to amend the Acts respecting the British Canadian Bank." (Mr. Turner)

Bill (69) "An Act respecting the Bank of Yarmouth." (Mr. Power.)

Bill (91), "An Act to incorporate the Yarmouth Steamship Company, (Limited)." (Mr. Plumb.)

Bill (90), "An Act respecting the Montreal Board of Trade." (Mr. Plumb.)

Bill (75), "An Act to incorporate the School Savings Bank." (Mr. Girard.)

## HALIFAX REFORMATORY BILL.

## SECOND READING.

HON. MR. POWER moved the second reading of Bill (O), "An Act to amend an Act respecting a reformatory for certain juvenile offenders in the County of Halifax, in the Province of Nova Scotia." He said: This parliament passed an



Act in 1884 providing that juvenile criminals in Halifax City might be sentenced to a certain reformatory which was then expected to be established. Since that time the reformatory in question has been established, and it has been found desirable to give to the reformatory, with the concurrence of the magistrate who sentenced the boy to the institution, and with the leave of the Minister of Justice, the power of granting tickets of leave to boys after a certain period for good behavior. This is the substance of the Bill. It was felt that to keep every boy who was sentenced there for some trifling offence, for a period of three or five years would involve a large expenditure, and would render the benefits of the institution smaller than they ought to be; consequently this amendment has been asked for.

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

#### ANIMALS CONTAGIOUS DISEASES BILL.

##### THIRD READING.

The House resolved into a Committee of the Whole on Bill (19) "An Act to amend the Animal Contagious Diseases Act."

In the Committee,

HON. MR. DICKEY said: I was asked in what respect this Bill differed from the Act which it proposes to amend. The first clause in the Bill repeals section 13 of the Act and a clause is substituted therefor which relates to compensation. There is no difference as to that clause in the former Act except in the case of grade cattle. By the former Act the amount of compensation could not exceed \$40. By this Bill it is raised to \$50. In the proviso that follows, it is provided that such compensation may be withheld in whole or in part where the owner of the animal has been guilty, in relation to the animal, of an offence against this Act. In the Act itself there was no modification of it at all. The remaining part of this section was not in the Act at all, that that where the animal being a foreign

one was, in the judgment of Minister, diseased at the time of entering Canada, compensation may be withheld. Strange to say under the Act a foreign animal could be brought in, and compensation had to be given if the animal was found to be diseased and had to be killed.

HON. MR. NELSON, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

#### ADULTERATION ACT AMENDMENT BILL.

##### SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (108), "An Act to amend the Adulteration Act." He said: The object of this Bill is to provide that any analyst who undertakes the responsible duties appertaining to this Act, shall have been previously examined, to see whether he is qualified or not to perform the duties of the office.

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

#### WEIGHTS AND MEASURES ACT AMENDMENT BILL.

##### SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (109) "An Act in further amendment of the Weights and Measures Act of 1879." He said: The object of this Bill is explained in the first section, and the sub-section, that defining and specifying what weights, measures, weighing machines, and balances shall or shall not be admitted to verification. In point of fact I suppose it has been an omission, and there can be no objection to the Bill.

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

#### COMMISSIONS TO PUBLIC OFFICERS BILL.

##### SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (110), "An Act respecting

commissions to public officers of Canada." He said: The object of this Bill is to enable the Government to grant commissions to certain of the civil service employes, some of whom have commissions, and some have not. The object, I suppose, is to make it uniform that the civil service employes generally shall be entitled to have commissions and to be paid for them.

HON. MR. KAULBACH—Does it apply to those who had commissions before this Bill was introduced?

HON. MR. DICKEY—No, it provides that nothing done under this Act shall affect any commission now in force.

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

The Senate adjourned at 6 p. m.

### THE SENATE.

Ottawa, Monday, May 10th, 1886.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

### LANDS IN PARISH OF STE. AGATHE, MANITOBA.

#### MOTION.

HON. MR. GUÉVREMONT 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 copy of the Order in Council authorizing the issue of Letters Patent in favor of Mr. Longsdale for Lot No. 133, in the Parish of Ste. Agathe, Manitoba.

HON. MR. DICKEY—I am requested to state that there will be no objection to this address.

The motion was agreed to.

### ST. VINCENT DE PAUL PENITENTIARY.

#### MOTION.

HON. MR. BELLEROSE moved—

That an humble address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, a copy of the plea or defence in writing of Warden Laviolette, filed at the end of the inquiry made in 1884 into the administration of the Penitentiary of St. Vincent de Paul by Messieurs Moylan and Baillargé.

HON. MR. DICKEY—This motion will not be opposed as there is no objection to the address.

### QUESTIONS OF PRIVILEGE.

HON. MR. ALEXANDER—Before the orders of the day are called I rise to a question of privilege. I desire to call attention to an erroneous report which appeared in the Ottawa *Citizen* of the debate upon the Pictou Branch Railway Bill which made me use those words—  
“*That I believe that the road was to be built simply because Sir Charles Tupper owned land in that locality.*” Those are the words attributed to me. The gentleman who reports this Chamber probably misapprehended the meaning of my words, and I would not for a moment infer that that was done intentionally, because the gentleman who reports this Chamber does so with very great fairness and a desire to do justice. As regards the statement that Sir Charles Tupper owned land in that constituency, no member of this House would ever make such a charge against a Minister of the Crown or against any member of Parliament on such ground. It would be unworthy of any member of this House to make such a charge, and no one would suppose that a Minister of the Crown or a member of Parliament would advocate a railway branch simply upon the ground that he owned land in the district through which it runs. What I did say is, that that Bill was brought in to vote \$250,000 in a district which was in the constituency or near the constituency which the Hon. Sir Charles Tupper represented, and I was corrected by the hon. gentleman on my left (Mr. Howlan) upon that point; but I was afterwards in-

formed by another hon. gentleman (Mr. McInnes,) that his son represented that district ; I again repeat what I did say, was, that the money was lavished and entirely thrown away simply with the view to the general election about to take place at an early day.

HON. MR. POWER—Before the orders of the day are called, I should like to ask the hon. gentleman who represents the Government in this Chamber, if he has yet ascertained when papers, asked for a month ago—copies of the commissions and instructions to commissioners to inquire into the rebellion losses in the North-West—will be laid on the table.

HON. MR. SMITH—I will have the information very likely to-morrow.

HON. MR. PLUMB—I rise with great reluctance to a question of privilege. A few days ago the hon. gentleman from Woodstock, who has quoted from the *Ottawa Citizen*, read an extract from that paper and animadverted upon it in very touching terms, and I have ascertained since that the hon. gentleman had altered the official report, which contained the specific language that he complained of, and brought this matter up before the House as a question of privilege upon his alteration of the notes in the hands of the reporters. Of course, it is understood perfectly well that any hon. gentleman has access to the reporter's notes, and if he finds that on the impulse of the moment he has not expressed himself as clearly as he intended, very large latitude has been heretofore allowed him ; but I have yet to learn that the privilege extends so far that any hon. gentleman is permitted to bring up as a charge against the reporters of a newspaper the use of the very language which corresponds to the language taken down by the official reporters in this House, and that has been the case with the hon. gentleman from Woodstock. I can substantiate that fact, having ascertained it. That came to my knowledge because I remembered the language perfectly well that the hon. gentleman used, and I therefore do not put much reliance on the corrections which he has made in the report for the purpose of bringing it into harmony with what he says is his own

recollection, because I have enquired of the reporters, and learned from them that he has altered the very speech which he now complains of being misrepresented.

HON. MR. ALEXANDER—How does the hon. gentleman come to know what was reported?

HON. MR. PLUMB—I will answer the hon. gentleman. I saw that the language in the report that he used was not the language that I heard him use, and I inquired of the reporters who had the original notes to substantiate it.

HON. MR. ALEXANDER—I venture to express to-day what I have not done before, that I really believe that the hon. gentleman from Niagara is guilty of a great many of the perversions of my statements in this House by his going to reporters and getting them to pervert the language that I respectfully use.

HON. GENTLEMEN—Order, order.

HON. MR. PLUMB—I call the hon. gentlemen to order ; what he says is utterly false.

HON. MR. MACDONALD (B. C.)—I rise to a point of order. There is no question before the House. The hon. gentleman from Woodstock made his explanation, the hon. gentleman from Niagara has replied to him, and the matter should drop.

HON. MR. ALEXANDER—I would reply to the hon. gentlemen who aspire to become the Lieutenant Governor of British Columbia : am I not allowed to reply to the gross charge brought against me by my hon. friend on my left?

HON. MR. PLUMB—I am not your friend. Don't call me your friend.

HON. MR. ALEXANDER—Then the hon. gentleman on my left. I appeal to this House is there one gentleman in this Chamber, except the hon. gentleman from Niagara, who heard me say that Sir Charles Tupper caused that money to be voted because he had land there? Is there one

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gentleman in this House who heard me say so, and if so let him rise now ?

HON. MR. BOSTFORD—That is not the question at all.

HON. MR. PLUMB—I call the hon. gentlemen to order. I convict him of stating what is false.

HON. MR. ALEXANDER—Sit down; boor, boor !

HON. MR. PLUMB—The hon. gentleman has misconstrued what I have said.

HON. MR. ALEXANDER—I have the floor ; sit down !

THE SPEAKER—I call upon the House to assist me to enforce order. My attention was called a few moment's ago, by the hon. gentleman from British Columbia, to the fact that there is no question before the House. Two hon. gentlemen rose to a question of privilege and fully exhausted their right in doing so and sat down. If the hon. gentleman from Woodstock had any explanation to make in reply to the charge of the hon. member from Niagara, he had a right then to make it ; if he had any explanation on that point to offer there would be no objection, but he does not address himself to the point.

HON. MR. KAULBACH—I think on the Pictou Railway question and also on the Chignecto Railway question I occupied considerable time in giving my views to the House, and although I observe that the hon. gentleman from Woodstock and the hon. member from Niagara are fully reported in the newspaper summary, I was entirely ignored, so I think I have a grievance as well as the hon. gentleman.

THE SPEAKER—I would call the attention of hon. gentlemen to an irregularity of constant recurrence in this House. When an hon. gentleman is called to order it is his duty to take his place. When the Speaker rises to enforce the authority of the House one or two hon. gentlemen still insist upon keeping the floor. If I had the authority of the Speaker of the other House, I would name those hon. gentlemen and they

would be immediately taken in charge by the Sergeant-at-Arms. Unless the House will, by some motion of censure, visit hon. gentlemen guilty of conduct which strikes at the foundation of all order, it will be impossible for me to maintain order in the chair.

PROCEEDINGS BEFORE JUSTICES BILL.

COMMONS AMENDMENT CONSIDERED.

HON. MR. VIDAL moved that the House do concur in the amendments made by the House of Commons to Bill (A), "An Act to make further provisions respecting Summary Proceedings before Justices and Magistrates." He said : In assuming charge of this Bill, in the absence of the hon. member from Barrie, I did so in the hope that he would be back in his place to take charge of it at its present stage. However, he has not returned, and I propose, layman though I am, to ask the House to adopt the amendments proposed by the House of Commons. If it were the introduction of the Bill, I would not undertake a task requiring professional knowledge. But in glancing over the amendments made by the House of Commons I see nothing which requires a legal training to enable one to understand their bearing. They are very simple and in no way affect the principle of the Bill. They will be found on page 234 of our minutes. I may remind the House that the Bill was very fully and freely discussed in this chamber before it was sent to the House of Commons. The first amendment is on page 1, line 10, after "shall" insert "on being removed by *certiorari*," which has no effect on the Bill except to make it more clear. The next amendment is on page 2, line 15, after "peace" insert "on the ground that such justice has exceeded his jurisdiction," merely stating the ground on which the writ of *certiorari* shall be obtained. On the next page of the Bill there is an entire alteration of a clause. The 6th clause of the Bill, as it left this House, is struck out and one is substituted for it. On comparing the two clauses it will be seen at once that the only change is to make the process more clear, and to give the court an authority not specially mentioned

in the Bill originally. I think it is a very decided improvement. The next amendment makes no change whatever in the intent, or meaning, or object to be attained, but simply changes the process by which it is to be done, and the language is made clearer. As the Bill left us, the description of the procedure was less clear and distinct than this amendment makes it. The two last amendments merely specify that the procedure shall not be unnecessarily delayed, but shall be forthwith accomplished. These are the amendments, and they are so simple in their character that I have no hesitation in asking the House to concur in them.

HON. MR. O'DONOHUE—I would ask my hon. friend to let the Bill stand for a day so that members may have an opportunity to examine these amendments. It is impossible from just listening to the hon. member reading them to catch exactly their bearing on the Bill as we understood it. If my hon. friend would allow the Bill to stand until members have an opportunity to examine the amendments—

HON. MR. ALLAN—They are all printed in the Minutes.

HON. MR. VIDAL—They have been on the Minutes ever since the 30th of April, and every member who takes an interest in the Bill has had ample opportunity to examine them. I do not think there is anything which renders it necessary to have further discussion upon the measure.

HON. MR. POWER—The hon. gentleman who asked for a postponement of the measure has been absent from the House for some little time and has not had an opportunity of seeing those amendments. I hope the hon. member from Sarnia will let the Bill stand over. I am satisfied when the hon. member has looked at them that he will have no objection to them; they seem all to have the object of improving the Bill.

HON. MR. ALEXANDER—It is not usual, when an hon. member in charge of a bill is asked to allow it to stand for a day, to refuse the request. I think it

would be only a matter of courtesy to let the Bill stand.

HON. MR. VIDAL—The hon. gentleman did not give me a chance to state what I would do. If the hon. member from Toronto had mentioned that he had not had time to look at the Bill, and would like to have an opportunity to see the amendment, I would at once have acceded to his request, but I understood him to put it on the ground that the House had not had time to look at the amendments.

HON. MR. O'DONOHUE—I had the opportunity, but have not looked at them; they escaped my notice.

The Bill was allowed to stand until tomorrow.

#### NORTH-WEST CENTRAL RAILWAY COMPANY'S BILL.

##### SECOND READING.

HON. MR. CLEWOW moved the second reading of Bill (17) "An Act to amend the Act respecting the North-West Central Railway Company." He said:—Originally this Company was incorporated under the name and style of the "Souris and Rocky Mountain Railway Company." Several amendments were made to their charter in 1884, and the name was changed to "The North-West Central Railway Company." A considerable amount of money was expended by the first projectors of that road, resulting in the grading of some 70 miles, but owing to natural difficulties, they were unable to continue the prosecution of the work, and consequently this new Act was obtained with the expectation that they would be able to complete the road. Unfortunately, when they obtained the alteration of the Act of 1884 the time had expired within which they could get capitalists to undertake the work, and they are obliged to appeal to this House for the amendments which they now require. This Company assumes the liabilities of the Souris and Rocky Mountain Railway Company's construction, which at the present time amount to something like \$129,000. I believe the Company are in a position to complete the road as was originally intended. As most hon. mem-

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bers are aware, the line traverses a very fertile and well settled section of the North-West, and will be of immense advantage to the development of that portion of the country through which it passes. The people of the North-West are clamoring for this road. The Legislature of Manitoba have addressed Parliament by telegrams on several occasions about it, and I find to-day that a telegram was received on Saturday addressed to Sir Hector Langevin, Chairman of the Railways and Canals Committee, from Hon. A. Murray, Speaker of the Manitoba Legislature, which explains itself:—

“The Legislative Assembly has adopted the following resolution: Resolved,—That the Speaker be requested to telegraph to the Chairman of the Railway Committee of the House of Commons, thanking him for communicating the decision of the Committee in reference to the North-West Central Railway, and expressing the gratification of this House to find that the Committee, on the recommendation of the Privy Council, have taken such action as will secure the construction of fifty miles of the road before the end of the present year.”

This road, as I said before, is much required for the development of that section of the country, and unless it is constructed the result will be that a great many settlers, who have taken up land in that section, will be obliged to vacate it, because without any communication it is impossible for them to find a market for their products. It is in the interest of the Dominion generally that this road should be constructed as early as possible. Hon. gentlemen are aware that there has been considerable criticism in another place, and in the press of the country, respecting the conduct of certain gentlemen connected with this road. I hope that this incident to which I refer will not be imported into the discussion on this Bill at the present time, because provision has been made by which the Governor-in-Council is empowered, before acting on this measure, to determine as to the ability of the gentlemen who undertake to construct this road to carry it to completion, and I think that this provision will remove that source of irritation as respects the parties connected with the enterprise. If they are not found able to build the road to the satisfaction of the Government, this Bill enables the Government to take it from them and put it

in the hands of other parties who will take charge of it and carry it to completion. It is highly desirable that no time should be lost, and I have no doubt that the House will readily consent to the second reading of the Bill. My hon. friend from Manitoba (Mr. Girard), who is to second this motion, is thoroughly acquainted with the country through which the road is to pass and will be able to satisfy the House that it is requisite in the interests of the country.

HON. MR. GIRARD—I have been asked by the hon. gentleman from Ottawa to second his motion, and I do so with great pleasure. Much good is to be expected from the construction of that road. We have lines running from one point of the Province to another, but this one will pass through the centre of Manitoba and will do much good for the whole country. This is not a new project. The Company was incorporated some time ago to construct the road and it now asks from Parliament an extension of the time. That extension is granted by this Bill but on condition that 50 miles of the road shall be constructed during the summer. In case the work is not done they cannot take advantage of their charter. Under these circumstances I second the motion with pleasure, and I am satisfied that there will be a unanimous vote in support of the passage of the Bill.

HON. MR. POWER—I do not think that this is a Bill which should be allowed to pass *sub silentio*. Hon. gentlemen are quite aware that the Bill has attracted a great deal of attention both in the other House and throughout the country at large. I think that it ought at any rate to receive some attention in the Senate before it is read the second time. There are several circumstances connected with this Bill which make it somewhat different from the Private Bills which generally come before us. In the first place the third reading of this Bill was carried in the other Chamber by a very small majority indeed, I think about twenty.

HON. MR. ALEXANDER—Twenty-six.

HON. MR. POWER—That is a signifi-

cant fact, and indicates that the Bill stands in different position from ordinary Private Bills. In the first place, it became quite clear in the discussion which took place before the railway committee of the other House and in the House of Commons, that the gentlemen who held the charter for the construction of this railway do not themselves propose to build the road. On the contrary those gentlemen since they got the amended charter in 1884, have been endeavoring to sell it in such a way as should insure the construction of the road, as my hon. friend from Manitoba tells us, which is a most desirable object, and at the same time put a considerable sum of money into their own pockets. It was asserted, and it was not denied, that the principal promoter of this Bill had asked the sum of I think \$1,500 a mile for the rights of the present holders of the charter; so that the people who hold the charter are not going to build the road themselves or pay anything to the people who construct the road, but those who are to build the road are to pay the present holders of the charter for permission to construct the line. That is a singular circumstance in the history of railway building in this country and sufficiently striking to prevent this House consenting to the second reading of the Bill without some consideration. There is another circumstance connected with this Bill which requires attention. The charter of the Company had lapsed, but the Minister of the Interior notwithstanding that fact, did not wait until this Company had received legislation from Parliament to put them in a position to go on with their work and to keep their charter alive; but he continued to them the immense land grant which they had got, without waiting for, the action of Parliament. I think that that also is a significant fact. This Company has a grant of I think 6,400 acres of land per mile—valuable land in a part of the country where it is likely to become more valuable. The revelations in the other end of the building have shown that this is a clear case of brokerage in railway chartering—brokerage of the worst kind, because the parties trafficking in this charter are some of them at any rate members of Parliament. It does seem to me that even if we do read this Bill the second

time, we should, when referring it to committee, instruct the committee to make inquiry into the circumstances connected with this enterprise—into the relations of certain directors to the Company and into the transactions which have come to light in the other House. I think that we owe it to our own dignity as a House, and we owe it also to the purity of Parliament.

HON. MR. OGILVIE—I have heard the remarks which have fallen from the hon. member for Halifax, and I have also heard the statements to which he refers that were made in another place. He was quite right in stating that the assertion was made in another place, that the promoters of this Bill were offering to sell the charter, but I have looked pretty closely after what was going on, and I fail to see any proof of that. The assertion also is made that they were to have \$1,500 a mile to themselves out of the contract. I fail to see any proof in support of that statement.

HON. MR. POWER—It has not been denied.

HON. MR. OGILVIE—That the promoters of this Bill are not going to build the road themselves is not surprising; I do not know any company that does build a road. They generally give it out to contractors, and I know, not from hearsay, but from absolute knowledge, that these gentlemen are in a fair way, after this Bill passes, to give out the work to good contractors who are perfectly able, from their position, wealth and resources, to go on and build the road. I know the country pretty well and it is all important that those people should have that road built at once. If they do not get 50 miles of it built this season a great many people will suffer from the want of it, and although there was a great deal of cry out about this contract, I think it was principally because a couple of gentlemen quarrelled amongst themselves which caused them to do foolish things. I do not think that we should make the country suffer on that account, and I fail to see anything yet that is impure or wrong in this matter. There is nothing proved in that way. They get just such a charter granted them as we give to others.

It is a very important road indeed, going through a country where they have no railway at present, and I think if any member in this House who feels like voting against this Bill had a turn through that country for two or three weeks he would certainly vote for the measure. I shall be very sorry myself if the Bill does not pass. I have no interest in it but I have a great deal of interest in the people of the North-West, and always have had ever since I first went there to live 11 years ago. Because strong assertions are made, and there has been a great deal of quarrelling about it, we are not bound to believe charges unless they are proved. I hope that this Bill will not only be read the second time but that it will be allowed to go to committee.

HON. MR. ALEXANDER—I have devoted considerable time to ascertain the facts with regard to this charter. I believe the senior member for Halifax has stated the facts to the House in a very fair and correct way. I believe the facts can be substantiated, notwithstanding what has fallen from the hon. gentleman from Montreal. This is a Bill which has led to great acrimony of feeling in the Railway Committee of the House of Commons. I am informed that a charter was granted to certain parties to construct this road in the North-West, and amongst those gentlemen were two prominent members of the House of Commons. During the investigation before the Railway Committee of the other House there were angry accusations and recriminations which certainly were not very seemly, and to which I shall not refer, because it has nothing to do with our own Chamber; but I think that the investigation before the Railway Committee certainly ought to lead this House to one conclusion, and that is that it is not proper that members of either branch of the Legislature should obtain control of railway charters. It is not in the public interest. It is not seemly. It is likely to lead to many accusations as to the motives which induce those members of Parliament to support such measures. What can be more damaging to Parliament, than that the people should suppose that members come here to obtain railway charters for the purpose of speculation? What could be more

damaging to either branch of Legislature, and notwithstanding all that has been said by the hon. gentleman from Montreal, the facts which have transpired proclaim very loudly, to my judgment, that there are very good grounds for the charge that that charter was obtained for the purpose of sale. In the conflict between those two members of the House of Commons, one member charged the other with having out-manceuvred him on the board, thereby securing the entire control as we often see on bank boards. A gentleman somewhat sharp and perhaps not over scrupulous, very often gets the advantage over an upright man. Very frequently the unscrupulous man gets the advantage, and when he gets the control of a bank board, or of a railway board, he is in a position to profit by his opportunities. I have no doubt from what I am told that there is a prospect of that member obtaining \$150,000 from the sale of this charter, because the lands that were given by the Government to this company are likely to become more valuable every day, and the gentleman who has control of the board can go down to New York city and say, "Here are so many thousand acres of first-rate quality lands likely to double in value, and there is a great deal of money in the enterprise." Now is it in accordance with the dignity and honor of Parliament that members of the legislature should be able, to obtain through their influence with the Government, those charters? I do not believe it, and I think we ought to lay down the principle in this Chamber that we will allow no bill to go through in which any member of Parliament has his name as one of the promoters. It is a sad thing to see a Parliament, the members of which appear to have been schooled, one to get charters for railways, another to get timber limits, a third to get something else. It has become a question of selfish aggrandizement, instead of coming here with the noble object of serving their country faithfully and making Parliament beloved and esteemed by the people of the country. I say we ought to lay down the principle that no Bill should pass through this House with the name of any member of Parliament in it as one of its incorporators. Then the question comes up why should we grant charters at all? The



state of Michigan grants no railway charters. Having constructed the Pacific Railway as a great trunk line from ocean to ocean, why should we grant railway charters for local railways at all? Where the country requires railway facilities cannot capitalists undertake to build their own roads without a charter? With all deference to the opinion of the House, because there are many hon. gentlemen with far more experience than I have as parliamentarians and lawyers, I make the suggestion that we should frame the general Railway Act in such a manner that any parties requiring to construct railways may carry them out under that Act. Thus we shall have no more of this unseemly traffic by members of Parliament in railway charters. What a sad spectacle to behold the people's representatives trafficking in railway charters in the way we have lately observed. I shall oppose the second reading of this Bill.

HON. MR. KAULBACH—The hon. gentleman may be right in his suggestion about building railways under the general Act; but as far as subsidies and concerned, they can only be got through parliament. I do not see that the influence of a member of parliament has had any effect in this case, unless it be that the grant of 6,400 acres per mile to this railway has been more than the usual quantity of land given to such enterprises. If a larger subsidy has been given in this special case, then it would be open to suspicion, and some satisfactory reason should be given for making an exception in its favor. It does not seem, as far as I have seen, that any special privilege has been given to this railway; but as far as I can learn from the evidence it has not been denied that those parties intend to sell this charter at so much a mile. I am not aware that that has been specifically denied, but it is clear that if these railways are simply projected as a speculation to enable the promoters to speculate on the charters for them, it is time that parliament should interfere, and those bonuses that are given in order to strengthen the charters, if they are to be used simply as speculations and dealt with as so much plunder by members who obtain them, some legislation should be introduced to prevent the

abuse, and the sooner we get it the better. It always looks suspicious when a member of parliament obtains a charter of this kind with special privileges, if he is a supporter of the government of the day. A provision is inserted in this Bill that unless the company show their *bona fides* and give sufficient evidence that they are capable of constructing this road, the charter will be cancelled. It is evidently an important road; the people of the North-West are looking for it and pressing on the Government that at least fifty miles of it should be constructed this summer, if not by the present company, by some other means. If this land grant is unusually large under the circumstances which have been developed in another place, I say it is a suspicious element; at the same time it is not sufficient to induce me to oppose the second reading of the Bill.

HON. MR. SUTHERLAND—It is exceedingly unfortunate that such an enterprise as this should be the cause of a squabble between parties, because I consider there is a great deal of that in connection with this Bill. It is also said here, that a new departure should be taken, and that no member of Parliament should be allowed to have anything to do with a railway charter. It would be exceedingly unfortunate if that principle were carried out on this occasion, when a Bill of so much consequence to the North-West is under consideration. As regards the many reports that we have seen in the newspapers, I also fail to see that there is any truth in them or that any of them have been proved; and if there is any intention on the part of the House to take a new departure in regard to railway Bills, I hope they will not do so while this measure is under consideration, because it is well known that we have passed many railway bills in which members of Parliament have been interested. Considering that the Legislature of Manitoba has taken so much interest in this measure, that it has on two different occasions telegraphed down here to members of the Government to the effect that the Bill should be passed, so as to ensure the immediate construction of the road, I feel pretty sure that the Government believe that the railway will be carried on this season, and, if not by the present Company, that they have

provided means by which to cancel the charter and allow others who are able to build the road to do so this summer. I hope the House will give the matter fair consideration and consent to the second reading of the Bill.

HON. MR. PLUMB—I do not pretend to go into a discussion upon the merits of this Bill, for it is well understood that it is the most important railway which has now a charter running through the North-West; and I believe that I can quote the words of the gentleman who is the leader of the party opposite, who opposed the Bill in the first instance—I can quote his words, for I heard them myself, when he said this was the most important line, except the Canadian Pacific Railway, which was before Parliament. I understand that the people of Manitoba and the North-West are exceedingly anxious to have the road proceeded with. I know nothing about the scandals connected with it. They are not before us in any way; we are not seized with them, and I do not intend in any action that I take in this House to be influenced by outside gossip. I have no doubt, if the Bill gets a second reading and goes to Committee, that if there are any persons opposing the measure, and if there is anything wrong connected with it, we shall hear it. It can never be seriously proposed that members of Parliament should be prevented from becoming directors of railways: and as the hon. gentleman from Selkirk says, it is hardly fair to make a new departure in the case of this Bill, which is of such importance to the North-West. The senior member from Halifax has probably forgotten that the Minister of the Interior, during the administration of the Government which he supported, brought in a Bill to charter railways in the North-West—a general Bill—a Bill enacting that any number of persons, six or more, who choose to associate themselves together for the purpose of building railways, on filing a certificate with the Minister of the Interior, and paying in \$600 a mile became vested with the privileges of a special charter. They were allowed to construct railways and to take public lands—to take, not such lands as the Government might choose to grant them, but lands on either side of the line through which the road

passed. They were allowed to take 6,000 acres per mile for lines south of the Canadian Pacific Railway and 12,800 acres per mile for all roads built north of that, and this road is north of it. It was also provided that the homestead regulations—regulations affecting settlers—would be suspended for the purpose of allowing companies building these roads to get their lands. No settler had a right to go in there in preference to the projectors of these railways: and they were allowed to take their lands when they had built only 20 miles of road. They were not compelled to build more than 20 miles: they could lay 20 miles of track in the best part, and claim their land grant. They were not restricted as to the kind of road they were to build: they were not restricted as to the grade, or as to the price which they were to charge, or as to the construction of those roads. They could put on any kind of material—scrap iron if they chose—for rails. They were not restricted as to the time in which they were to build. That Bill was brought in by the Minister of the Interior under the Mackenzie Administration, and it was at the end of the session of 1878, just before the general election. It was advocated very strongly by three or four prominent members of the House upon the present opposition side—Mr. Charlton was one of them—and it was discussed for several days. One gentleman said that there could be no harm in such a proposition; that if it passed, it could only take half the public lands in the North-West, and I do not think that gentlemen now, who have advocated a measure like that, can be particularly squeamish about any subsidy given to a railway which is a useful enterprise and desired by the public, after thus committing themselves to a measure of that kind. However, so strenuous was the opposition—so much was it pressed upon the House the undesirability of that measure and that it would necessarily involve the destruction of the Canadian Pacific Railway by tapping that road at every point by lines running from the North-West to the South-East, that after the Bill had been introduced and discussed and had become the property of the House as it were, it was withdrawn. There was such a feeling against it that it could not be proceeded with, and

after the close of the session it seemed so desirable that we should have a record of the principles which governed the Government in regard to the construction of railways in the North-West, that we considered we should have that Bill before us as an evidence of those principles. So we endeavored to find copies of the Bill, and to my extreme surprise not a copy of it could be found within the purlieus of this building, except accidentally one copy in the hands of one of the clerks, and upon that copy we had the Bill printed in order that it might be shown what the policy of my hon. friend's party was in relation to building railways in the North-West. I trust that this Bill will get a second reading, and be referred to committee: and if there are any objections they will be there discussed and reported back to this House, and we shall all have then a knowledge as to what the particular points are. There are a great many pages of debate upon this subject, and although there was a division in the other House, with a majority of 27 in favor of the Bill, there were only 137 members present. There were only 82 of the ministerial supporters present, while there was a very large proportion of members on the other side, who ordinarily voted on that side, with the exception of eight or ten; consequently there was a small majority in favor of the Bill. I trust the House will allow the measure to be read the second time.

HON. MR. DEVER—I fully agree with my hon. friend behind me that all members of Parliament should not be excluded from railway charters. I believe there are honest members amongst us, and I believe there are honest members in the House of Commons; but I cannot help thinking, after the exposure that occurred in that House a short time ago, that we ought to look carefully into these matters and see that we are not abettors in such legislation as we have seen going through that House. If I mistake not, one of the members of that House has been accused in the public press that he was about to receive in lands or in stock equivalent to \$33,000 for his services in carrying this measure through. If that is true, I think it is a sad state of affairs, and I cannot see how hon. gentlemen can rise in this House and justify it merely on the allega-

tion that certain other gentlemen on a former occasion conducting the Government in this country had been guilty of similar conduct. Public men at a former time may have been very bad. No doubt they were; at all events, I never saw any specially bad legislation of theirs coming under my observation. But whether they did wrong or not, I do not see that it is any justification for hon. members in this House, undertaking to bulldoze other gentlemen into the belief that because one party did wrong there is no harm in the other party doing wrong also. I believe it behooves us, under present circumstances, to see that we conduct the legislation of this House in an honorable and straightforward manner, because there is at present in this country a very prevalent feeling that we are not doing so—that Parliament is not doing so—that there is wrong-doing going on in the legislation of the country, and I think gentlemen placed in the position we are, have a right to view critically every measure that comes before us. I have done so in the past as well as I could, but I must say that I did not give measures the consideration that I should have done, when I come to see some of the exposures that have taken place recently. I do not wish to accuse friends with whom I have been identified. I have looked on them in the past as men of honor, but I must say that matters have lately come to my notice to such an extent that I shall critically examine henceforth all measures that come before me. Notwithstanding the fact that I hold these views, I cannot see that I can prevent this Bill at present from being read the second time. I am satisfied that it should go to a second reading and be referred to the committee; and if those allegations that have been made in the Lower House can be sustained, I certainly should oppose the Bill.

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

HON. MR. CLEWOW moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbors.

HON. MR. POWER—I wish to propose an amendment. The hon. gentleman from Niagara has adopted a line which is

not usual with that hon. gentleman. He adopted this line, that members of the Senate should close their eyes and their ears to things which everybody else has seen and heard, and that when a measure comes up here which has been discussed extensively in the press and in the other Chamber, we are to receive it with minds which are perfect blanks as regards that measure. Now that is not the practice which the hon. gentleman has generally adopted. He has had a good deal to say about what has been stated in the other Chamber and what the press have said. The hon. member first said that statements had been made but not proved. Statements were made on the veracity of Conservative members of the other House, which the hon. gentleman from Niagara may not think of much value, but still they were made in that way, and the point is that the substantial statements have not been denied. That is the point. It was a very simple thing for the promoters of this Bill to have denied the statements if they could have done so. But the evidence is satisfactory to all reasonable minds, that those who hold this charter hold it for the purpose of making money out of it, and not for the purpose of constructing the road. The hon. gentleman refers to telegrams from the Legislature of Manitoba. What do they mean? They mean simply that the Legislature is anxious that this road shall be built, and would, perhaps, have been better satisfied if the Government had taken it out of the hands of the people who now hold it and undertaken to build it themselves, or get it built by responsible persons.

HON. MR. DEVER—The Government have that power.

HON. MR. POWER—If everything is as serene and lovely as the hon. gentlemen say, will they explain why this 4th clause in the Bill

"4. This Act shall not come into force or have any effect unless on or before the first day of June, one thousand eight hundred and eighty-six, the company shall establish, to the satisfaction of the Governor in Council, that it has made effective provision for the completion of the first fifty miles of the railway by the first day of December next, and for the completion thereof within the time fixed by

the charter, nor unless and until a proclamation shall be issued declaring the fact, and authorizing the company to proceed with the work."

Now, this Company have had the charter—the present holders of it—for about two years, and nothing has been done in the way of constructing this railway, and if an important portion of the North-West country has not been settled for want of this line, why has it been? It is not because people could not be found to construct it on fair and equitable terms, but because the gentlemen who held the charter made claims that were exorbitant. They wanted not \$33,000 as the hon. gentleman behind me stated, but \$600,000; they wanted to get a sum amounting to about that for their interest in the charter. That is the reason why the road has not been built; and I think we need not go beyond the face of this Bill to see that it is a matter that requires some consideration and inquiry. The hon. gentleman from Niagara, with that fancy for archæology which characterizes him, has told us that he and his friends succeeded by a very careful investigation in securing a single copy of a Bill which was introduced by a Minister of the late Government, which Bill did not become law. The then Minister of the Interior I presume found that he had made a mistake with the Bill, altho' he thought it was a good one, inasmuch as it would encourage the construction of railways in the North-West. He found afterwards that he had made a mistake and dropped the measure; and it must be remembered in speaking of the land grants provided in that Bill that in 1876 or in 1878 the land in the North-West was not as valuable as it is now. We had not spent so many millions of dollars to make it valuable. If there is any argument to be drawn from the language of the hon. gentleman from Niagara, it is that we should oppose this measure; because he opposed in the most vigorous manner the measure introduced by the Minister of the Interior and he and his friends had that Bill printed as a campaign document to make capital against the Government, one of whose members had introduced the measure. Here is a Bill which proposes to give a very generous land grant. We find the most suspicious circumstances connected with it, and the

hon. gentleman refers to this old story for the purpose of founding the argument for doing what he thought should not be done then. But there is one circumstance which I forgot to mention in speaking before, and which I think gives us a very considerable insight into the character of this measure. When the hon. gentleman who represents Kings, Nova Scotia, in the other House was pushed off the Board of Directors of this railway, the chief promoter substituted the name of one of the members from Pictou. I presume there is no reason why I should not mention his name—Mr. Tupper. He was not consulted, I have understood. He was told that it was desirable there should be a representative from the Maritime Provinces on the board, and he allowed his name to be used; but as soon as this matter was brought before the Railway Committee of the other House, and as soon as the member for Pictou found that his name had become connected with something which was probably not very creditable, he immediately wrote to the principal promoter of the Bill, and asked him to strike his name off the board of directors. If this transaction had been clear, clean and honourable, it would not have been necessary for a man who had some regard for his honour as a man and as a member of the House of Commons to quit the board of directors. I think if there is nothing else connected with this measure but that fact, that a member of the House of Commons, who had some respect for his position, felt obliged to leave the board of directors on account of transactions which had taken place in connection with the road, that is enough to put us on enquiry in regard to this Bill. I did not make any strong opposition to the second reading, because there is something in what the hon. member for Niagara says, while we may have our suspicions excited by what appears in the press and by the transactions in the other House, still in order to enable us to act with certainly and with sound reason, we must have the evidence ourselves, and the amendment that I propose to the motion before the House—I presume the hon. member for Ottawa will have no objection to it—is simply to add the following :

“That having regard to the orders in council for grants of land to the said

Company, it be an instruction to the said Committee to require into the relations of certain alleged Directors of the Company, being members of the House of Commons, to the Company and into any provisional contract which may have been entered into for the construction of the road or any portion thereof.”

I suppose the hon. member from Ottawa does not object to that amendment.

HON. MR. BOTSFORD—Oh, certainly.

HON. MR. POWER—I was not asking the hon. gentleman opposite. I was asking the hon. member from Ottawa.

HON. MR. BOTSFORD—But I object to it for reasons which I am prepared to state, and I have my rights as a member of this House.

HON. MR. POWER—The hon. gentleman no doubt has, but he has no right to reply for the hon. member from Ottawa.

HON. MR. BOTSFORD—I speak on my own behalf.

HON. MR. DICKEY—I am afraid this is an amendment which the House cannot be asked to adopt. My hon. friend who moved it must know that it is not only an unusual instruction to give to a Committee but I think he will fail to find a precedent for it. He says that statements have been made elsewhere. This amendment could only be placed before the House upon the statements of the hon. members in this House. Those statements have been made pro and con. They have been made in one direction and in another, and the instruction now is, assuming the affirmative of those statements to be correct, and disregarding the negative altogether, that it shall be referred to the Railway Committee to inquire into it and decide that question. Now, as a member of that Committee, I object to that. This unsavoury and unfortunate incident in our parliamentary history has affected two members of the House of Commons. The facts connected with the history of it have been inquired into by a committee of that House at large, and I do say that it would be not merely an unpleasant proceeding on our part, but it would be

HON. MR. POWER.

very objectionable to ask us to take those facts in the nature of an appeal to our Committee, and ask us to review them and to decide one way or the other. So far as I know, the motion is without precedent, and if adopted would be most objectionable. I do not wish to go into the matter one way or the other as regards this fact, because it will be time enough when the matter comes before the Committee and parties wish to be heard. They can make their statements and applications before the Committee, and I have always understood that it was the practice of the House, whenever a bill has been referred to a Committee, to do so after argument here, and that the Committee take it up on their own responsibility and report to the House, and the House could deal with it afterwards if they liked. I have known Ministers to go as far in this House—and private members also—as to make objections to bills and say, "We will not oppose the second reading, but we will give you notice that we intend to make certain objections before the Committee, and we notify the Committee—we, by anticipation, place these facts before the House in order that the Committee may be cognizant of the fact when the Bill goes to them." But I am not aware of any precedent where the Committee has been tied down in a reference of a bill, with instruction to inquire into particular matters. As regards that, my hon. friend is a member of that committee himself, and I think he can hardly look with any pleasant feeling to what would be done in the way of making an inquiry of that kind. It occupied the House of Commons some six or eight weeks, and we have not possibly the time to do it; but, at all events, when the facts are placed before us and application is made to the committee to enquire into certain facts which it may possibly be in the compass of the committee to do, it will then be time enough for us to consider them; but the responsibility of that lies, I apprehend, on the committee, and as chairman of that committee I am perfectly prepared to assume that responsibility. We shall have to take into consideration any facts which come before us. I pass no opinion upon it; I know nothing about it but what I

have read pro and con in the newspapers. I think the House will hesitate before agreeing to that amendment.

HON. MR. BOTSFORD—The hon. gentleman from Amherst has presented some of the objections which I intended to raise the moment I heard the amendments of the hon. member read; but he has not mentioned all the objections. He has rightly stated that it is quite an unprecedented course to pursue to give instructions to one of the standing committees of the House appointed at the beginning of the session to inquire into bills of a certain class or nature. That is one of the principal objections. The next objection I have is that the hon. member has no foundation for his amendment. We have no evidence before this House to base such a resolution as that upon. In fact, we have no evidence except hearsay. Another serious objection to that resolution is this: it casts a serious imputation on two members of the House of Commons, which we all know is not parliamentary. We know that it is not parliamentary for an hon. member to rise here and make insinuations against a member of the House of Commons; but to include it in a resolution of this House and to convey it as an instruction to one of its committees to make inquiries into the conduct of the members of the House of Commons, is a direct imputation against those members of that house and consequently unparliamentary. I do not think the Senate can, under the circumstances, sustain that amendment at all.

HON. MR. KAULBACH—I do not think in giving these instructions to the committee that we are assuming these statements to be correct. Charges have been made and it is a question whether they are of sufficient importance to warrant these instructions to the committee; but I do not think, assuming they are correct, that it is necessary to go so far as the hon. member has done. We sometimes give instructions to a committee to find out certain facts; but it is not a usual course to pursue. Facts are sometimes elicited in the other House which I think must be taken cognizance of. We have made inquiries into some matters which were brought up in the other Chamber—there was the

steel rails question, the Neebing Hotel question &c., the information concerning which we got from the other branch of Parliament, but still we thought they were important enough for us to inquire into them here, although it is not a usual thing to do. It is a question whether the facts are of sufficient importance to make them worthy of inquiry by the committee.

HON. MR. TRUDEL—I did not intend to take any part in this debate but it seems to me, from the facts as they are before the public, that this House is taking a great responsibility in having voted for the second reading of this Bill as has been done. I agree with the hon. leader of this House that we ought to be careful not to establish dangerous precedents; but there is a fact which strikes me, and it is this, that there are so many unprecedented occurrences in our days that it may become necessary to establish new precedents to meet new cases. It has been urged that there is nothing before the House—no evidence establishing the guilt of some members of the other House, and that the motion of my hon. friend on the other side would cast an imputation on two other members of that Chamber. I see a good deal in this objection, but we ought to take the facts as they are. There are two kinds of evidence. There are matters which are not to be considered as proved unless there is in the record direct evidence of the facts. Then, there is another class of facts which are of such notoriety—so well known to the public—that further evidence is not required. Now the question is whether, in the present instance, the facts alluded to are of this character. I have read what was published in the newspapers. I have read the statements made by the parties in question, and I suppose the least we can do is to take their own allegations as unnecessary to be supported by evidence. It seems to me clearly proved that we have before us a project which is subsidized by the Government, and which is likely to yield such enormous profits that the parties interested are struggling for a division of them. Such things ought not to be encouraged. Parliament should not take the responsibility of sanctioning by its action such a state of affairs. I recognize that happily our country is a

wealthy one, but if we admit that the subsidies granted by the Legislatures, either Local or Federal, ought to be such that they clearly give promoters of such charters not only the possible power to build railways but to make large fortunes and splendid speculations, I say it is robbing the State. It is robbing the public for the benefit of private individuals. I did not follow very closely what occurred before the Committee of the House of Commons; I am not, therefore, ready to say to this House exactly what was the position on the other side. I have only a mere impression, and it is for this House to decide how far the matter is of public notoriety. It may be that the facts are plain to some members of this House, and that the evidence may not be so for other members. The least we can say is that there is a very strong presumption in the direction that public subsidies have been granted to this company to such an extent that it is calculated to give private individuals undue advantages at the expense of the State; and I say the moment the question is in this position—the moment that this House is put on its guard, and its attention is called to this fact, every act of legislation we do now in the way of sanctioning such a condition of affairs is to make ourselves parties to it. For my part I am not ready to become a party to such a transaction. I see great objection to creating precedents, although I do not see so much in precedent as some do. We ought to establish a precedent when it is clearly necessary. The question arises, is it necessary under present circumstances to create a precedent and proceed in the way proposed by the hon. gentleman from Halifax? The present leader of this House is also Chairman of the Committee, and he has declared that for his part he is ready to face the situation; and if the other members of the Committee are of the same opinion, the proper proceeding is to refer the Bill to the Committee. My hon. friend from Halifax having called the attention of the House to the matter, should be satisfied to allow it to be dealt with by the Committee, and when they report my hon. friend will have ample opportunity to move, if in his opinion the Committee have not done their duty. Under

the present circumstances it is clearly the duty of the Committee to inquire into this matter, and there is a presumption that being informed of the situation, it will do its duty. If we find that the Committee has not done its duty, it will then be time enough to take another course. I would not hesitate to vote for the motion of the hon. gentleman from Halifax if it were my only recourse; but he can move for an order from this House to send the Bill back to the Committee, with an instruction to do what it has neglected to do. It is merely a suggestion that I throw out to the hon. gentleman opposite, and I hope he will take it into consideration. Every day allusions are made to the usefulness of this hon. body. I think it is under such circumstances as these we ought to show that we are the guardians of the public interest; that we are here to stop what sometimes party spirit may inspire a majority of the other House to do. As to the question raised by the leader of the House that there is no precedent for this motion, it is not a sufficient reason, because it is very clear that anything that a committee of this House has a right to do, the House has the power to order it to do; the only question is whether it is necessary to order what we may assume the committee will do of their own accord.

HON. MR. DICKEY—Perhaps the House will allow me to read the rule applicable to this case. Rule 60 provides:

“Every Private Bill, after its second reading, is referred to the Standing Committee on Private Bills if appointed, or to some other committee of the same character; and all petitions before the Senate, for or against the Bill, are considered as referred to such Committee.”

That is the only rule we have applicable to such a measure as this. I turn to Bourinot, to see what his application of the rule is, and I find that he says:—

“When the order of the day has been read for a second reading of a private bill, the member will make the usual motion. At this stage counsel may be heard for or against the bill, but the necessity for this step has only arisen in a few cases in Canada, and, in fact, there have been no instances since 1867. The opponents of a bill find that the more convenient course is to explain their objections fully before the committee to which the bill may be referred.”

In support of this Bourinot quotes from an eminent English authority as follows:

“A public bill being founded on reasons of state policy, the House, in agreeing to its second reading, accepts and affirms those reasons; but the expediency of a private bill, being mainly founded upon allegations of fact, which have not yet been proved, the House, in agreeing to its second reading, affirms the principle of the bill, conditionally, and subject to the proof of such allegations before the committee. Where, irrespective of such facts the principle is objectionable, the House will not consent to the second reading; but otherwise the expediency of the measure is usually left for the consideration of the committee.”

That is the only rule that I can find that is laid down upon the subject, and it seems decisive on this point.

HON. MR. DEVER—It is very strongly urged that the hon. gentleman from Halifax has no precedent for his action. Be that as it may, I think the object in view is a commendable one, and the end would justify the means in this case. I think in pity to the gentlemen accused of doing wrong, an opportunity should be afforded to them to acquit themselves of the charge that is current throughout the Dominion against them. Under the circumstances I think it is only fit and proper that this amendment should pass.

HON. MR. PLUMB—Apart from the fact that this is entirely without precedent, it is unnecessary and a reflection on the Railway Committee of this House. Everyone who has attended that Committee knows the scrupulous care with which all questions connected with the Bills referred to it have been examined. The hon. gentleman who moves this motion is himself a member of that Committee. He has it perfectly in his power, without taking this unusual course, to bring up anything in the committee that it may be necessary to examine in connection with this question. The hon. gentleman, for some reason which I do not wish to inquire into, has seen fit to throw a reflection, by this motion, upon the Committee of which he has been a useful and active member for many years.

HON. MR. POWER—Hear hear.



HON. MR. PLUMB—I say that with perfect sincerity, and the hon. gentleman ought not to suppose that I am speaking in any way except with that feeling, and with that view. For some reason or other the hon. gentleman has proposed a course which I think is entirely out of rule and for which I can find no authority whatever. On the contrary, it has scarcely been imagined that such a course could be pursued. Although there is no provisions particularly against it, certainly there is no authority for it. If there is anything bearing on it, in the hasty examination I have given the question, it is against the hon. gentleman's contention, because it is stated in Bourinot, page 532 :—

“Neither is it regular to propose on the second reading, or other stage of the Bill, any amendment by way of addition to the question when it has been decided by the House that the Bill shall be read a second time.”

I understand that it has been decided by the House that the Bill has been read the second time, and the motion the hon. gentleman brings in is in addition to the question which has been already decided. That may or may not be a decided point to make, but when it is remembered that all the matters connected with the subject are matters of hearsay: when it is within our purview to take all these questions up when they are brought before us in the proper way; when it is remembered that the hon. gentleman himself has the power in the committee to make the most exhaustive examination of this question, while I have great respect for the statements of the hon. member from DeSabberry I can hardly agree with him in the opinion that there is any necessity for departing from the usual rule in respect to this Bill, and I trust that the motion of the hon. gentleman will be withdrawn. I question whether it is desirable that it should come to a vote, and I have no doubt that the hon. gentleman will see himself that everything that he proposes to attain by means of this resolution, can be attained without establishing a precedent which is not perhaps within the strict rules of this House in respect to such matters.

HON. MR. TRUDEL—I am afraid I was misunderstood by my hon. friend. I

did not say that it was necessary under the present circumstances to establish a precedent. I said that should the House come to the conclusion that it is necessary, we should not hesitate to create a precedent; but I said, on the contrary, that I was not satisfied that it was necessary to create a precedent in this instance.

HON. MR. PLUMB—I am very glad to hear the hon. gentleman make that explanation. I gathered from what he said, that he considered this was a case of great importance, that it involved certain matters which, if it did not justify it, would, to a certain extent lead us to a change in the ordinary practice of the House, and I am very glad to know that the hon. gentleman, who pays great attention to matters of this kind, and has clear and logical judgment upon such subjects, agrees with me and those who have taken the same view about it, and particularly with the experienced chairman of this Committee, who has presided over it for so many years, and whose word and authority ought to have as much weight as that of any gentleman in this body. It is not to be thought for one moment or desired that any person should not receive attention and examination before the Committee, and I have no doubt that the chairman of the Committee will endeavor to have the fullest examination and inquiry into this matter. I do hope that the hon. gentleman from Halifax, after having heard this discussion, will withdraw his motion, but I would like to ask his honor the Speaker if there is any precedents for the adoption of a motion of this kind, without at the same time desiring to say that even if there are it is desirable to adopt it in this case.

HON. MR. CLEWOW—Perhaps it will be proper for me to say that my motion was made in the usual way. I considered that this was the usual course adopted on similar measures, and I believe that one of the gentlemen connected with this Bill is only too anxious that this matter shall be fully ventilated. I desire to say that we have perfect confidence in the Railway Committee that full justice will be done to the matter there, and that I think it is a reflection on the committee to propose such a motion as that before the House.

HON MR. POWER—The hon. gentleman from Amherst said that this amendment assumed facts as being proved. The hon. gentleman surely does not say that seriously, because the amendment only says that there is room for inquiry, and I think that is perfectly clear. The amendment recites the grant of public lands to this company, so that there is a public interest in the matter. It is not merely a private Bill now, but there is an immense quantity of public lands going to this private company. We find in this Bill an extraordinary provision that, unless this company shall have made arrangements before the first of June to complete 50 miles of road, the charter will lapse.

HON MR. PLUMB—That is a safe provision surely.

HON MR. POWER—It is an extraordinary provision and challenges attention. On the face of the original Act it appears that there are members of parliament on the board of directors. The amendment makes no imputation at all; on the contrary it simply gives the gentlemen, whose names have been involved in this matter, an opportunity to clear themselves, and I think that is most desirable. Now as to the rule. I take it for granted that there can be no question about the right of this House to give the Committee any instructions it pleases in connection with any Bill or other matter referred to it. The rights of this House are as great as the rights of the House of Commons in England. The ordinary course is to refer the Bill to the Committee. I am not interfering with that course, and the House I think has a perfect right, at the same time, to say to that Committee, that owing to certain circumstances, even if they were mere rumors with nothing in the measure itself to give them any force, to say, "You will enquire whether there is any foundation for those rumors or not." I do not think there is any question as to the perfect right of the House to refer the matter to the Committee, and I doubt the wisdom of the suggestion of the hon. member from De Salaberry that we should wait until the report comes up from the Committee. Suppose the chairman of the Committee doubts the propriety of the Committee

beginning to inquire into this matter, if the House has not instructed them to make the inquiry? I believe the chairman of that Committee, if a member of it suggested that there should be an inquiry, would probably say, "We cannot make that enquiry on our own motion unless someone comes before us and asks us for it." And supposing that the member who did cause the enquiry to be made in the committee of the other House does not want to take any further trouble and does not come before us, then I feel morally certain that my hon. friend the chairman would rule that we had no right to make this inquiry. Then we come back to the House here, and if we adopt the course suggested by the hon. member from De Salaberry, where are we? We are not as well off as we are now; because then the chairman of the Committee might suggest again, as he has done, that it was too late in the session, and that the inquiry was inopportune. With how much force that argument would come after another week had gone by, and we were within a week of prorogation? The inquiry is not a very extensive one, and the Committee will have time to make it. I think we owe it to ourselves, to our standing and reputation before the country to inquire into this matter; and I feel that if this House votes down this resolution, which is not to the effect that any one is guilty at all, but simply to the effect that an enquiry should be made by a proper Committee, the House will place itself in an exceedingly unpleasant and undesirable position before the country.

HON. MR. BOTSFORD—I wish to refer to a circumstance which took place last session, in which the hon. gentleman from Halifax laid down the assertion that this House has a right to give instructions to any committee that it may see fit. The hon. gentleman last year moved an instruction to a Committee of the Whole upon a certain bill, and I, as well as the hon. gentleman from Sarnia, challenged the correctness of the motion, and said it was unparliamentary, and His Honor the Speaker decided it was quite right.

HON. MR. POWER—It was a Committee of the Whole on a Public Bill.

HON. MR. BOTSFORD—Exactly, but there can be no doubt the principle is this, that the House does not give instructions to a committee if the committee has power, under its constitution, to do the act which the instruction proposes to lay down. I maintain that is so in all our standing committees: the resolution which is moved by the hon. member from Halifax, is giving an instruction which the committee has a right to act upon, and it has a right to take into consideration and to act upon this subject without instruction from this House; consequently it is not in the parliamentary course that instructions should be given to a committee to do that which it has the power to do without those instructions.

HON. MR. DICKEY—My hon. friend from Halifax takes a very limited view of the power of the Committee, and I should be very sorry that an impression of that kind should go abroad in this House among those who are not members of the Railway Committee, when he states that without any particular instructions of this kind the chairman would not feel himself justified in inquiring into these facts. The hon. gentleman has not been quite so long a member of that Committee as I have: but he ought to know, surely, that when there are contested bills we are constantly discussing questions like this—all concerned, private interests come in, and we hear them all patiently. Of course we come to our conclusion, and our conclusion is reported to the House, and is generally received; but we constantly inquire into all these matters, as to the *bona fides* of the parties, whether there is any thing wrong in these charters that are asked for. We probe the matter to the bottom. It is my experience, and I know it is my course, as Chairman of the Committee. I have to apologize to the House for rising again, but I do not desire as Chairman of the Committee, to lie under the imputation implied by my hon. friend in the statement he has made. I know it has not been my practice, and as far as my experience of other committees is concerned, I know it is not their practice either. Their practice is to inquire into everything connected with the merits of the bill.

HON. MR. ALEXANDER—As a member of the Railway Committee, I cannot say that I feel that the motion of the hon. gentleman from Halifax is a reflection on us. If the hon. gentleman feels that in this case there are circumstances that demand an earnest investigation, he makes his motion because the Railway Committee might make no investigation at all, and then the time of the House would be wasted by having to refer the Bill back to the Committee. If the hon. gentleman feels that this a matter that ought to be investigated, and I certainly agree with him that it should be, what impropriety can there be in simply bringing forward a motion which may be unusual? As to the objection to establishing a precedent, cannot a member of Parliament, when he sees fit, and thinks he will save the time of the House, move perhaps an unusual motion of his own, contrary to the rules of Parliament? And who will say it is contrary to the rules of Parliament? I should not wonder if the thought crossed my hon. friend's mind that we have sometimes seen a member of the Government enter a committee of this House and dictate to that committee in a very unusual tone of language, and, strange to say, the committee are so amiable and so disposed to meet the views of Ministers of the Crown that they very often allow a committee to take action which is not right.

HON. GENTLEMEN—Order! order!

HON. MR. ALEXANDER—I will put myself in order. My hon. friend brings forward this motion because he is impressed with the fact that an investigation should be made, and he feels that he can safely place himself in the hands of the House. He feels that the House will see the propriety of the proposed investigation, and I hope the Senate will pass the motion which he has made.

HON. MR. KAULBACH—I am quite satisfied that the Committee have ample power to make this investigation; at the same time if they did not make it I do not think it would be a reflection on them. The only question in my mind is whether the Committee would take it upon themselves to make the inquiry unless some person comes before them and raises the

question to be investigated. It is a question in my mind whether the feeling of this House is that the Committee should be specially charged with an investigation. I do not see any impropriety in making it a special charge to the Committee; but it is a question to my mind whether it is of sufficient importance to make it a special charge to the Committee to investigate it. If the House thinks it should be investigated, it is but right to draw the attention of the Committee to the question. I believe in the other branch of the legislature this same motion was made, and it was not attempted there to rule it out of order. It is a question to my mind whether it is out of order on the ground that the Committee have that power without specially giving it.

HON. MR. HOWLAN—The hon. gentleman from Halifax has stated himself that it would be impossible to carry on the business of parliament without committees. We have committees on Private Bills, on Banking and Commerce, and on Railways, Telegraphs and Harbours, and these committees represent the House as much as if the House itself were all a committee. The powers of the House were delegated to those committees for this special business which is referred to them, otherwise it would be impossible to go on with the business of the Session. This Bill comes before us in this shape: it provides that unless 50 miles of the road are built within a certain period of time, the incorporators shall lose their charter. As to whether the facts are or are not as stated in the press, we have nothing to do with that. We know that if we take the press on both sides of politics very different views are advanced and taken on the public questions of the day. We are not here to investigate newspaper gossip. We are here to take cognizance of what comes before us formally, and bills coming here in the ordinary course of legislation pass from this House to the committees to which they belong. The committees are appointed to investigate them. The hon. gentleman from Halifax has no confidence in himself. He has no confidence that he can look on this Bill impartially as a member of the committee. Every member of that committee has as much responsibility for

the deliverance of the committee as the chairman, and when he speaks of the committee as one of its members, he speaks of the whole Committee. The only conclusion we can come to is that he has no confidence in himself, and that he wishes us to advise him as to his proper course. I have no doubt that if the Bill goes before the Railway Committee it will receive the same thorough investigation that it would receive in this House, and outside of that we have nothing to do. With regard to this matter of special instruction to a Committee, it may be done on a public question arising out of the government of this country, but I doubt if any precedent can be shown, either from Bourinot or May, from the procedure of this Parliament on a Railway Bill coming in here asking that certain things shall be done, in which special instructions have been given to the Committee. In my experience of a quarter of a century I have never seen such a course adopted. Now, with regard to the decision in this matter, it is a fair proposition that this Bill was not smuggled through the other branch of Parliament. It is a fair proposition that it received the care, attention and examination of as able minds as that of the hon. member from Halifax; that the same perseverance, talent and energy were devoted to the examination of this Bill in another place, and the measure was postponed from week to week, so that the fullest and fairest investigation into all the circumstances connected with it could take place. It is a fair presumption that a thorough investigation did take place, and that members of the other House were fully satisfied as to the circumstances. If it had been smuggled through Committee, and time had not been allowed to gentlemen opposing the measure to bring forward evidence on every possible point that could be taken against it, there might be room for such a motion as this, but investigation in this Chamber is not to take place unless when the report comes in from the Committee and is before the House giving the proper notice that a private bill should have before the third reading. But to say that no honest or thorough investigation takes place before the Railway Committee is to establish a precedent and lay down a principle which has never been adopted by any Parliament in the world.

HON. MR. HAYTHORNE—While I have the fullest confidence in the manner in which the hon. gentleman from Amherst conducts the business of the Railway Committee, I think I can support the motion of the hon. gentleman from Halifax without any imputation upon his ability, fairness or capacity as chairman of the Committee. A Bill has been introduced here which the promoters told the House was of vast importance to the tract of country through which it passed, and we are invited to give it our cordial consent in consequence of its importance. At this point the hon. gentleman from Halifax steps in and informs the House that certain parties, never mind who they are, have intervened between the good intentions of Parliament and Government of this country and the people of the province—that an intermediate profit will be made unless steps are taken to prevent it. Nevertheless the House agrees to the second reading of the Bill. The motion then is that it should go before the Railway Committee, and I am disposed to think that the hon. member from Halifax took a prudent course in moving this amendment, and for this reason: all members of this House are not members of the Railway Committee, and for the interest of those members specially the hon. gentleman from Halifax is careful to see that this matter does not escape, and cannot possibly escape the attention of the Committee. If this amendment passes, the Committee cannot avoid taking up the question to which allusion has been made on the second reading, and for that reason I think the motion of my hon. friend is necessary. The Committee may, if it so pleases, resolve by a majority of votes that it will not take up this statement made by my hon. friend, which he may make again, and be prepared to adduce evidence in support of it. The majority of the Committee may decide that they will not entertain it at all: then the Bill comes back to this House and no enquiry whatever is made. We are told that it is always competent for the House to refer a Bill back to the Committee with further instructions; but in my experience here—and I think it is the experience of every gentleman in this House—there is always a reluctance to do so as it implies remissness on the part of the Committee on the question referred, so

that when a grave question arises the House is always reluctant to take that step. How much better is it to take that step now before the Committee has gone into the question at all. For these reasons I am myself prepared to support the motion of the hon. gentleman from Halifax.

HON. MR. O'DONOHÖE—I do not rise for the purpose of speaking on the question beyond calling the attention of the House to a point of order which was raised, and on which we have not had the Speaker's ruling and before saying anything I should like very much to have his decision.

HON. MR. POWER—It is understood of course that the Speaker's decision concludes the discussion, but I do not suppose the hon. gentleman has any objection to hearing the subject discussed.

THE SPEAKER—Has the hon. gentleman any authority to cite?

HON. MR. POWER—I took it so much as a matter of course that I did not fortify myself with the authorities and I have not looked them up. I am not a walking encyclopedia of parliamentary rulings and proceedings as my hon. friend from Alberton is. I did not enjoy as he did the privilege of leading a House nor was I a member of a Government for four years. These things naturally give him a familiarity with parliamentary procedure which a member like myself is not expected to have. At page 444 of Bourinot I find this:

“It is a clear and indisputable principle of parliamentary law that a committee is bound by, and is not at liberty to depart from the order of reference. Consequently if a bill be referred to a select committee it will not be competent for that committee to go beyond the subject-matter of its provisions. If it be found necessary to extend the inquiry, authority must be obtained from the House in the shape of a special instruction. Such an instruction may extend or limit the inquiry, as the House may deem expedient.”

HON. MR. HOWLAN—That is a special committee.

HON. MR. POWER—That is all the authority I have found. I had not looked

the question up, but I just found that citation at the first glance.

THE SPEAKER—I do not consider the amendment of the hon. member from Halifax as any reflection upon the Select Committee on Railways, but I agree with the hon. member from Amherst and the hon. member from Sackville that it is a motion unprecedented in the practice of this House, and in my opinion clearly out of order. What is this amendment? It is an instruction to the Standing Committee on Railways to inquire into the relations of certain alleged directors of the company, being members of the House of Commons, to the company, and into any provisional contract which may have been entered into for the construction of a certain line of railway in Manitoba. In the first place, it is an unusual thing to give an instruction of this kind to a standing committee. Instructions are generally given to Committees of the whole House, and are not mandatory, but directory. The Committee is not bound to obey an instruction of that kind. The Committee on Railways, Telegraphs and Harbors, a select standing committee of this House, has full, ample and complete power to make an investigation of the kind referred to in this amendment. Such being the case, I do not agree with the hon. member from Halifax that the House has the power or right within parliamentary rules to give any instruction to the Committee. The House cannot do so without being irregular in its proceedings. The Committee having power to deal with the matter, the question is whether the House has a right to give an instruction on the subject. Bourinot says:—

“Considerable misapprehension appears to exist among some members of the Canadian Commons as to the meaning of an instruction—a misapprehension by no means confined to that body, since English Speakers have frequently found it necessary to give decisions and explanations on the subject. An instruction, according to these decisions, is given to a committee to confer on it that power which, without such instruction, it would not have. If the subject-matter of an instruction is relevant to the subject-matter, and within the scope and title of a bill, then such instruction is irregular, since the committee has the power to make the required amendment.”

I shall not cite the precedents but I will come to the effect of an instruction when given:—

“According to the modern practice of Parliament an instruction to a committee is not ‘mandatory,’ and it is therefore customary to state explicitly in the motion as shown above, that the committee ‘have power’ to make the provision required in a bill. ‘For,’ as stated by Mr. Speaker Brand, ‘the intention of an instruction is to give a committee power to do a certain thing if they think proper, not to command them to do it.’ It has been pointed out by an English authority in such matters, that even the committee cannot act upon the instruction without a question put upon the thing to be done, which of itself implies that the instruction is not conclusive upon the committee.”

When a committee has full power to do an act, it must exercise that power without instruction, and if an instruction were given to them under the circumstances it would be irregular. If they had not the power and instruction were given to them it would still be optional with them to obey the instruction. Therefore the Committee on Railways would stand in exactly the same relation to the question after the proposed instruction that they now do. With regard to the last authority quoted by the hon. member from Halifax, I cannot see that it has any bearing on the point under consideration. In my opinion the amendment of the hon. gentleman is out of order.

The original motion to refer the Bill to the Railway Committee was agreed to.

## BROCKVILLE AND NEW YORK BRIDGE COMPANY'S BILL.

### THIRD READING.

HON MR. DICKEY moved that the House do concur in the amendments proposed by the Committee on Railways Telegraphs and Harbours to Bill (68) “An Act to incorporate the Brockville and New York Bridge Company.” He said: The first principal amendment refers to what is called the bond clause. That section authorizes a special meeting to be called for the purpose of introducing those bonds on the market but in the clause as it originally stood there is no provision as to the amount or value of stock that is to be represented at the meeting, so that a catch meeting might

be held and the whole undertaking might be swamped without the consent of the majority. We have introduced the words which are usually inserted in these Bills—"at which meeting two-thirds in value of the stock represented by person or by proxy"—so that it will require a majority of two-thirds, which is not an unreasonable requirement. The next amendment is what is known as the promissory note clause. I may state briefly, as the particulars are on the Minutes, that it is to make it conformable to the promissory note clause. The third amendment which is the most important, was in the twentieth section and the effect of it is to strike out the section altogether and to introduce another one. That section was in this form :—

For the purpose of constructing, working, and protecting the telegraph and telephone lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by chapter sixty-seven of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting Electric Telegraph Companies," are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

The powers specified in that Act are conferred upon the Company, but there is not a word as to the responsibilities which it imposes. The clause was one-sided, and there was another difficulty in it, that the Act of Old Canada, with the exception of a few sections, has been either repealed or amended so that there are only a very few sections which are applicable, and we thought it would be better altogether to provide that those sections which are in force shall apply to this Company. The other amendments are entirely verbal and, with regard to them, I am glad to acknowledge that the House of Commons has come to the conclusion to imitate our practice, because I find there are three other bills which are yet to be considered to-day in which the amendments are entirely verbal. I think we have a prospect of a better system of drawing bills before us and that has been produced in a great measure by the action of the Senate with reference to these bills.

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

HON. MR. DICKEY.

## FREEHOLD LOAN AND SAVINGS COMPANY BILL.

### COMMONS AMENDMENTS CONCURRED IN.

HON. MR. ALLAN moved that the amendments made by the House of Commons to Bill (L) "An Act to consolidate the borrowing powers of the Freehold Loan and Savings Company, and to authorize the said Company to issue debenture stock," be concurred in. He said: The amendments to this Bill are almost entirely verbal and are of such a character that I have no hesitation in asking the House to assent to them.

The motion was agreed to, and the amendments were concurred in.

## WESTERN CANADA LOAN COMPANY'S BILL.

### COMMONS AMENDMENTS CONCURRED IN.

HON. MR. ALLAN moved that the House do concur in the amendments made by the Commons to Bill (M) "An Act to consolidate the borrowing powers of the Western Canada Loan and Savings Company, and to authorize the said Company to issue debenture stock." He said:—These amendments are almost identical with the amendments made to the Bill which has just now been before us.

The motion was agreed to and the amendments were concurred in.

## CANADA LOAN AND SAVINGS COMPANY'S BILL.

### COMMONS AMENDMENTS CONCURRED IN.

HON. MR. PLUMB moved that the amendments made by the House of Commons to Bill (H) "An Act to consolidate the borrowing powers of the Canada Permanent Loan and Savings Company, and to authorize the said Company to issue debenture stock," be concurred in. He said:—These amendments are also of the same character as those which have been referred to by my hon. friend who has just sat down. They are not quite so many of them and they are purely verbal.

The motion was agreed to and the amendments were concurred in.

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Tuesday, May 11th, 1886.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (70), "An Act respecting the Manitoba and Northwestern Railway Company of Canada" (Mr. Girard) was reported from Committee, read the third time, and passed without debate.

MASKINONGE AND NIPISSING RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (74), "An Act to incorporate the Maskinonge and Nipissing Railway Company, with certain amendments." He said: Three of these amendments are of some importance: but they are amendments such as have been made in former bills. The first amendment is that with regard to the second clause of the Bill, in which three or four of the last lines of the clause are struck out, and for the reason which I shall explain presently. The Consolidated Railway Act referred to in that clause makes provision that all the clauses of the Act shall apply to charters, unless the special charter shall otherwise direct and make provision in another way. Now this part of the clause, which I have referred to, provides that with regard to certain things only, such as plans—in fact there are only three things mentioned, plans and powers and lands—that Act shall apply to them, but in no other respect, and in order to give effect to the intention of Parliament and to make the Act generally applicable, it was necessary to strike out that special restriction: and in that case the Act itself would apply in all its particulars. That is the amendment that is made. In Section 16, what is usually known as the bond clause, an amendment is introduced, such as has been made in other bills, requiring that at least two-thirds in value

of the stock shall be represented at the meeting which should resolve to issue those bonds. The 21st section is what is known as the promissory note clause, and the amendments there are to make it more conformable to that clause as now generally accepted and received. The other amendments are purely verbal, and although they might strike one as not being very important, I am happy to say they are in a good direction. Both Houses at present seem to be acting on a principle that there should be something like harmony in our legislation, and, as far as possible, an absence of tautology. These amendments are verbal, having the effect of carrying out that new principle in our legislation. The result will be, I hope, that in the future we shall have little or no difficulty with regard to those bills. The amendments are so obviously necessary that there is no reason why the Bill should be delayed in passing the third reading in consequence.

HON. MR. CLEWOW moved that the amendments be concurred in.

The motion was agreed to.

The Bill was then read the third time, as amended, and passed.

FREE PASSES ON THE CANADIAN PACIFIC RAILWAY AND GRAND TRUNK RAILWAY.

MOTION POSTPONED.

The Order of the Day having been called,

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 list of the names of all Senators and Members of the House of Commons who received half-fare tickets and free passes over all roads or portions of roads owned or operated by the Canadian Pacific and Grand Trunk Railway Companies between the first of November last and the first of April, 1886. (Mr. McInnes, B.C.)

HON. MR. DICKEY said: Before this notice is read, I would appeal to my hon. friend who has charge of it to allow it to stand for the present. The notice implies



to a domestic matter which might lead to unpleasant discussion, and I would like if my hon. friend would allow the matter to stand until Monday or Tuesday next.

The motion was allowed to stand until Monday next.

## AMERICAN TUGS IN CANADIAN WATERS.

### INQUIRY.

HON. MR. MACDONALD inquired

Whether it has come to the notice of the Government that American tow boats have been towing in British Columbia harbors and within the "three mile limit" in Dominion waters?

He said: In putting this notice on the paper I desire to bring to the attention of the Government the fact that the law relating to towing within the three mile limit has been broken by American vessels towing in British Columbia waters. Hon. gentlemen are aware that in all questions regarding the coasting trade and navigation we have to deal with very jealous neighbors indeed, who will take all and give nothing in return, and, therefore, it behooves us to guard our own navigation and towing. It is most humiliating to see foreign tugs come into our harbors and tow ships out while our own tugs are lying idle. The law is rather vague on the subject. It allows tugs to tow ships into harbors, but prevents them towing them out to any other place, and the question is whether a vessel towing to a foreign port is liable to a penalty or not—it is a question open to discussion. I will just read what the law says on that point:

"The Master of any steam vessel, not being a British ship, engaged, or having been engaged, after the passing of this Act, in towing any ship, vessel or raft, from one port or place in Canada to another, except in case of distress, shall forfeit the sum of four hundred dollars."

Whether that means to another port in Canada or a port in a foreign country is a point open to doubt. I have been instructed by the Deputy Minister of Marine that that refers to any other port; that is to say, a tug could not take a ship out of a port in Canada and tow it to a foreign port; but that is a very doubtful matter. However, the fact remains that the law as

it is at present is broken, and that this Act ought to be amended so as to prevent any towing by foreign tugs inside of the three-mile limit.

HON. MR. DICKEY—I am instructed to answer that it has come to the notice of the Government that American tow boats have been towing within the three-miles limit in Dominion waters. My hon. friend has stated very truly that the Act under which this takes place is somewhat vague, and in adverting to the present position of the question, I may say to him that the subject has been brought before the Government. I have here a number of papers bearing on it in the shape of various reports from different officers. I mention it to show that the Government are endeavoring to get all the information they can on the subject. They are now engaged continuing that inquiry, and the result of it will be made known to my hon. friend and to the House as soon as the Government can possibly deal with the matter and state what course they propose to pursue with regard to this important question.

HON. MR. ALMON—May I ask what course is adopted towards Canadian or English vessels towing in American waters?

HON. MR. DICKEY—I think it is substantially the same as that mentioned by my hon. friend as the construction held by some as to that Act—that is, they cannot proceed from any one port in the United States to any other port in the United States.

## LAW OF EVIDENCE AMENDMENT BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (3), "An Act for the further amendment of the Law of Evidence in certain cases."

In the Committee on the first clause:

HON. MR. TRUDEL—I cannot allow this clause to pass without making a few remarks. I was unfortunately absent when the second reading took place, or I

HON. MR. DICKEY.

would then have expressed my opinions on the merits of the Bill. I think, however, that this Bill might be amended in such a way as to meet what, in my humble judgment, are the exceptional cases where such legislation should be allowed. However, after having examined the Bill, I am confirmed in my first impression, that the measure should not pass. The only circumstances under which people of the description alluded to in the clause would refuse to testify would be when they wished to make use of the reproach brought against them for their own benefit. For instance, in a criminal proceeding; supposing a man who professes to be an Atheist, and who knows that in declaring that he has no religious belief he would be refused as a witness, was the only witness to a murder and that the murderer was a friend of his, then it might be considered in the public interest to force him to give evidence. But I think that in the very few cases where such a law should be allowed it is another measure which should be framed. For this reason I will propose no amendment. In the meantime I will reserve my right to make a few observations on the third reading.

HON. MR. ALMON—I have great objection to this clause of the Bill which is before the Committee. My objection is that it states that if a person shall refuse or be unwilling from alleged conscientious motives to be sworn, or shall declare that the oath is not binding on his conscience, it shall be lawful for the court or judge to permit such person to make affirmation and declaration. That is to say, if a judge thinks the witness is an Atheist and his calling God to deal with him if he bears false witness is not binding on his conscience, he is granted greater privileges than a Christian. A man appears before the judge to give evidence. The judge says "I cannot believe your word unless you are on your oath." He says to the Atheist "Your oath is illegal; I absolve you from your oath," whereas the Christian has to take the oath that he will tell the truth, the whole truth and nothing but the truth. I object to that clause and move that it do not pass.

HON. MR. KAULBACH—It is not to relieve the Atheist, but to make him

subject to all the rules of the law. He may believe in a Redeemer and believe in God and yet not believe in future punishment. It is a question if the judge would go into a theological discussion as to the man's belief. I move that the first clause be adopted.

HON. MR. LACOSTE—Before the adoption of this clause I beg to say a few words. It seems to me that this Bill is premature. It is stated in the preamble that the object of the Bill is the discovery of truth in courts of justice. It says "Whereas the discovery of truth in courts of justice has been signally promoted by removal of restrictions on the admissibility of witnesses, and it is expedient to amend the law of evidence with the object of still further promoting such discovery," etc. So far as we, in the province of Quebec, are concerned I may say we do not feel the need of any measure like this. We have our Civil Code and according to one of the articles of that Code individuals who do not believe in God and those who do not believe in future punishment and who refuse to take the oath, are declared to be incompetent. This article of the Code has been applied since the existence of law in the country, and I do not see that any man has suffered by it. The fact is, it was in the Code of every Christian nation in the world until lately. Infidels and those who do not believe in God were not admitted as witnesses, either in criminal or in civil cases, and if a bill similar to this was adopted in France and in England, it was forced on those countries. This House will remember the debate that took place on Bradlaugh's bill respecting the oath taken in the British House of Commons; it was only when England was forced to accept it that it was adopted. I do not see that in this country we should open the door to such legislation; it is a bad principle. It may be that in future years infidels may so increase in number that the door may be broken open, and then it will be time enough to regulate the law respecting the oaths of those who do not believe in God or in future punishment. The argument used in favor of this Bill is that it is not for the benefit of parties to a suit who may have witnesses to call who have no belief in God. It is true there.

may be some cause for it ; but if we once open the door those witnesses who do not believe in God will have the right to be called in every case, and for one instance where the innocent will be protected by the evidence of such men, in many other cases we will see witnesses of that kind giving evidence that will do more harm than good. For my part I have no confidence in the evidence of people who cannot take God to witness the truth of what they say. It has also been stated in support of this measure that men who would swear or affirm falsely under this Bill could be sued for perjury. I admit that it is a kind of argument but it is a very poor one. I might say that if such a witness intentionally makes a false statement before a criminal court he may be condemned for perjury ; but besides his evidence as to matters of fact, such a witness is brought to swear as to his appreciation of things that occur before his eyes, and to this part of his evidence there is no check except the fear of God or the fear of future punishment ; and as I said before for one case where an innocent party may be protected by such evidence there will be many cases in which those witnesses will give false evidence. It was stated as an argument that before our constitution all religions stand alike. I deny this. I think the constitution presumes that British subjects are, above all, Christians. The allegiance due to the Queen is under oath. The sittings of parliament are opened with prayer. In all courts of justice the judge before entering upon his duties has to take the oath of office. The oath is required in every instance under the constitution, and besides if we once open the door, if we admit those persons to testify, we will before long have to admit to this House, and to the House of Commons, members without taking the oath of allegiance, but merely making a simple affirmation under the pretext that they do not believe in God or that they do not believe in future punishment ; and I really believe that we will have gentlemen sitting as judges who prefer not to take the oath before exercising their functions, but merely to make the affirmation. I think that will be a consequence of this Bill if it becomes law. I do not say that the time will not

come when we shall have so many Atheists in the country that we will be forced to amend our laws respecting evidence ; but that will be, I hope, some time in the future. I have another objection to make, and it is on the constitutional question. It is stated in the first clause of the Bill that it will apply not only to criminal proceedings, but that "in any civil proceeding in respect of which the Parliament of Canada has jurisdiction in this behalf," the evidence of such persons will be admissible. It has been stated in the other House by the Minister of Justice that this would apply in the insolvent courts. In that case I think it is an infringement upon the rights of the Provinces. The insolvent courts adjudicate upon the rights of property in the Provinces. Questions as to civil rights, and the rights of property will go before the insolvent courts. It is true there is no insolvent law in force now, but there may be one, and if such a law were passed, it would be competent for such witnesses to give evidence before the insolvent court, notwithstanding the provisions to the contrary in the statute of the Province of Quebec. Such witnesses would be brought, whose evidence, according to our law, would be illegal ; but our law would be overruled by the provisions of this Bill. Under these circumstances I may say I am opposed to this clause and will vote against it.

HON. MR. PLUMB—I have heard the remarks of my hon. friend, and I must say they have impressed themselves upon me very strongly. The only argument I have heard in favor of this Bill has been that it is for the benefit of those who wish to have the advantage of this kind of evidence, and not for the advantage of the witness himself, not extending to him any privileges, but giving it to suitors who may desire to have the advantage of a kind of evidence that would otherwise be shut out.

That is the strong point in the case, and it is the only one. But I may be permitted to add to the objections made by the hon. gentleman those which strike me as being pertinent to what he said in regard to the future. We may hereafter have such pressure brought upon us for a bill of this kind that we may be, in a

measure, compelled to view it with more favor than we do now. The hon. gentleman has referred to a case in the English House of Commons, and we all know the political conditions which pressed upon the Government a change in regard to that. No such pressure exists here, and I would call the attention of the House to this fact, that there is no evidence anywhere that such a radical change as this, a change which certainly should require something more to justify it than anything I have heard in the way of argument in its favor, has not been called for by petition from any part of the country. We have not heard that there has been any popular demand for this kind of legislation. I have not heard that any individual outside of the House of Commons has raised his voice in favor of it. I think the Bill originated there. I did not hear that petitions had been presented from any quarter for this legislation. We certainly have seen none here, and until I have some evidence that such a change as this, which certainly does not commend itself to my judgment or conscience, is demanded by the people in such an unmistakable way that it over-rides considerations which are obvious, and which have been presented so eloquently by my hon. friend who has just sat down, I shall feel myself compelled to vote against the Bill.

HON. MR. DICKEY—I desire to say a few words, and in speaking on this question I hope the House will understand that I express only my own individual opinions, and in no way represent the Government, for I believe they have had nothing to do with this Bill. I must say that it is to me a striking anomaly that in a Christian country like this we should be asked to pass a Bill for the benefit of Atheists and Agnostics. The present state of the law is to the effect that a Quaker, or other Christian, having conscientious scruples to the taking of an oath, may affirm. The reason of that is perfectly obvious. He does that as a Christian, because his construction differs from that which we put on the injunction to "swear not at all." He believes that injunction to extend even to legal oaths, and he is allowed, as a matter of necessity, to affirm. I draw the attention of the Committee to the clear distinction between

such a case as that, which is made for the protection of Christians who entertain conscientious scruples, and the other case where people have no belief at all, or, if they have any, do not believe in a God. There is also another anomaly in this Act which has not been adverted to; it is made to apply not only to criminal proceedings, but also to proceedings in civil court over which the Parliament of Canada has jurisdiction. If this Act were to pass you would have in the various provinces the singular anomaly of a class of witnesses being excluded in one court who are admitted in another. On the whole, I think the House would expect to hear something stronger than we have yet heard in support of this Bill before concluding to pass the first clause, which perhaps amounts to the principle of the whole Bill, because without it the whole Bill would not be worth anything. I only rise for the purpose of explaining my individual views and not to argue the question at length. It is not convenient to argue the principle of a bill in committee, and I only speak now of the effect of the first clause. I thought it my duty to draw the attention of the committee to it, and I should like to hear what my hon. friend, who has charge of the Bill, has further to say in support of it after the objections he has heard raised.

HON. MR. POWER—I take very little interest in this measure. I do not care much whether it passes or not, but as far as I have given it any thought my disposition is to support the Bill. There are two views of the law of evidence. The old view was that any man who had an interest in a case, and every man as to whose veracity there was any suspicion should be excluded. That was the view held very strongly until within the last few years. But the tendency of legislation of late has been to a totally different view. The modern view is that you should admit the evidence of every one who knows or is supposed to know anything about the circumstances which are being inquired into, and that the court and jury will attach the value that they think proper to his evidence. The parties interested, the plaintiffs and defendants, are admitted now, and the court and jury recognize the fact that the evidence of a

person deeply interested in the cause is not in itself worth as much as the evidence of a witness who is not interested. That is the tendency of the law of evidence now: the court takes all the information it can get and then judges as to the value of that information. Looking at the matter in that way, this Bill is at any rate in line with the tendency of modern legislation. The criticism of the hon. gentleman from DeLorimier as to one portion of the Bill was hardly deserved. He stated that the portion of the clause which provides that in any civil proceeding in respect of which the Parliament of Canada has jurisdiction in this behalf the Bill shall apply, was an encroachment upon the jurisdiction of the provinces. I think that was hypercritical, because the language of the clause limits it exclusively to those cases in which the Parliament of Canada has jurisdiction in this behalf. If the Parliament of Canada has no jurisdiction, then of course the Bill does not apply, and therefore I think that the criticism was not well founded. As to the main question, of course it is a matter of opinion. Some hon. gentlemen have spoken of this Bill as if it were simply for the purpose of allowing Atheists to give evidence. If hon. gentlemen will look at the wording of the Bill they will see that it goes a good deal farther than that. The first clause applies to a man who objects to take an oath, and the second clause speaks of a man objecting because of conscientious scruples. If a man has a conscientious objection to take an oath, that I think should not disqualify him from giving evidence, or at any rate it should not deprive the tribunal before which the cause is being tried, of the advantage of hearing his evidence and attaching what weight they please to it. But even taking the extreme case of a man who is not now allowed to give evidence, because he does not believe in God—I think that fortunately at present, at any rate, the number of such persons in Canada is extremely limited. But we can suppose this case: that a serious crime, such as murder, has been committed, and the only person who happens to be aware of his own personal knowledge of the circumstances of the case, is called upon to tell the court what actually did occur. He may not want to give the information, and

he has only to say that he will not take the oath. He may not be an Atheist, but he may wish to be relieved of the necessity of giving evidence in the case, and he has only to say that the oath will not bind him. Now is that in the interest of justice? Is it not better that that man should be obliged to testify, and that the court after hearing him cross-examined by skilful counsel may attach what weight they please to his testimony, than that the court should be deprived altogether of the information he can give? I think it is. I regret to say that although there may not be many Atheists in Canada at the present time, there is a not inconsiderable number of persons whose valuation of an oath is not very high. In a good many cases I would just as soon take the evidence of a man who had no religious belief, as of one who believes and has no scruple about sinning against his belief. The measure I understand met with the warm approval of the Minister of Justice in the other House. That gentleman had had a great deal of experience as a judge in criminal cases during the three years he was on the bench, and he has a good practical knowledge I should say of what the working of this law should be; and that is an argument which should weigh somewhat the House in dealing with the Bill.

HON. MR. ALEXANDER—I desire to say that to my mind, the observations which have fallen from the hon. gentleman from De Lorimier are unanswerable. They are the expressions of a truth loving mind advanced to this House in the interest of society. We know that the great majority of mankind do feel the solemnity of an oath. If we do away with that form we certainly are moving in a wrong direction. Now as the hon gentleman observed, one clause of the Bill provides that in the event of persons making a declaration they would be held answerable for perjury if they stated what was untrue. This may be declared to be law, but we know that many cases have transpired, where persons have obtained money under a declaration, where they would not have taken it wrongfully if they had had to take an oath before God.

HON. MR. McINNES (B.C.)—Yes they would.

HON. MR. ALEXANDER—I have known such cases where people have thus taken money wrongfully and not been deterred by the form of a declaration. I think that this House and country are indebted to the hon. gentleman from De Lorimier for the solemn and proper manner in which he has put that question before the House.

HON. MR. NELSON—I think this Bill is a step in the right direction, especially since we have shown an intention to legislate more particularly about the Chinese. A very large portion of those people are in the country. Hitherto they have been confined almost exclusively to British Columbia, but now that the Pacific Railway has been constructed across the continent they will spread through the whole country. It is generally known that the Chinese do not believe in God, and before the courts in British Columbia it is very usual to swear them by burning paper or breaking a saucer.

HON. MR. McINNES (B.C.)—Or cutting off the head of a chicken.

HON. MR. NELSON—Yes, or cutting off the head of a chicken. I think we should be prepared to legislate to meet cases in which such people are called into court to give evidence. We should also legislate to meet the cases of people who do not believe in the existence of a God. We know that some of the most scientific men of the age do not believe in God; yet we would not hesitate to take their affirmation before a court of justice. I think this law is intended to reach people on whom an oath would have no effect. There are many such people whose affirmation would be perfectly good before a Court of Justice, and in many cases a great deal of wrong might be done by excluding their evidence.

HON. MR. TURNER—I quite agree with my hon. friend opposite with regard to the necessity of protecting ourselves from the effects of leaving the Agnostic in a different position from others. The Agnostic does not believe in future punishment; we want him to understand that there is a punishment that he does believe in—that is present punishment and that if

he is untruthful he will be punished. We want to put him in the position that he must give evidence whether he likes it or not and provide for his punishment if he makes a false statement. I think it is exceedingly desirable that we should place men of that sort in the position that they cannot refuse to give evidence. There is no doubt that there have been serious cases in Ontario where men have been deprived of their rights through witnesses saying "I cannot take an oath," and guilty parties have from the same cause escaped merited punishment. Now by this Act an Agnostic is forced to give evidence and in such a way that he suffers all the consequences of perjury if he does not tell the truth.

HON. MR. ALMON—How many people have you known to be punished for perjury in Canada? Have you known any?

HON. MR. TURNER—Yes.

HON. MR. ALMON—With regard to persons that you know have committed perjury, how many have been punished? Is not the law in fact an empty threat?

HON. MR. TURNER—No, it is not so.

HON. MR. McINNES (B. C.)—My hon. colleague has gone over the ground that I intended to cover in referring to the necessity of dealing with the case of the Chinese. I am very glad that he has brought that aspect of the question to the notice of the House, because we have something like 20,000 Chinese in British Columbia, and, as my hon. friend says, there is no doubt that a large number of them will find their way eastward before long, and some provision ought to be made to meet their case when they are brought as witnesses into a court of law. But, apart from that, I cannot at all agree with the remarks which have fallen from two or three hon. members—more particularly the hon. gentleman from DeLorimier—who have opposed this Bill. My hon. friend would lead the House to believe that no person but a Christian can speak the truth or give evidence which should be believed. I entirely dissent from that view. I have

known, and I believe every hon. member here knows, men who are Agnostics, infidels, or whatever you please to call them, who are as truthful and honest as any people to be found. On the other hand, I have known men, professing Christians, who would make long and apparently fervent prayers, who to my personal knowledge—and I am ashamed to say it—have taken the Bible in their hands and deliberately perjured themselves within my sight and hearing. I have known that in more cases than one.

HON. MR. GLASIER—They ought to be punished.

HON. MR. MCINNES (B.C.)—Certainly; there is not one perjurer in a thousand who is punished. A great many who take the oath do not believe in its sanctity any more than the Agnostic. I am not advocating, and I do not believe in encouraging, Agnosticism in any way, but, at the same time, as there are many Agnostics in our country whose evidence might affect very important cases, I think that this Bill, which admits their evidence, is a step in the right direction.

HON. MR. BELLEROSE—May I ask the hon. gentleman whether those Chinese in British Columbia refuse to take an oath because they do not believe it to be binding on their consciences?

HON. MR. MCINNES (B.C.)—They do not believe that it is binding. There are three ways, as far as I am aware, in which they feel under an obligation to tell the truth. The first is by the burning of a small piece of paper in court: the second by breaking a saucer, and I believe a third (though I have never seen it) by bringing in a live chicken and cutting its head off in the presence of the court—the spilling of blood. Those are the three modes.

HON. MR. BELLEROSE—Do they give as a reason that the putting of their hands on the Holy Book is not binding on their conscience?

HON. MR. MCINNES (B.C.)—They do not believe that it is a Holy Book. I have heard some of those hon. members who oppose this Bill state on other occasions

that you cannot make men temperate by Act of Parliament. I think they are as little likely to make men orthodox by excluding them from the privileges and responsibilities which the laws of the land confer and impose upon other citizens of this country.

HON. MR. BELLEROSE—The hon. member from British Columbia who has just spoken says that the Chinese do not believe that the Bible is a Holy Book; then how will this Bill change their position? It will not change it in the least. In the same way, Agnostics who say that an oath on the Bible is not binding on their consciences, assert that they are at liberty to state the truth or not as it may suit their interests. The only thing that prevents them committing perjury is that they are afraid of human law. Well, what difference will this Bill make in their case? You say that it will be unnecessary for them to kiss the book, but that they may make an affirmation, and that it will be equal to taking an oath. Now, is it not absurd to enact laws which will be of no use, and which do not change the position? You leave them precisely as they were before; there is nothing binding upon their consciences in either case. Let the law stand as it is; require them to put their hands on the book, and if they do not do so, let them understand that they will be punished for it. That is the only way to deal with them since they have no fear of anything but human law. On the other hand, see the responsibility this House would take by enacting a law which will be of no avail—we would be legislating for an exception. It is all very well to assert that there are men of great talent who are Atheists. As I stated on a former occasion, I do not believe there is one Atheist in the country, and I have evidence of that fact, because I have seen those men whose pride is such that they defy the Almighty during their lifetime; but when they come to their death-bed they say to their attendants "If I ask for a Minister or anything of the kind, believe that I am wrong, and do not go for one." Now it is not right that a Christian community should place a law on the statute-book to meet an exception, when it will be useless. If this Bill could serve any useful purpose, then I could see

the force of the arguments which have been used in support of it. I have shown that the position of a man who does not believe that putting his hand on the Bible is binding on his conscience will be the same, whether he does so or not; because what are you legislating for now? You say "Poor man; you do not believe in putting your hand on a book which is not binding on you; you need only make a statement; but, remember—if you do not state the truth you are committing perjury." Now, I cannot see any difference that such a provision will make, and I think the House would make a mistake in passing the Bill.

HON. MR. NELSON—Don't you see that at present you make a man take an oath upon a book which he does not believe in?

HON. MR. BELLEROSE—I do not believe in the Bible that we have on the table here; to me it is nothing but untruth; but if you present it to me I put my hand on it and I swear—I affirm solemnly before God. It is not the touching of the book which constitutes the oath; the oath is a moral act, and that moral act is evidenced by putting my hand on the Bible. That is to say, when I touch the book I take God to witness the truth of the words I utter.

HON. MR. DEVER—I voted for the first reading of the Bill and I intend to support it now if I hear no stronger arguments than those that have been advanced against it. Instead of thinking that a party for whom this Bill is intended has no conscience, I believe, on the contrary that he has a very acute conscience, for if he had not he would step up to the book and take the oath, and would accomplish his end by deception. Neither do I agree with hon. gentlemen who think because a man declares himself a Christian, or professes the doctrines of any particular church, that it necessarily makes him an honest man. I believe that a man can be honest without being orthodox. A man's creed is very largely the result of his early training; it depends on the education he receives in his youth, and it is only when he investigates this subject for himself that he is likely to become what is known

at the present day as an Agnostic. I do not agree with a previous speaker who defines Agnosticism as a disbelief in God. That is not Agnosticism. An Agnostic declares that he knows nothing about God.

HON. MR. POWER—That is not a belief to say that you do not know.

HON. MR. DEVER—It is a belief and an honest one. On this subject the greatest diversity of opinion exists. Some thinkers come to one conclusion, and some to another, and at best the idea of the creative power is very indefinite in the minds of most men. Where a man comes forward honestly and declares that he does not consider the ceremony of an oath binding on his conscience, I believe he is a more honest man than that one who follows unthinkingly the lead of any particular school. Therefore, I hold it is far better to give an opportunity for conscientious men to make a declaration according to their conscience—that conscience which God has given them, and which is so beautifully described by the poet, Pope:

What conscience dictates to be done,  
Or warns me not to do,  
This teach me more than hell to shun,  
That more than heaven pursue.

Conscience is above everything, and he who follows its dictates, whether he be known as an Agnostic or an adherent of any of the popular forms of faith, I hold is an honest man and entitled to have his conscience and character respected.

HON. MR. O'DONOHUE—In reference to what fell from the hon. member from De Lorimier, he seems to treat the matter or principle of the Bill rather as affecting the witness than the case in which he is called. The hon. gentleman states that it makes no difference whatever, whether he puts his hand on the book or whether he affirms, if he does not believe—that his conscience is not affected. That all may be true, but that is not the point here at all. The necessity of this Bill is not due to the effect of it upon the witness. The hon. member from Halifax has stated the point correctly, I believe, and as a similar or further illustration let me just suppose the case of an Agnostic, or a person not believing in the existence of a Deity, who is present at a highway



robbery, and the only witness of the crime. The robber is placed upon his trial. This witness, the only one who can give positive evidence, is called. The counsel for the defence finds that he is an Agnostic and puts the question to the court that this man does not believe in future rewards or punishments. The judge is obliged to set that man aside and say that he is not qualified to take an oath, and because the witness is disqualified from taking the oath, the prisoner must go free, there being no other witness against him. It is to prevent such a miscarriage of justice that this Bill has been introduced. As I understand, it imposes the same penalties to his telling a falsehood that are attached to perjury. Why then should his evidence be excluded? I cannot see. It is not like the case of Bradlaugh who declared that he did not believe in the Bible and desired in the first place to be permitted to affirm because he did not consider it was binding on his conscience, and then expressed his willingness to take the oath because it was binding on him. It was in his own interest that he acted. There is no parallel between his case and that of a man called as a witness where he has no interest but merely to tell what he has seen. Now, in my opinion he will tell what he sees just as correctly without putting his hand upon the book as he would if sworn, and what we want is his evidence. I saw it stated in a respectable New York paper the other day, that all men in the city of New York are in the habit of telling the truth excepting when they are under oath. I think the inclination of the courts, and the inclination of all civilized countries, is towards doing away with anything that would deprive the parties interested of the testimony of the only person, probably, who was in a position to give it. I therefore feel that the question of leading to Atheism or Agnosticism is not involved here. We are simply freeing those who have seen a transaction to speak about it. I therefore think that I am neither favoring the one nor the other of the matters to which I have referred by voting for this Bill, and I do so with still more confidence when I learn that the Minister of Justice has given it his assent, because he has not done so without looking more carefully into the matter than

cursorily we are able to do. His position gives his opinion the weight of authority, and we should not displace or set aside that authority without very strong and cogent reasons. I therefore must vote for the Bill. The civil law now in Ontario is in the same direction.

HON. MR. BELLEROSE—If a witness before the courts declares that he does not believe that the oath to be taken on the Bible is binding on his conscience, in that case is the judge forced, if there is only one witness, to dismiss the case, or can he go on and tell the man to take the oath?

HON. MR. O'DONOHUE—No, if he cannot take the oath he is disqualified as a witness, and if there be only that witness the person must go free.

HON. MR. BELLEROSE—Then there is a remedy. In place of making a law for that class of people, why should not the criminal law be amended in such a way as to provide that the witness will have to put his hand on the Bible and do what others do, and if he swears what is not true then he will be liable for perjury as he would be if he believed the oath was binding? That would not be encouraging this class of men. In making special enactments for such men I say we are not acting as Christian legislators in opening the door to such principles.

HON. MR. POWER—I am rather surprised that my hon. friend from De Lanaudiere should make such a proposition as he has made. I cannot understand how one, with the respect for the Word of God, which the hon. gentleman has, could suggest that a witness who has declared that he does not believe in the Bible and had no respect for it, should be made to use it as almost a plaything. I can conceive hardly any greater disrespect to the Word of God than a witness who does not believe in it being asked to swear on it.

HON. MR. BELLEROSE—I have seen the hon. gentleman himself swear on a book that he does not believe in, so that he has himself been doing this very thing that he repudiates now. I have done it myself and I will do it again, because as I

said it is the moral act that is binding on me and not the book. It is no disrespect to the book.

HON. MR. POWER—In this case there is no moral act.

HON. MR. TRUDEL—I think there is a good deal of confusion in this debate. I intended to make a few remarks on the principle of this Bill, but it is not customary that the merit of a measure should be discussed in committee. This discussion should have taken place on the second or third reading: but since the debate on this clause has taken such wide range, I do not think it would be improper to address the House on the principle of this Bill rather than re-open the debate on the third reading. We have been discussing rather the form of the oath than the oath itself. It has been said, for instance, that it is for the pagans and Chinese. I hold in my hand the opinion of a man who was a pagan—Cicero, who says very properly that the oath is the foundation of all society. This is the belief of a man who was not a Christian, and who considered, as we do, that the oath is the foundation of every community. The same opinion prevailed in all communities before the Christian era. Does it follow that we must abolish the oath in the case of a pagan, or a man who has a different creed from ours, if his conscience will not allow him to make the oath that we have adopted? I do not believe it. I would say, then, let us have another form of oath. Supposing this Dominion becomes populous and has a mixed people, amongst whom are many pagans, and that those pagans, to have their conscience bound, must have the oath administered in a different way from what it now is, it will then be time enough to examine into this question, and to do what is sought to be done by this Bill. We are establishing a bad precedent, and laying down a bad principle to serve the man who does not believe in God; who has no conscience—because you may put it as you like, a man who does not believe in God has no conscience. He may have some idea of right and wrong, but it is very well known that he recognizes no law, but is a law unto himself: he makes the law

to suit himself, and consequently he escapes any moral obligation. The objection I have to this Bill is this: We have before us not only 1,800 years of Christianity, during which it has always been recognized that the oath is the very foundation of all social order, but we have all communities before the Christian era, for 4,000 years, believing the same thing. While it is recognized that all important civil and religious functions cannot be fulfilled without the Church or the State having the security of the party having bound himself by an oath, and while we have Senators doubting the existence of men who do not believe in God, we are admitting, without any necessity for it, a new and dangerous principle into our legislation. Where is the case that has been quoted before us to show that the administration of justice has suffered for the want of such a law as this? I do not think any such case can be cited; and if some cases occur in which it is found that such parties should be compelled to give evidence, then it is not such legislation as this that is required, but a more stringent law to compel them to take the oath and give evidence. If the law is defective in this sense, I do not see that we will improve it by this legislation. The greatest objection to it is that this legislation puts on the same footing the pagan who believes in a God and the man who has no belief at all, and before such persons ask for legislation Parliament comes in and offers, in a certain sense, a premium to men to become Atheists, and to declare that they have no religious belief at all. It is inviting the coming generation to become Free-thinkers and Atheists, because they will have this encouragement that in the eye of the law, and in the opinion of the legislators of this country there is no difference between a man who believes and the man who has no belief. There is no difference in this 19th century between the Christian and all correct minded pagans that the Atheist is a kind of monstrosity. The old pagans considered a man who had no religion, a person who could not give an oath, as being a kind of monster, as an exception that should be treated more like an animal than a man. Then why should we put this sort of creature on the same footing

as the ordinary citizen, or even a pagan who believes in God? Hon. gentlemen from British Columbia have quoted the case of the Chinese: the Chinese are pagans, but they believe in God.

HON. MR. NELSON—They certainly do not believe in God. They do not believe in our form of oath. They believe in a certain form of oath, of their own. Cicero believed, as the hon. gentleman says, in a certain form of oath; but Cicero was a highly cultivated man—one of the best educated men of his age. Those Chinese of British Columbia, although they have a certain amount of education, are not educated men, and they have a kind of sacred idea with regard to the peculiar form of oath they take themselves, while they place no value on ours. Then why swear them according to a form of oath that they do not believe in? You must swear them according to the form of oath that they believe sacred.

HON. MR. McINNES (B. C.)—The hon. gentleman from DeSalaberry has said that the Chinese believe in God: more of them believe in the devil than they do in God.

HON. MR. BELLEROSE—One does not go without the other.

HON. MR. TRUDEL—If there is a necessity to reach these men then we should examine into what will be the best form to employ to reach their conscience. By this Bill you will not do it.

HON. MR. DEVER—How will you do it?

HON. MR. TRUDEL—Because it is an affirmation; it is no oath binding on their conscience.

HON. MR. DEVER—How will you reach them?

HON. MR. TRUDEL—I am not sufficiently conversant with the Chinese religion, and am not prepared myself to propose a form of oath for them; but they admit a belief in God and a future life. We are told that there is a kind of sacrifice that is binding on

them. In this sacrifice, the killing of a chicken or some other form or ceremony, we find exactly one of the old forms of oath that prevailed before the Christian era. That is, it is a sacrifice, a kind of sacrament, according to their own religion. Amongst the Romans, the oath was called *sacramentum*, which means a religious act which amounted to a sacrifice. I am not surprised to hear that those poor pagans have in their religion a form which is similar to one of the forms of the old pagans before the Christian era. This form is binding on their conscience; it is their way of invoking the God which they know. They may have an imperfect knowledge of God; but they have some knowledge of the Supreme Being, and they are far from being like those Atheists who do not believe in anything at all. If we vote for this Bill we are giving encouragement to Atheists, by placing those who are not believers on the same footing as those who are. We are affirming the proposition that there is no difficulty in setting aside an oath which has been considered, since the foundation of society, as the safeguard of every community, and doing so needlessly. My hon. friend has very properly remarked that the time may come when, if we say that Atheists will not be obliged to take the oath, we will be asked why not employ the same reason when we appoint a judge? It may be said he is a man of very great ability and remarkable talent, but he does not believe in God. He is appointed as a judge, and why should he not be exempt from taking the oath while other Atheists are examined? Then, if you exempt the judges from taking the oath, why not exempt Ministers of the Crown? Why not exempt gentlemen of the Civil Service, and why not exempt everybody who objects to taking the oath? That is the tendency of this legislation. I think when hon. members have properly considered this matter they will vote against this Bill. The sanction of the Minister of Justice has been quoted. We know perfectly well the circumstances under which this Bill passed through the other House. This Bill was brought in by a private member, and the attention of the Minister of Justice was not directed to the objectionable character of the measure. He thought at first that it was

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a good Bill, as many others have thought; but I have not the slightest hesitation in stating that if the attention of the Minister of Justice had been properly called to the matter—if he had been invited to study the question, he would not have come to the conclusion to support this measure. I think that hon. members on second thought will decide that we ought not to allow such legislation to pass this House. If, as suggested by the hon. gentleman from DeLanaudiere, it is necessary to amend the criminal law and make it more stringent to force men to give evidence, if they cannot be forced now, let us make the amendment necessary to do so.

HON. MR. ALMON—On Sunday last I was speaking to Chief Justice Ritchie of the Supreme Court on the Chinese question, and he told me he had sworn a Chinaman in court according to the custom in China, which was by getting a saucer and filling it with water and breaking it in the court. I believe that a man is bound who is sworn in the way which his religion dictates. The Jew is sworn on the Old Testament, a Mahomedan on the Koran, and so on. The Chinaman explained to Chief Justice Ritchie, before being examined as a witness, that this was his mode of taking an oath. On being asked to explain it to the court, he said "As the saucer was broken and the pieces could never be united, and as the water is scattered and cannot be collected together again, so God deal with me if I do not tell the truth." Although we have passed an unjust law by which to keep the Chinese out of this country, I would rather believe the oath of a Chinese on this beautiful and touching illustration of its binding nature on his conscience, than that of the Christian who hunts them down and treats them as dogs.

HON. MR. ALLAN—I have very great doubt in my mind as to what course to take on this Bill. In the first place, the Bill was introduced and carried through the Commons by a professional gentleman of considerable ability and experience. I am also aware that some of the judges on the bench are of opinion that some such legislation is required, not in the interest of the parties for whom this affirmation is

to be provided instead of the oath, but for the protection and for the benefit of public justice and of suitors in our courts. I am also aware that already in Ontario there is an Act, one clause of which is precisely the same as that in the Bill now before us. The Statute of Ontario 45 Vic. Cap. 11, clause 5, provides that:—

If in any court of justice, any person called to give evidence in a proceeding in respect of which this legislature has jurisdiction to enact as in this section enacted, shall object to take an oath, or shall be objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following promise, affirmation and declaration.

Then follows the declaration, the same as in the Bill now before us.

HON. MR. KAULBACH — Exactly the same clause.

HON. MR. ALLAN—For all these reasons I had very great doubt as to what course to take with respect to the Bill, because, on the other hand, I entirely sympathize with the expression which has fallen from various hon. gentlemen with respect to the sort of formal recognition which an act of this kind, coming from this Legislature, seems to give to those who do not acknowledge Christianity—a sort of formal provision which it makes for the man who recognizes no God and no future punishment, to have for his own special benefit a particular form of oath provided—I say that I sympathize very deeply with the feeling that has been evidenced on that point by hon. gentlemen who have spoken. I have also felt this difficulty: that if this Bill becomes law there is a very large number of persons who might possibly take advantage of its provisions to state that they had conscientious objections to taking the oath, and so would be permitted to take the affirmation, the form of which is provided in this Bill. I regret to say, I quite believe that a very large number of persons who appeal to their Maker to witness the truth of what they are saying, do not speak the truth under oath. If we were all what we ought to be, the simple answer of yea, yea, and nay, nay, is all that would be necessary, and no oath would be required; but those who have large ex-

perience of human nature know that there is a very numerous class of people who, by their actions, show that they have not much practical belief in Christianity, yet have a sort of, in their case, superstitious dread of the oath, and who, although they would not hesitate to say what was not true so long as they were not put upon oath, hesitate when the oath is administered to them, and they would be at all events more careful as to what they say than if they were giving the same evidence on a simple affirmation. It seems to me that the passage of a Bill of this kind may possibly open the door for many persons to profess that they do not believe in God or attach any weight to the oath, and who would avail themselves of the form prescribed here and got rid of, in their case, the superstitious dread which they might have of punishment if they did not tell the truth. But I confess I cannot get over the strong feeling which I have had that I would be most unwilling to take part in any legislation which would seem to divest this Parliament of its character as a Christian legislature, or to give any formal recognized status to those who make no scruple of affirming themselves not to be Christians, and I would venture to suggest, in view of the feeling expressed by many hon. gentlemen, and in view of the fact that many of us have not had an opportunity of making inquiry with respect to the urgency for this Bill, that it should be postponed until another session. We have it in writing here from one of the judges of Ontario that in the interests of public justice it may be better to let this Bill go through; still I have personally that feeling of doubt about it that I should very much prefer to see it lie over, at all events for another year. If in the meantime there is sufficient evidence to convince me that there will be a failure of justice in a very large number of cases—so great a failure of justice that it is desirable to take the step provided for in this bill—then I will not say that I shall not be prepared to vote for it.

HON. MR. WARK—I have listened with a good deal of attention to this discussion, and the longer I have listened to it the more I am convinced that this legislation is not at present necessary. I am

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an old man, and I do not know that I ever met a man who said he did not believe in God. We are legislating for cases that do not exist. Even the Agnostics that have been referred to do not say so much—all they say is, "I do not know. There may be a Supreme Being or may not; I have no evidence of it, and I do not believe anything for or against it." I was struck with the arguments of the hon. gentleman from Halifax and the hon. gentleman from Toronto. They argued as if evidence was required only on one side—only to convict a criminal. Do they not think that witnesses may be called to clear a criminal? May it not be made to appear that two or three men have met at a certain place; that one of them has stabbed a man to the heart; that they were seen together; that when they left with him they were seen together and soon after the deed was committed? What is to hinder two of those standing together on it and swearing that the murderer never touched the other? May not that be a kind of evidence received in court under the provisions of such a Bill as this? Another thing that would be proved by those men who have no belief whatever in the existence of God: a man may commit a crime, and there may be strong evidence against him, but he may get such characters as those to come forward and prove an alibi—that the accused was at another place at the time the crime was committed. There is no pressing necessity for this legislation at present, and until the necessity arises I think it just as well to keep it off the Statute Book.

HON. MR. KAULBACH—I have delayed saying anything on this subject until I heard everything that was to be said by hon. gentlemen. My hon. friend who has just sat down refers to the case of a man accused of crime—a criminal, as he calls him. The accused is not a criminal until he is convicted. My hon. friend says that he may get some one to come in and prove an alibi, and that he was innocent. But I ask my hon. friend this: If a man is on trial for his life, his mouth closed and the only evidence that can clear him that of a man who says, not that he does not believe in God, but that he is skeptical as regards future punishment—would

the hon. gentleman disqualify him as a witness on that account, and allow the accused to run the risk of being convicted in consequence of that evidence not being given? The witness may be a man who is well known and respected in society. A man is known by his walk in life and the society he keeps, and for my part I would take the declaration of the man who has the courage to state in open court that he is a freethinker and has no belief in future punishment, thereby exposing himself to odium, than the oath of many a man who uses religion as a mask for his hypocrisy; and when a man's life is in danger, and the prospect of the gallows is before him, and there is a witness who knows that he is innocent and can give evidence to prove it, I say that his mouth should not be shut for want of a provision of this kind. My hon. friend has given instances in which evidence of this kind may be given. A man may not have belief in future punishment or in God, and under the law as it exists he is disqualified; but as I said before, I would believe the evidence of the man who has the honesty to come before a court and admit that he is skeptical with regard to these points—the man who has the moral courage to face the odium and reproach that such a confession involves, in open court—sooner than that of many a man who readily takes the oath. The judge and jury are to try the evidence of every man whether it be true or false, and whether on the sanctity of the oath or not, I say the evidence is to be weighed by the court. There are many persons in this country who believe that a man's sins are punished in this world and not in the next; men who believe that God is a merciful and righteous God and does not punish in the world to come, and that after death come peace and happiness. I say that the testimony of such men is as valuable, and should be believed just as much as the testimony of the man who is orthodox and has no scruples against taking the oath. This Bill is not intended to help Agnostics. It is not intended to relieve them. It is the reverse. It is to subject them to the terrors of the law. It is a right principle that the law ought not altogether to exclude, on the ground of incompetency of witnesses, testimony which may be trustworthy or true, but the sense

of judge and jury should be relied upon to decide upon the value of such testimony. It is to protect men from being robbed of their rights—to protect the public against crime. It is a measure solely in the public interest. But my hon. friend from DeLanaudiere says that he kissed that Book (the Bible) or he put his hand upon it, though he believes it contains nothing but untruth. He does not believe in the religious obligation of that, but he believes in the moral obligation. So it is with those to whom this Bill applies. They do not believe in the solemnity of an oath, so that the hon. gentleman is in precisely the same position as they are. The Agnostic does not believe, he does not know, he is in doubt as to a future state of punishment; but he believes in a moral obligation. These men who are skeptical as to future punishment, but have a sense of moral obligation (and their name is legion) occupy that position, and why should they be denied their rights? Why should a man who has a case in court be deprived of his rights because perhaps his best witness is not allowed to give evidence? This bill in no way relieves the Agnostic; it forces him to give evidence and attaches the same punishment to false statements that he may make just as if they were made under oath. Under the existing law all that a man has to do, if he wishes to avoid giving evidence, is to say, "I do not believe in a future state of punishment."

HON. MR. DEVER—He has only to say that he does not believe in the Bible.

HON. MR. KAULBACH—He may believe in the Bible, but if he says that he does not believe in a future state of punishment, or has his doubts about it, his evidence is excluded. Many a man may make that statement in order to relieve himself of the necessity of giving evidence. This Bill is to force such men to give evidence, and to make them liable to all the penalties which are attached to false swearing. We say, let such men make their statements and it will be for the judge and jury to say whether their evidence is worthy of credence or not. The man who has the moral courage to come forward and make the statement

that he does not believe the Bible to be inspired, and wishes to affirm, and whose conduct is known in the community to be good, is more worthy of credence than one who, having no belief in a future state of punishment, and having no regard for the solemnity of an oath, takes it and gives evidence which may deprive a man of his property or even of his life. This law has been on the Statute Books of England since 1869, and Denman, subsequently a Judge of the Court of Queen's Bench, in a long appeal to Parliament, gives instance after instance where crime has gone unpunished in consequence of persons refusing to give evidence under oath. He states the case of a man whose moral character was high, and who happened to be the only one who could identify the prisoner. The counsel for the defence asked him, "Do you believe in a future state of punishment?" to which he replied "No." The consequence was that his evidence was refused, and the link necessary to convict the prisoner of crime was wanting, and justice was cheated. What do we find in Ontario at this day? We have a law there which has been in force for some four years, applicable to all civil cases, to the same effect as this Bill. This measure, therefore, is not an entering wedge even in this country. The local legislature saw the necessity of such a law and put it on their Statute books. All the arguments which apply to civil cases apply with even greater force to criminal cases. This Bill proposes to admit the evidence of Agnostics in criminal cases, insolved cases and exchequer court cases. In criminal cases every fact should be elicited and it is for the judge and the jury to decide upon the value of the evidence before them. The junior member from Halifax asks how many men swear falsely in courts?

HON. MR. ALMON—It was only to carry out my argument. I asked the hon. gentleman from Hamilton how many persons were punished for perjury, with a view to showing that it was not punishment for perjury that made people speak the truth but the moral obligation of an oath.

HON. MR. KAULBACH—The hypocritical man, under the cloak of orthodoxy,

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makes a statement under oath and perjures himself with impunity; but you exclude a man who is honest enough to admit that he does not believe any of the popular creeds. The object of this Bill is to prevent a man from refusing to give evidence in cases where the rights of parties are involved. The man who has the moral courage to say I am a skeptic as regards future punishment, is a more credible witness than many who take the oath without hesitation. I am surprised that this discussion has taken place. When the Bill came up for its second reading, after having passed through the other House with the sanction of the Minister of Justice, the principle of the Bill was fully discussed by the hon. member from DeLanaudiere, and a vote taken, with the result that there was a decided majority in favor of the second reading. Yet I find the hon. gentleman who leads the House now debating and opposing the principle of the Bill. The course he is pursuing has taken me completely by surprise and rather leads me to believe that the Government is using its influence to defeat a measure, the object of which is to promote the ends of truth and justice and to assist in the detection and punishment of crime. In the Province of Ontario a man's civil rights may be protected by the evidence of an Agnostic; but his life might be forfeited through the refusal of the court to admit the evidence of the very same witness. The hon. gentleman from Fredericton asserts that a man might escape the consequence of a capital offence by bringing a witness of that kind; but it may also happen that a criminal in the dock, whose mouth is closed, may have in the court room one who knows all the facts of the case and whose evidence may be as reliable under a declaration as another man's under oath; and yet cannot avail himself of the information which that man possesses to save himself from the gallows. The large Province of Ontario four years ago passed an Act which is verbatim the same as this clause and with the same penalties attached, and I would be surprised if this House, after sanctioning the second reading of the Bill, should now go back on the principle established on that occasion by a decided majority. I will not take up the time of the House reading the opinions expressed

by the judiciary on the working of the Ontario Statute. I have letters from judges of high standing in Ontario approving of this Bill in every particular. I have one especially from Justice Osler, a Judge of the Court of Appeal of Ontario, and one or two others, but I do not wish to use their opinions to influence the House in the matter. I feel satisfied that the Senate, after having affirmed the principle of the Bill on the second reading, will adopt this clause.

HON. MR. DICKEY—We are making no progress in this matter, and I beg to move that the Chairman do now leave the chair.

HON. MR. KAULBACH—That is an amendment to my motion which would virtually defeat a Bill intended, as I have said, to promote the ends of truth and justice.

HON. MR. LACOSTE—The motion can be made at any stage.

HON. MR. BOTSFORD—The object of the motion made by the hon. member from Amherst is to defeat the Bill. That is quite clear, because if the motion is carried the Chairman leaves the Chair and reports no progress and the Bill falls. This is a question which is one of very considerable importance and one on which very strong arguments can be advanced on both sides. I cannot fail to revert back to a long experience of criminal and civil procedure in my own Province. I have been a magistrate for many years presiding in a court of justice, and my experience, with respect to the evidence given before the Court, has forced me to the conclusion that many witnesses who put their hands on the Holy Book commit perjury. If it can be shown that every man who was willing to put his hand on the Bible and swear that he would tell the truth, the whole truth and nothing but the truth, calling upon his Maker to witness that he intends to do so—if it could be shown that that had an influence upon him and that no man would violate that oath, it would be a great reason to reject this Bill; but I must say, and I say it with regret, that in a long experience I have known many cases of

deliberate perjury committed by men who acknowledged themselves to be Christians, and that in a great many cases it is not the sanctity of the oath which prevents men from committing perjury, but the fear of human punishment. It has been so in many cases to my knowledge. This Bill provides for that. Now, this question can be argued without any passion, and there is no occasion at all for persons to become opposed to each other on this as on a political question. There is nothing like politics in it; we can discuss the question calmly and on its merits. The arguments which have been adduced in support of the measure with the experience I have had in criminal justice, have more weight with me than the objections which have been raised to the Bill. In the case of an Agnostic, under this Bill we have the benefit of his evidence. Now what is the object in making an Agnostic put his hand on the Bible and make a solemn oath? It can have no influence or effect upon him, but if you enable him by the provisions of this Bill to give evidence and subject him to the punishment of perjury, that is a check upon him if he does not believe in the Bible. I am under the impression that there are very few in our Dominion who would venture to assert that there is no God, but unfortunately very many persons who come forward in a Court of Justice and take a solemn oath upon the Holy Bible, disregard it entirely and commit perjury. I have seen it often and I am in a position to know that the oath has been no protection or safeguard as regards getting the truth out of an individual.

HON. MR. ALLAN—The hon. gentleman says that a great many men professing to be Christians give their evidence in court and are only deterred from saying what is not true, if they are deterred at all, by the fear of punishment and not from any regard for the sanctity of an oath, and the hon. gentleman repeats that there are many who come up and are sworn who do not tell the truth. In what way would this Bill remedy that, because I suppose it does not apply to the case of anyone except the witness who stands up in the face of the court and states that he does not believe in a God, and objects to taking the oath? A man must profess that he



does not believe in God, or in a future state of punishment, before he is permitted to make a declaration.

HON. MR. PLUMB—I should like to ask the hon. gentleman if he intends to express the opinion that a man who perjures himself when he has sworn on the Bible, will tell the truth when he has not sworn on the Bible?

HON. MR. BOTSFORD—The provisions of this Bill, I say, will certainly afford an opportunity to get evidence from parties who would not otherwise be admitted as witnesses.

HON. MR. DICKEY—What sort of evidence?

HON. MR. BOTSFORD—It would be for the judge and jury to say. If a person, authorized under this Bill to give evidence, does so he is subject to all the penalties attached to perjury, and that is a protection. As I have already mentioned, so far as my own experience goes it is the principal protection we have in our courts to-day; it is the fear of punishment which prevents persons from committing perjury. Therefore, under all the circumstances, I will support the Bill.

The committee divided on the amendment, which was adopted.

Contents 27; non-contents 22.

HON. MR. HAYTHORNE then left the chair, and the House was resumed.

#### BILLS INTRODUCED.

Bill (73) "An Act to incorporate the Winnipeg and North Pacific Railway Company." (Mr. Clemow)

Bill (95) "An Act to incorporate the Victoria and Sault St. Marie Junction Railway Company." (Mr. O'Donohoe)

Bill (48) "An Act to amend the Act to incorporate the Niagara Frontier Bridge Company." (Mr. Power)

Bill (103) "An Act further to amend the Steamboat Inspection Act, 1882." (Mr. Plumb)

HON. MR. ALLAN.

#### ST. GABRIEL LEVEE AND RAILWAY COMPANY'S BILL.

##### FIRST READING.

A Message was received from the House of Commons with Bill (116) "An Act to incorporate the St. Gabriel Levee and Railway Company."

The Bill was read the first time.

HON. MR. PLUMB—I am requested to state to the House that this is a very important measure, affecting large interests in Montreal, and to ask the House, in view of the fact that the Railway Committee will meet the day after to-morrow, if they will permit this Bill to be read the second time to-day. I therefore move the suspension of the 41st rule in order that the Bill may be read the second time now.

HON. MR. POWER—I decidedly object, and for this reason: I find that the parties most directly interested in this measure, the Harbor Commissioners of Montreal, take a somewhat different view of it from that taken by the hon. gentleman; and I think that in a question involving a number of disputed points, and a great many important interests, hurry of the kind just indicated is very undesirable, and that the Bill had better take the usual course.

HON. MR. PLUMB—The Bill will be fully discussed before the Railway Committee.

HON. MR. KAULBACH—Objection is raised to the principle of the Bill.

THE SPEAKER—The objection is fatal.

Ordered that the Bill be read the second time to-morrow.

##### SECOND READINGS.

The following bills were read the second time without debate and referred to Committee:—

Bill (114) "An Act to amend the Acts respecting the British Canadian Bank." (Mr. Turner.)

Bill (69) "An Act respecting the Bank of Yarmouth." (Mr. Power.)

Bill (91) "An Act to incorporate the Yarmouth Steamship Company, Limited." (Mr. Plumb.)

Bill (90) "An Act to amend and consolidate the Acts relating to the Montreal Board of Trade." (Mr. Ogilvie.)

## SUBSIDIES IN LAND TO RAILWAYS BILL.

### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (117), "An Act to amend the Act to authorize the granting of subsidies in land to certain Railway Companies." He said: The object of this Bill is to authorize the granting of subsidies in land for the construction of certain railways in a different way from that provided in the original Act. They have hitherto been granted in odd sections. The proposal is to obtain permission to grant townships or fractions of townships or blocks instead of alternate lots, subject to certain conditions as to lands reserved to the Hudson Bay Company, or school lands.

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

## PROTECTION TO NAVIGABLE WATERS BILL.

### SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (96), "An Act respecting the protection of navigable waters." He said: The object of this Bill is to require any person who is the owner of a sunken vessel, or other obstruction to navigation, to give notice to Department of the fact, and if he neglects to remove that obstruction within a certain time, the Department is authorized to remove it; and a subsequent provision requires him to pay the expense of removal, but he is to be paid the value of the obstruction when sold. This is not to interfere with any other proceeding by private parties who have suffered injuries. There is a provision also for the removal of sawdust

and other obstructions to navigable waters, and waters leading into navigable waters. There is also a repealing clause connected with it.

HON. MR. KAULBACH—I agree with the principle of the Bill, especially respecting the removal of obstructions from navigable waters, but it is a question how far we are infringing on provincial rights as regards the throwing of sawdust into waters that are not navigable. It may, amongst other things, bear harshly upon small mill owners; but these matter may be amended when the Bill goes into committee.

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

The Senate adjourned at 5.45 p. m.

## THE SENATE

*Ottawa, Wednesday, May 12th, 1886.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

### THIRD READINGS.

The following Bills, reported from the Committee on Banking and Commerce, were read the third time and passed without debate:—

Bill (24), "An Act to incorporate the Kingston and Pembroke Mutual Aid and Insurance Company, (Limited)." (Mr. Sullivan.)

Bill (83), "An Act to amend the Act incorporating the Board of Trade of the City of Ottawa." (Mr. Clemow.)

### BILL INTRODUCED.

Bill (P) "An Act further to amend The Law of Evidence in certain cases." (Mr. Power.)

## THE SEA COAST FISHERIES OF CANADA.

### INQUIRY.

HON. MR. ALEXANDER rose to enquire:

Whether it is the intention of the Government to give to the House before it rises, some definite information of the present position and prospects of "the Sea Coast Fishery Question?"

He said: In rising to make this enquiry I desire to observe that it is one of the most important questions of the day. This interest is the leading and principal interest of the Maritime Provinces. Upon the proper protection and development of this great interest depends to some extent the prosperity of the Maritime Provinces. In the development of that industry are involved the employment of a large fishing population, the creation of much wealth, and many other great results which it would not be convenient, upon a mere enquiry, to discuss now. It would not perhaps be proper upon a mere enquiry to refer to what has taken place since the Treaty expired on the 1st July last year. It would not be proper to express what I know to be the public sentiment of the country that a great and important interest, involving the wealth and prosperity of the Maritime Provinces, should have been treated in the manner it has been. The Parliament of this country should not appear, at this moment, to be indifferent to the prosperity of the Maritime Provinces which such inaction would imply. This great question of the fisheries on our sea-coasts has scarcely been discussed at all this Session. We ought to know, and it is incumbent on the Parliament to know, what the Government of the day is doing with regard to that great industry, affecting as it does such important interests. If the First Minister were to-day what he was ten years ago it would be quite different; but we deplore, we all sincerely deplore the present state of his health, but while we do deplore the state of his health it is the more incumbent upon us, to obtain definite information for the country in regard to the actual position and prospect of the question, and I therefore put the inquiry which I have placed upon the notice paper.

HON. MR. DICKEY—The House will scarcely expect me to enter into a discussion of this important matter. It would be extremely inconvenient in the present state of affairs to do so; but I may say, in answer to the question of the hon. member, that I am instructed to state that the Government do not expect to be in a position to give definite information on this most important subject before the close of the session. It is under consideration, and when the report upon the subject is ready it will be communicated.

## ST. VINCENT DE PAUL PENITENTIARY.

### MOTION.

HON. MR. BELLEROSE moved

That a 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 the reports made by the Inspector of Penitentiaries upon the escape of one Fortier, a prisoner, from the Penitentiary of St. Vincent de Paul, on or about the 1st October, 1884, and, also, copies of the Evidence taken at the time of the enquiries referred to, and of all other documents forming part of the record thereof.

HON. MR. DICKEY—I may state to my hon. friend who has made this motion, that there is no objection to the Address, and the information will be furnished.

The motion was agreed to.

## THE INDEPENDENCE OF PARLIAMENT.

### INQUIRY.

HON. MR. TRUDEL inquired

Is it the intention of the Government to submit to the consideration of the Parliament of Canada any measure to prevent members of that Parliament and members of the Civil Service from subscribing for shares in, or having pecuniary interests in, Railway Companies and other Companies of a similar nature subsidized by the State?

He said:—It is hardly necessary for me to say anything to establish the opportuneness of the inquiry which I have made. This House must know that it is almost of daily occurrence that members of Parliament and members of the Civil

Service have pecuniary interests in railway enterprises which are subsidized by the Dominion, and every hon. gentleman must agree with me that a necessity exists to put an end to that state of things. It may have produced good in older times, but it can now be productive of nothing but evil. I think that some legislation should be introduced to prevent members of either House from taking an interest in enterprises which are subsidized by the Government. In former times members of Parliament connected with such enterprises were enabled to render important services to the country, but times have changed and it is time to put an end to the system.

HON. MR. DICKEY—In answer to the question of my hon. friend I am instructed to state that it is not the present intention of the Government to submit any measure on the subject referred to in this inquiry.

HON. MR. POWER—I am rather surprised that the hon. member from DeSalaberry should have put this notice on the paper, because he must have observed that in a Bill introduced by the Government provision is made that members of the Canada Pacific Railway Company, a most powerful and influential corporation, as the hon. gentleman knows, are qualified to become members of both Houses. The disqualification under which they laboured has been removed by that Bill. Being aware of that fact, the hon. gentleman has not shown his usual astuteness in asking the question.

HON. MR. TRUDEL—The fact that such a provision exists in the Bill to which the hon. member refers should not prevent the Government from legislating on the subject. This is a different thing altogether.

#### A QUESTION OF PRIVILEGE.

HON. MR. ALMON—Before the Orders of the Day are called, I rise to a question of privilege. In the report of yesterday's debate, published in this morning's *Citizen*, I am reported as saying that I "did not know what course to take"—that is with reference to the Bill to amend the law of

evidence—but that I would "like the Bill to stand over for another year." Now, if anybody gave no uncertain sound on that subject yesterday, it was myself. The question was whether an Atheist who is asked to give evidence should be permitted to do so without taking an oath, while the word of a Christian would not be taken and he would be obliged to give evidence under oath. I had no trouble in making up my mind as to how I should vote. My mind was not only made up, but it was not changed, and I think it is unfair that this paper should attribute such language to me. However, I suppose I should treat it with contempt.

HON. MR. KAULBACH—It is evidently a mistake of the printer. The name of the hon. gentleman from Halifax has been substituted in mistake for that of my hon. friend from Toronto, (Mr. Allan.)

#### THE SEDUCTION BILL.

##### IN COMMITTEE.

The Order of the Day having been called, "Committee of the Whole House on Bill (20), Seduction, punishment and Protection of Women and Girls Bill."

HON. MR. VIDAL said: Before making the motion that the House go into Committee I wish to suggest—and it is a matter which I do not venture to make any motion upon—that the debate on this subject is not one which is likely to be edifying, or to afford pleasant reading, and I think we can discuss the measure more freely if it is understood that no report of the debate will be published in the Hansard. I would ask the hon. member from Amherst to give his opinion on the matter.

HON. MR. DICKEY—I have not considered the question in such a way as to be able to give my hon. friend a definite answer upon that point. So far as I am personally concerned—and it is only in that sense I could give any answer—I can only remind my hon. friend that on former occasions the matter was discussed with open doors, but I have no objection personally to the course which he suggests. What I have to say would, I hope, bear to be reported.

HON. MR. ALMON—I am in favour of the Bill, to a certain extent, but very much opposed to some of its clauses, and it would appear as if I opposed the Bill generally if the discussion were not reported. As my hon. friend from Amherst says, I am not going to use any improper language or anything that I would object to having published. The difficulty in adopting the suggestion of my hon. friend is that it would place those who are opposed to some clauses of the Bill in a bad position if their views were not put on record.

HON. MR. KAULBACH—I have no objection to the proposal of my hon. friend. A discussion of this kind can hardly be treated in plain language effectively. Even some of the clauses of the Bill are such as are likely to shock the sense of outside readers and are equally demoralizing in their tendency with the discussion which is almost certain to take place upon them.

THE SPEAKER—I think that the sense of the House is against the hon. gentleman, but I may be wrong.

The House resolved itself into Committee on the Bill.

In the Committee.

On the first clause.

HON. MR. VIDAL—In introducing the Bill and explaining its provisions, I gave the reason why the author of this Bill had put ten years as the limit, mentioning to the House that that was the age which was fixed in our existing Statute at which such an offence, being committed, was constituted a felony, subjecting the perpetrator to imprisonment for life or for a shorter term of years. Since making that statement to the House, and feeling my responsibility in connection with the matter, I have taken the trouble to ascertain the exact state of the law in the Dominion on the subject, and I find that an important clause has been overlooked—that we have on our Statute books already a provision for the punishment of this offence committed against a girl up to the age of twelve years. It will be found in our criminal law.

HON. MR. ALEXANDER—We all know that.

HON. MR. VIDAL—It is a very strange thing that if all knew it, not a single gentleman in the House was able to refer to it when I made the statement that ten years was the limit of the age fixed by the existing law for this offence. Having ascertained that that is the existing Statute in the Dominion, there is no reason for making ten years the limit, and I propose to amend this clause by fixing the limit at twelve years instead of ten to bring it into harmony with the existing law.

HON. MR. PLUMB—If there is a statute on the subject already, why pass this Bill?

HON. MR. ALMON—I have no objection to that amendment.

HON. MR. MCINNES—In my opinion I think the age of sixteen is probably exceeding the proper age. I think if it were made up to fourteen it would be better.

HON. MR. VIDAL—Does not the hon. gentleman see that would leave a lapse in our law between the age of twelve and fourteen. In the English law the age is fixed at thirteen: but having on our own statute the age of twelve as the limit it would be better to bring this clause into harmony with the existing law.

HON. MR. PLUMB—It seems to me the wording of this clause is very bad if it does not intend to convey a different meaning from what the hon. gentleman supposes it to have. It provides that any person having "illicit connection with any girl of previously chaste character, or who attempts to seduce and have illicit connection with any girl of previously chaste character, being of the age of ten years and under the age of sixteen years."

The first clause of that sentence, down to the first comma, means that it applies to any girl of any age. The wording is bad. I do not know what the intention is, but certainly the hon. gentleman must see that my construction is correct. I appeal to gentlemen of the legal profession to say if it is not so.

HON. MR. KAULBACH—It certainly is.

HON. MR. PLUMB—I think any gentleman who reads it that way is passing a clause which is liable to that interpretation.

HON. MR. VIDAL—Why not then amend it?

HON. MR. PLUMB—I would like to point it out to the legal gentlemen here and ask them whether their opinion is the same as mine, and if they will suggest some other form which will prevent that misconception.

HON. MR. ALEXANDER—I do not conceive at all that we require to refer to the opinions of legal gentlemen on this point. The word "being" following, the reader must know that the word "being" applies to the first sentence. We do not require the aid of lawyers to tell us that.

HON. MR. VIDAL—It is quite possible that the wording of the clause may be open to that construction, and I am thankful to my hon. friend from Niagara for having pointed it out. I would suggest as an amendment the inserting of the words "in either case" after the word "being."

The amendment was agreed to.

HON. MR. ALMON—The amendment being agreed to, I beg leave to move a further amendment. I do not see why the law should allow a person, without being punished, to have connection with a girl under ten years of age if her previous character has not been chaste. The law, as I understand it, protects a prostitute from violence as much as if she was a decent, respectable woman; and I think any man who has connection with a girl under ten years of age deserves very severe punishment. I therefore shall move after the words "any girl" to leave out "of previously chaste character." Then page one, line 8, after the words "Any girl of previously chaste character" insert "knowing her to be." The clause of the Bill protects a bawd who takes a girl of juvenile age of unchaste character into her house and uses her for purposes of prosti-

tion. I think the same protection should be given to a man, providing that he commits the offence knowing she is of previous unchaste character.

HON. MR. VIDAL—I do not think that amendment will do at all, as it will nullify the object of the Bill.

HON. MR. POWER—I think the last amendment is unnecessary, because if my hon. friend will turn to the next page he will find that it is provided there that it shall be a sufficient defence if it is made to appear to the Court and jury that the girl was of or above the age of sixteen years.

HON. MR. DICKEY—That relates to an offence under the fourth section of the Bill.

HON. MR. POWER—I do not think the amendment in the form in which my hon. friend from Halifax puts it would be a desirable one at any rate, because the onus of proof that the offender did not know the girl was under sixteen years of age should be on him. The prosecution should not be obliged to prove that he knew she was under the age of sixteen. Although my sympathies are with my hon. friend in thinking that those words "of previously chaste character" ought to be stricken out, I think that possibly the amendment might lead to a defeat of the Bill either here or in the other Chamber, and it is better not to make the Bill any stronger than it is as it comes up to us.

HON. MR. O'DONOHUE—It seems to me the first section is objectionable on the ground that it makes the commission of the act and the attempt to commit the act of equal gravity. That is not so in the criminal law generally. While the substantive felony has a higher punishment attached to it, the minor one of the attempt is generally a misdemeanor. So it seems to me that in this Bill the attempt to commit is considered of equal gravity with the commission of the act itself, and in that it is wrong. I simply submit it to the promoter of the Bill. He will find in all our criminal laws for offences against the person that the act, and the attempt to commit the act are never

of the same gravity: that the one is a felony and the other a misdemeanor, and that the punishment for the one is much lighter than the punishment for the other.

HON. MR. KAULBACH—I think this clause is also defective in another point of view. It says “has committed this offence or who attempts to do so.” Now it appears to be very vague and uncertain what would be an attempt to commit this act. Such language is not sufficiently definite to put into a criminal act. If it were an attempt to commit an assault it does not require much proof of the assault: but the phrase “attempts to do it” is of vague and uncertain nature, and not sufficiently tangible to make it a felony. An attempt is a very vague term, which may be an intention of the mind.

HON. MR. POWER—No, no.

HON. MR. KAULBACH—It may be. It may mean conversation of an improper character. That might be called an attempt. I say it should be an assault with intent. The words are too vague and uncertain, and would leave the matter open to endless discussions in court.

HON. MR. VIDAL—I think the hon. gentleman from Toronto has some reason for the position he takes. I do not think any person should receive the same punishment for the attempt that he should for the commission of the act.

HON. MR. KAULBACH—What is the attempt?

HON. MR. DEVER—An attempt to shoot, for instance, is not open to the same punishment as the actual shooting and killing.

HON. MR. POWER—I do not think that the objection is well taken. The language used in this Bill is the language which is habitually used in criminal statutes. You find continually that anyone who does or attempts to do such and such things is punished in such a way. The hon. gentlemen from Toronto and Halifax speak as though there were only one punishment, but if they will look at the last clause of the Bill they will find

that there is a very large discretion in the hands of the Court, and that is the place to leave the discretion. The judge who tries the case is in a much better position to discriminate as to what punishment should be imposed than we are. If the attempt is not an aggravated one the probabilities are that the Court would sentence the convicted offender to a comparatively trifling imprisonment. If the attempt is an aggravated one the guilt may be as great as if it had succeeded, and deserve severe punishment. I think it would not be well to hamper the discretion of the Court any further than the Bill does now.

HON. MR. KAULBACH—Will the hon. gentleman show me a statute where the word “attempt” is used? There is “assault with intent.” I do not know what the definition of this term would be. I do not think the word has ever been defined. The word “attempt” is vague and uncertain, and it would be difficult for a Court and jury to decide what is an attempt; the thing may be an assault with intent.

HON. MR. PLUMB—I really think that in making a criminal law like this we should be careful not to use language which is likely to be misunderstood. I do not know how you could define “attempt to seduce.” I quite agree with my hon. friend from Toronto in his view of the case. The best way to meet the difficulty is to strike out all of the second line after the word “character” and all of the third line, and I move that those words be struck out. I do not make the motion for the purpose of hampering the Bill or rendering it less effective, because there are a great many of its provisions which I think should go on the statute book; but I ask that the Bill be amended so as to put it in a better shape. It is very easy to define the attempt to commit assault or murder; but this is one of those vague things that it is impossible to define, it is so difficult to get at any point which will fix the attempt. It would be very easy to say that an attempt is made, but very difficult to define it.

HON. MR. VIDAL—I am under the necessity of opposing this amendment.

HON. MR. O'DONOHUE.

In the first place meeting the argument of the hon. member from Toronto, I would say that the offence is made a misdemeanor and the penalty is not too great, and further it is left entirely to the discretion of the Court in passing judgment to decide whether the offence is a serious one or whether there are mitigating circumstances in connection with it. We are accustomed to look to our parent land for the best patterns for our legislation, specially in laws of this kind. In the English statute I find that there is no distinction made between the actual commission of the offence and the attempt. The words used are "Procures or attempts to procure," etc. The third clause of the Act provides that whosoever unlawfully or carnally knows or attempts to have any unlawful or carnal knowledge." The difficulties which hon. gentlemen see here in the use of the word "attempt," did not occur to the minds of the eminent jurists who framed this English Act and criticised it before it became law. I hold that the language being used in the British statute is sufficient justification for the words used in this clause. It has been thought convenient in the other House in drafting the present Bill to use some words differing from those in the English Act, but having precisely the same signification. The words "seducing" and "having illicit connection" are practically the same as those of the English law: but we employ terms more commonly used in society in speaking of these things. The point I am arguing, is that in the English law it is not thought necessary or desirable to make a distinction between the actual commission and the attempt to commit, the degree of punishment being left to the discretion of the court.

HON. MR. DEBOUCHERVILLE—Does the hon. gentleman find the word "attempt" in the Canadian Act which refers to this offence against girls of 12 years and under?

HON. MR. VIDAL—The Act to which the hon. gentleman refers is the 40th Victoria, Chap. 28. The word "attempt" is not to be found there. It has been taken entirely from the English statute passed last year. I shall therefore oppose the amendment.

HON. MR. PLUMB—There is a very wide margin of difference between the language employed in the English statute and the words of this clause. Nobody can say that the meaning of those two clauses is exactly alike, and I think the safest way is to strike out the words mentioned in my amendment. The clause will be strict enough without them. I shall certainly press my amendment.

HON. MR. MCMILLAN—I think we are astray as to the meaning of the word "attempt" used here. I think it means attempting to have illicit intercourse with a girl under this age and not being able to accomplish it on account of the age of the girl—that is really the attempt which is meant in this clause.

HON. MR. POWER—I would ask the hon. member from Niagara how a man could seduce a girl of this age without having illicit connection with her? I am sorry to see the Senate dealing with this Bill in the spirit in which I regret to see it seems disposed to treat it.

HON. GENTLEMEN—No, no!

HON. MR. POWER—Two years ago, it will be remembered, the reason given by many hon. members and by the gentleman who then led the House, was, that there was no English law dealing with the subject. This year we have an English statute, and now hon. gentlemen say they do not want to follow the language of that statute, but prefer the wording of the Canadian law. I think we ought to be consistent. If two years ago we wanted an English model, we now have such a model, and ought to be satisfied to follow it. I appeal to the good feeling of members of this House to say whether any wretch who attempts to have illicit connection with a girl under the age of sixteen does not deserve to be punished.

HON. MR. ALMON—Whether of chaste character or not.

HON. MR. POWER—Yes, whether of chaste character or not. This Bill does not provide that a man shall be sentenced to the Penitentiary for any particular term, or anything of that sort, but leaves the



punishment to the discretion of the Court. Surely there is no hon. gentleman here who thinks that such an attempt should not be punished. If there is, I am sorry for him.

HON. MR. POIRIER—In my opinion the word “attempt” ought to disappear from this clause. If it is allowed to stand it will offer inducements to girls to levy blackmail. If an attempt is made upon a girl it can be proved by medical testimony, but an attempt to seduce would enable a girl, intent on blackmailing, and having circumstantial evidence in support of her charge, to make out a case, and it will be delivering honest men bound hand and foot over to blackmailers. I have great respect for English laws, and in this particular matter the people of England have had much more experience than we in Canada, at least the revelations of the *Pall Mall Gazette* have proven so; but still we can be consistent and not adopt laws which are made to meet special circumstances which occur in England. I think we are going far enough with this Act by punishing the commission of the offence without adding to the clause the vague word “attempt”; and I shall certainly support the amendment.

HON. MR. TURNER—I think we might get over this difficulty by just leaving out the words “seduce and.” I think that would meet the views of the House.

HON. MR. HAYTHORNE—I am of opinion that the clause is likely to be more efficient as originally introduced, for the reason that it will exercise a deterrent influence on badly disposed men. They will hesitate to approach a girl with evil intentions while they are liable to incur this punishment.

HON. MR. ALLAN—The reason why I should prefer such an amendment as the hon. member from Hamilton proposes, is that it will remove any reasonable objection to the clause. I should be disposed to take the clause as it stands; but I can understand the difficulty of proving what an attempt is, and there is also the danger of inviting blackmailing against innocent individuals; but I do not think there can be any such ambiguity if you strike out

the words “seduce and.” There can be no doubt as to the meaning of an attempt to have illicit connection. I think we can all adopt the suggestion of the hon. member from Hamilton.

HON. MR. VIDAL—If any change is to be made I would suggest that it would be better to adopt entirely the language of the English statute.

HON. MR. POWER—I would recommend the hon. member from Sarnia to adopt the suggestion of the hon. member from Hamilton.

HON. MR. VIDAL—Do you think that will be sufficient?

HON. MR. POWER—Yes.

HON. MR. TURNER—I move in amendment to the amendment to leave out the words “seduce and.”

HON. MR. DICKEY—I think that the purpose of the Act will be accomplished by accepting the amendment of the hon. gentleman from Hamilton for this reason—what is the act to seduce? It is trying to have connection, and trying to seduce is simply tautology, and therefore if you accept that amendment it will be consistent and harmonious.

HON. MR. PLUMB—I accept the amendment of the hon. member from Hamilton in lieu of my own.

HON. MR. VIDAL—I also accept it without hesitation.

The amendment was adopted.

On the second clause,

HON. MR. VIDAL—This clause has been spoken of as the black mailing clause, but hon. gentlemen should bear in mind that no action for damages—no civil penalty is provided by this clause. It is solely dealing with the criminal side of the offence, and subjecting the offender to imprisonment. I cannot conceive that any girl would subject herself to the dishonor and grief which such an act would bring upon her, just for the satisfaction of

having a man imprisoned in the penitentiary.

HON. MR. PLUMB—Could she not use that as a means to extort money?

HON. MR. VIDAL—No, clause 5 provides that no person shall be convicted of any offence under this Act upon the evidence of one witness unless such witness be corroborated in some material particulars. It is well to bear this provision in mind: it relates to the whole bill, and in my opinion is ample protection against attempts to levy black-mail by designing women.

HON. MR. DEVER—I must say it is a very unfair clause; I do not see why a young man should be subjected to such penalty, and the girl be allowed to escape. There is just as much danger of the young man being seduced as there is in the girl being seduced. I have known instances in my time where young women were most anxious to seduce young men. Under the circumstances I think the clause should be scrutinized very carefully.

HON. MR. MCINNES (B.C.)—Having been a member of the Committee to whom a bill similar to this was referred two years ago, on a pledge or promise given by the then Minister of Justice that he would bring in some legislation on this question as a Government measure the following year, I moved the rejection of the Bill, and my principal reason for opposing the Bill was this very clause. I look upon this clause as being a very dangerous one; I believe it does open the door to blackmail. Take, for instance, a young man of fifteen or sixteen who is sole heir to a large property, and a designing girl of nineteen or twenty seduces him, and then takes an action against him for seduction. If this clause becomes law the boy would have no other alternative but to leave the country, or be imprisoned in the penitentiary, or what is still worse, to condone the offence by marrying her. I have a couple of sons; I think a good deal of them, as no doubt every hon. gentleman here does of his sons, and we do not want to see them marry characters of that kind and bring them to our homes to be treated as we should treat daughters-

in-law and members of our families. While I desire to see the mantle of protection thrown around all those who ought to be protected, I cannot close my eyes to the fact that if guardians, parents, and especially mothers, exercised more care and more authority over their daughters, there would be fewer of those abominable cases of seduction throughout the country. I think this is a highly objectionable clause, and if nobody else will move that it be rejected, I will.

HON. MR. TURNER—This section is the most objectionable of the whole Bill. I think it is due, however, to the promoter of the Bill in the other House, after having brought it forward so often, and now so much improved, and especially so as the late Minister of Justice promised when it was thrown out last session that he would bring down a measure of this sort this session.

HON. MR. PLUMB—There was no promise made.

HON. MR. MCINNES (B. C.)—He did promise in Committee.

HON. MR. TURNER—That we should under these circumstances give this Bill most careful consideration. Section two now under discussion is, to my mind, a black-mailing clause, and I intend to vote against it, and if it is not rejected I should move some amendments. The worst feature of this section is the proviso that legalizes the compounding of a felony. I can quite understand that if a man has done a girl this great injury, and makes reparation by marrying her, that there may be affection between them afterwards; but I cannot believe that there can be any love or respect between the man and the girl he marries as an alternative to going to the penitentiary. By this clause there is practically a price put upon a girl's virtue; with some the price is money, with others it is something else, and this law is a deliberate legalizing of an inducement for women to part with their honor. Promised marriage is in this case her price; and it is just as if she had been promised money; and a woman who permits herself to be seduced, the promise of marriage being the consideration, in the

true interest of the sex should not be so protected.

HON. MR. PLUMB—It has been charged that the ex-Minister of Justice in this House, in the year 1884, promised that he would bring in a measure of this character. I will read to the House from the *Senate Debates* what the Minister of Justice stated on that occasion:—

“I have no objection to say that the Government will undertake, next session, to present a bill upon the subject of the inveiglement of young women into houses of ill-fame, and that they will also consider the question of seduction, but I cannot make any pledge with regard to legislation on the subject of seduction. I confine my pledge, with regard to introducing a measure next session, to the offences mentioned in the second clause, but I will give my best consideration to the other subject as well.”

That settles the question which I have insisted on—that there was no pledge on the part of the Minister to bring in a measure dealing with seduction, because such legislation is not known in the English law. While a statute was passed in England in 1885, the provision which we are now discussing was not a part of that Act. It has never been on the English Statute Book, and I can very well understand that the Minister of Justice saw that there would be difficulty in dealing with that question, and therefore he confined himself, in making his pledge, to the question of inveiglement of young girls into houses of ill-fame, a matter in which we are all in accord, that it should be severely punished. This particular clause he did not promise to deal with.

HON. MR. MCINNES—I made the statement, having been one of the special committee to whom the Bill was referred a couple of years ago. I stated that the then Minister of Justice promised to bring in a measure, or to amend the criminal law in such a manner as to cover the whole ground, or nearly the whole ground covered by the Bill then before us. What the hon. gentleman from Niagara has just read is what the Minister stated on the floor of this House, but the pledge I say he gave was not in this Chamber, but in the committee room, and it was what he stated in the committee room, and the pledge given to the committee that caused me to move for the rejection of the entire Bill.

HON. MR. TURNER.

The statement I made is correct, and I appeal to any hon. gentleman here who was on the committee, if I am not right.

HON. MR. OGILVIE—For once I quite agree with the hon. gentleman from New Westminster, and I certainly agree with the hon. gentleman from Hamilton. This second clause is most objectionable in every way, and I can hardly understand how any one could place it in the Bill and expect it to pass. I have not heard a favorable opinion as to the clause. We all know that boys of from fifteen to twenty years of age are generally very much flattered by having some attention paid to them by ladies somewhat older than themselves; and a boy holding a good position socially and possessed of wealth, is very likely to attract the attention of some designing woman who will endeavour to seduce him, and the young fellow in that position is very likely to make any promise almost that she likes. When such a promise is made, if this Bill passes, he has either to stand a criminal trial and run his chance of going to the Penitentiary or to marry the woman, which, as a rule, would be a great deal worse. I think there is no use in endeavouring to amend the clause; the best way is simply to eliminate it altogether.

HON. MR. DEVER—I think this clause can be made satisfactory by striking out the proviso that in the case of an unmarried man the subsequent marriage of the parties may be pleaded in bar of the conviction.

HON. MR. DICKEY—That will not alter the clause at all, because he would still be under the penalty of being brought before a Court and tried for the offence. I confess my own feeling is decidedly against this clause. I think it is most dangerous. It has been said that the effect of it is very much modified by Section 5, but that I think is an entire delusion. Clause 5 provides that no person shall be convicted of any offence under this Act upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused. Now we must go to these trials for breach of promise and seduction to find out what that means. What is that evidence? It is testimony to

confirm the evidence of the person who makes the charge, and that evidence may or may not be of a very strong character. For example, proof may be given that these parties were seen together keeping company, as it is called—that the person was paying attentions to this girl, and so on. Evidence of that kind, of the loosest possible character, would be material in one sense, because it would be showing that the girl was being courted by the young man under expectation of marriage, so that, under the circumstances, clause 5 is no protection whatever, as it would enable the girl to get the assistance of a companion, or of any other person, to show that this man was actually attempting to court her and steal her affections. I am in favor of the Bill as a whole, but this clause I consider to be most objectionable.

HON. MR. POWER—The hon. gentleman who has just sat down says he is in favor of the Bill as a whole; but it will be remembered this is really the vital clause of the measure, the one from which the Bill took its title originally; and the offence which is provided for in this clause is the offence originally contemplated to be legislated against. The provisions as to other offences are chiefly amendments introduced since the measure was first under discussion. I must confess to a certain feeling of surprise at the position taken by members of this assembly towards the offence mentioned in this clause. From the tone adopted by several hon. gentlemen who have addressed the House, one would suppose, not that we were a body of venerable gentlemen whose passions had calmed down and who were able to look at things in a quiet and cold-blooded manner; but that we were a congregation of young gentlemen, with very broad views on this subject, or that at best we were a set of old *roués*, "within whose ashes lived their wonted fires," because that really has been the tone of the debate. I should like to hear one of those hon. gentlemen who draws a harrowing picture of the virtuous young man being seduced by a girl under 21 to tell this House of a case in which a young man has been so seduced.

HON. MR. KAULBACH—Yes, I know of such cases.

HON. MR. POWER—I think the cases where a young man has been seduced by a girl under 21 are very few indeed. Perhaps my experience has not been as extensive as that of some of my hon. friends, but I have never known a case of that kind. I do not think we should reject the clause, which in itself is a good one, because in its present shape it may be abused; the better way would be to amend it. Hon. gentlemen have spoken of their sons. I hardly care to mention the fact that men have daughters as well as sons; and I cannot help feeling that a Bill of this sort is desirable if it were only to prevent revenge being taken by parents whose daughters have been destroyed by men under promise of marriage. If a man over 21 years of age keeps company with a girl under the age of 21 and promises to marry her, and in virtue of the relation that is established between them by that promise and by that association he betrays the girl, I do not think that any punishment can be too severe for him, and I cannot understand why some hon. gentlemen always look at the other side of the question. Is not this the usual story? For one young man who is led astray in the way that has been described are there not a dozen young women? And the man who commits a crime is not generally a boy; he is usually a man of mature years; and hon. gentlemen know that there are numbers of men, even in Canada, who almost make a profession of seducing girls. I think it would be exceedingly discreditable to this House if we were to say that we did not approve of punishing that offence. I think it is one of the most heinous offences possible, and that it ought to be severely punished. At the same time, there should be reasonable guards thrown round the measure to prevent its abuse. If this clause is so unreasonable as some hon. gentlemen contend it is, how is it that the House of Commons by a two-thirds vote adopted it? The members down there are not supposed to be made of very much better material than we are here; still they pass this measure by a vote of two to one, and have passed it several times. I do not think there is any member here who will say that a man of mature years who deliberately seduces a young girl, should not be punished.

HON. MR. NELSON—That we have already provided for in the clause that is passed.

HON. MR. POWER—No, we have provided simply for the case of a girl under 16. I think we should put a proviso to this clause to the effect that if the accused was able to prove that he was under the age of 21, that should be a bar to the conviction.

THE SPEAKER—That would improve it very much—make the girl 18 and the man 21.

HON. MR. POWER—I shall move an amendment to carry out my suggestion.

HON. MR. DEVER—I think we must all feel grateful for the lesson we have just received from one whose knowledge of the world and of men so admirably qualifies him to discharge the task. I think this clause can be retained in the Bill with advantage if the proviso is struck out.

HON. MR. VIDAL—As I intimated at the second reading of this Bill, its provisions were carefully considered by the Minister of Justice and met with his approval. I hope the House will not lose sight of that fact. If, however, the Senate think that there should be some limitation to the age, I am prepared to accept the amendment. I do not think that the hon. member from Amherst has properly explained the position of the person who will be affected by this provision. It is not the man who is keeping company with a young woman and is frequently seen with her in public, but the man who has made such a promise of marriage as would, in a court of law, subject him to damages for breach of promise. When a promise of that kind has been made, and is well known to the parents, that man is received in the family like a son, and I fully agree with the senior member from Halifax that a man taking advantage of such a position, who betrays and dishonors an innocent, confiding girl, is guilty of an offence for which no punishment is too severe. Such an injury to a virtuous young woman is worse than death itself, and I think the punishment provided in the Bill is scarcely severe enough. When the hon. gentleman

from Halifax called attention to the fact that there was no limitation to the age of the young man, and that a mere boy might be snared by a designing woman, I was prepared to accept his suggested amendment.

HON. MR. KAULBACH—Certainly the proposition is an improvement upon the clause as it stands. At the same time, I think the proviso has a demoralizing tendency. It is a temptation to parties. We provide in this Bill for the protection of girls under sixteen years of age; I think after that age they are able to protect themselves, and if they get into trouble they are as bad as their seducers. I think this clause should be applicable to the other sex as well. Under the existing law, if the seduction of a girl results in loss of her services an action can be brought against the offender and the relations of the girl may recover damages, or if there is breach of promise of marriage an action can be brought against the man. In breach of promise it is not necessary that any promise in words should be established: from the circumstances of the case a breach of promise of marriage may be construed. My opinion of all these cases is that when a girl deliberately strays from the right path under such a pledge as that, it is not a case which deserves any consideration from this House in the way of imposing a criminal penalty. The civil remedy is open in such cases. If the parties make a contract between themselves it is not an offence against the public, but it is something for which the civil law provides a penalty.

HON. MR. O'DONOHUE—In reference to this section, my hon. friend the senior member from Halifax, stated a short time ago that this House approached it in rather a hostile spirit. In my opinion he has not exactly apprehended the feeling of this House. I believe there is a disposition in this Chamber to treat the measure with all consideration, but he must admit that this is a new provision, one which has never been engrafted on the English system and which is unknown in the laws of Canada. It is therefore no wonder that it has provoked an extended discussion in this House. It is a grave provision, one for which we have no pre-

cedent, and therefore deserves the greatest possible attention that we can give it. To my mind it is a serious innovation and not one which is based on sound philosophy. I believe it is unsound in the inducements it holds out to compulsory marriage.

HON. MR. DEVER—Yes, that is the objection.

HON. MR. O'DONOHUE—When you compel young people to get married against their will, for gain, or for any other than right considerations, you are forming an unholy union which is not likely to lead to happiness. While the clause on the whole is objectionable it is one that I should not oppose if it were shorn of this proviso. That, I think, is most objectionable: it is offering a man the option of a marriage to which he is opposed, or imprisonment. The inducement which it holds out to parties to be guilty of evil conduct is the very strongest that can be conceived. It is an innovation which should not be sanctioned by this House. Far from feeling any hostility to the Bill as a whole, I am most anxious to give it my support, and this House has shown its willingness to sanction every clause which commends itself to our judgment. The sub-section of the 1st clause, preceding the one under consideration, was passed without discussion and that fact proves what the real feeling of the House is on the subject. With these observations I move that the proviso be struck out.

THE SPEAKER—I beg to remind my hon. friend that the question now before the House is on the amendment of the hon. member from Halifax. When that question is decided any other amendments to the clause can be proposed and then after it is amended the committee can reject it afterwards if they think proper.

The amendment was declared adopted.

HON. MR. PLUMB moved that line 20 be amended by inserting 18 instead of 21 as the age of the unmarried female.

HON. MR. MACDONALD—Why should not a woman of 21 receive the same protection as a younger girl? We should make the age 30 instead of 21.

The committee divided on the amendment which was adopted, contents 26 non-contents 11.

HON. MR. ALMON—I intended to have moved the amendment that the senior member from Halifax has moved, and I am very glad that it has been accepted by the hon. gentleman in charge of this Bill. I have another amendment which I shall now move—I propose to amend—relating to seduction under promise of marriage—by adding after the word “marriage,” “which promise has been sanctioned by the parents or guardian of the female.”

The Committee divided on the amendment which was declared lost, only seven members voting for the amendment.

HON. MR. O'DONOHUE moved that the proviso respecting the subsequent marriage of the parties be struck out.

HON. MR. VIDAL—I cannot accept that amendment at all; I think it is a very wise and proper provision to put in the Bill; and I think the case mentioned by the hon. gentleman, and by my hon. friend from British Columbia has been very improperly presented to us. They have both stated the case before us as if the man was in this position; that he must either marry the woman or go to the penitentiary. They have not presented that in the right light. The case goes before the Court, and the presiding officer of that Court is likely to have just as much discrimination as the hon. gentleman, and is likely to know whether the young man was deceived, or whether he was the victim of a designing woman because he was inheriting a fortune. With all these things before him what is the alternative? To marry the girl, or perhaps to be sent one day to jail in the discretion of the court, and unquestionably in a case such as that mentioned by my hon. friend the decision of any court would be, if the man was found guilty, that he would be punished by one or two days imprisonment.

HON. MR. KAULBACH—The object of all laws in this respect is to deter crime, and to punish the offence when it is committed. Instead of that we are holding

out an inducement for crime. The woman says, "If I consent to this conduct I can have my seducer indicted for the offence."

HON. MR. MCINNES (B. C.)—I have not yet seen anything to induce me to change my mind on this matter; and I move in amendment to the amendment that the entire section, with the annexed proviso be eliminated from the Bill.

HON. MR. DICKEY—The hon. gentleman is perfectly correct in moving his amendment, but it would be more convenient to do so after the Bill is reported to the House, when he can move to strike out the clause and journalize it.

The amendment to the amendment was withdrawn.

The Committee then divided on the amendment, which was adopted.

Contents, 22; non-contents, 14.

HON. MR. VIDAL moved that the clause, as amended, stand part of the Bill.

The clause was agreed to.

HON. MR. MCINNES (B.C.) gave notice that on the third reading of the Bill he would move to strike out the second clause.

On the fourth clause.

HON. MR. MCINNES—I object to the provision of sub-section i of this clause. In my judgment it does not go far enough. It provides that parties shall be punished who shall harbor girls under ten years of age for improper purposes; and the only penalty provided for that abominable crime is imprisonment for not less than two or more than five years. In my opinion there can be no punishment too severe for the person, male or female, who deliberately and coolly harbors any child under ten years of age for such a nefarious purpose. I believe they are greater monsters than the creatures who have illicit connection with such children. I shall move to amend this clause by increasing the maximum

penalty to ten years imprisonment, and the minimum to five years in the penitentiary.

HON. MR. VIDAL—I should like to make the age of the girl 12 years instead of 10, to bring it into harmony with the other law.

HON. MR. DICKEY—In attempting to put down what the hon. gentleman has justly characterized as a horrible crime, he is quite likely to defeat his object by making the penalty too severe. I think five years in the penitentiary severed from the world is quite sufficient.

HON. MR. PLUMB—In the English Act the penalty is for life or not less than five years with or without hard labour. The age of the girl is 13.

HON. MR. POWER—We had better be careful about making those changes, for, as I understand, our Statute Law does not contain any provision for the punishment of this particular offence in connection with a girl under the age of 12, and the better way is to leave the Bill as it is. The younger the child the more heinous the offence, and I think it would be better to leave the clause as it stands.

HON. MR. MCINNES—What punishment does the law provide for those who seduce or have carnal connection with girls under 10 years of age?

HON. MR. VIDAL—Imprisonment for life.

HON. MR. MCINNES—If such is the case, I claim that the person who deliberately takes infants into his or her house for that purpose is actually worse than the monster who commits the crime. I can imagine that a miserable drunken sot may be induced to go into a house of assignation, where those poor creatures are kept, and if he commits that crime he is liable to imprisonment for life; and I claim that that man is not as guilty as the keeper of the house.

HON. MR. ALMON—I wish to call attention to the slipshod manner in which this clause is drawn. In the first clause

HON. MR. KAULBACH.

the girl must be of a previous chaste character; yet the persons who kept this girl in the house for immoral purposes have a sufficient defence to any charge under this section if they can prove that they had reasonable cause to believe that the girl was sixteen years of age. If it is a crime for a man to have illicit connection with a girl of this age, it should be equally a crime for a procurer to keep girls of that age for such purposes.

The amendment was agreed to.

HON. MR. VIDAL moved the adoption of the section as amended.

HON. MR. NELSON—I would suggest at the punishment for seduction of girls of sixteen years of age should be made greater, as everything should be done to stamp out this nefarious trade of procuration.

The clause was agreed to.

HON. MR. VIDAL moved the adoption of the preamble.

HON. MR. PLUMB.—Before the Bill is reported I hope the senior member for Halifax will be good enough to recede from the statement which he has made, and which I think has been offensive to almost every member of this House. There was a desire to pass this Bill but everyone had a right, in the course of the discussion, to examine those clauses carefully, because it is legislation in a new direction, and it did not lie in the hon. gentleman's mouth to charge members of this House with having the prurient disposition which the hon. gentleman did charge them with.

HON. MR. POWER—If the hon. gentleman had any criticism to make on my language, he should have done so at the time; and I think he is out of order in now getting up and referring to what was said an hour ago. At the same time, if it affords the hon. gentleman any satisfaction, I must say that the way in which the House has dealt with this Bill has very much raised the Senate in my humble opinion. I rise now for the purpose of suggesting an amendment to the preamble. The preamble recites: "Whereas it is ex-

pedient to provide for the punishment of offence against chastity." That would imply that at present there is no provision in the law on subject, and I think it would be better to amend it by saying "Whereas it is expedient to make further provision" etc.

The amendment was agreed to.

HON. MR. PAQUET, from the Committee, reported the Bill with several amendments.

HON. MR. POWER gave notice that he would move an amendment on the third reading with respect to the change in the second clause reducing the age of the female from 21 to 18 years.

#### BILLS INTRODUCED.

Bill (123) "An Act to explain the Act entitled 'An Act for the final settlement of the claims made by the Province of Manitoba on the Dominion.'" (Mr. Smith.)

Bill (122) "An Act for the relief of the town of Cobourg." (Mr. Smith.)

Bill (115) "An Act further to amend an Act respecting insolvent banks, insurance companies, loan companies, building societies, and trading corporations." (Mr. Dickey.)

Bill (124) "An Act respecting experimental farm stations." (Mr. Smith.)

#### THIRD READING.

Bill (O) "An Act to amend an Act respecting a reformatory for certain juvenile offenders in the County of Halifax in the Province of Nova Scotia" (Mr. Power), was read the third time and passed without debate.

#### OFFENCES AGAINST THE PERSON BILL.

##### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (N) "An Act to amend the Act respecting offences against the person."



In the Committee,

On the 1st clause,

HON. MR. VIDAL said: The object of this clause is to make the evidence of the wife competent and compellable in a charge against the husband for not providing for the family.

HON. MR. KAULBACH—I move that the word “compellable” in the 11th line be struck out. I think it would meet with the approval of the House, and I have had some communication with the promoter of that Bill, who approves of the amendment.

The amendment was agreed to.

HON. MR. POWER—I think we ought to make the husband a competent witness in his own behalf in the case of a family quarrel and a law suit arising out of it. I do not see why we should allow the wife to give evidence in such cases and the husband to be shut out.

HON. MR. VIDAL—It is not necessary, because it is the husband who has to provide for the family, and against whom the charge would be brought.

HON. MR. READ, from the Committee, reported the Bill with an amendment.

The amendment was concurred in, and the Bill was read the third time and passed on a division.

#### ADULTERATION ACT AMENDMENT BILL.

##### THIRD READING.

The Order of the Day having been called—Committee of the Whole House on Bill (108) “An Act to amend the Adulteration Act,”

HON. MR. DICKEY moved that the Order of the Day be discharged, and that the Bill be read at length at the table.

The motion was agreed to and the Bill was read at length at the table. It was then read the third time and passed.

#### WEIGHTS & MEASURES ACT AMENDMENT BILL.

##### THIRD READING.

The order of the day having been called, “Committee of the Whole House on Bill (109), Weights and Measures Amendment Bill.”

HON. MR. DICKEY said: This is a bill to remedy a defect which has been observed in the working of the Weights and Measures Act. Strange to say there was no power given to the Governor-in-Council to make regulations, amongst other things which they are authorized to do, for defining and specifying what weights, measures, weighing machines and balances shall or shall not be admitted to verification. This Bill is for the purpose of introducing that as a sub-section of the 7th section of the original Act as one of the subjects on which the Governor-in-Council can make regulations. There can be no possible objection to it, and I therefore move that the order of the day be discharged and that the Bill be read the third time at length at the table.

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

#### COMMISSIONS TO PUBLIC OFFICERS BILL.

##### THIRD READING.

The House resolved itself into a committee of the whole on Bill (101) “An Act respecting Commissions to Public Officers of Canada.”

HON. MR. GIRARD, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

##### SECOND READINGS.

Bill (73) “An Act to incorporate the Winnipeg and North Pacific Railway Company. (Mr. Clemow.)

Bill (95) “An Act to incorporate the Victoria and Sault St. Marie Junction Railway Company.” (Mr. O’Donohoe.)

## ST. GABRIEL LEVEE AND RAILWAY COMPANY.

SECOND READING POSTPONED.

HON. MR. PLUMB moved that Bill (116) "An Act to incorporate the St. Gabriel Levee and Railway Company" be read the second time.

HON. MR. KAULBACH—This Bill has not been distributed, and I want to see it before it is advanced another stage. It is a bill of great importance to the city of Montreal.

HON. MR. PLUMB—There can surely be no objection to reading the Bill the second time now and referring it to the Railway Committee.

THE SPEAKER—If the Bill has not been distributed it cannot be read the second time to-day.

The Order of the Day was discharged and the second reading of the Bill was fixed for to-morrow.

## STEAMBOAT INSPECTION BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (103) "An Act further to amend the Steamboat Inspection Act, 1882."

HON. MR. POWER—This Bill has not been distributed either.

HON. MR. PLUMB—There can be no objection to reading this Bill the second time now, and the details can be discussed in committee on Monday.

HON. MR. KAULBACH—Will the hon. gentleman explain the Bill?

HON. MR. PLUMB—It is a re-enactment of the Steamboat Inspection Law generally. It is a long Bill which will be best understood by discussing it in committee, clause by clause. There are five or six sections of the Act which are changed. The first provides for the issue of certificates to second class engineers, and

this is done on the recommendation of the Boards of Trade. Section four amends the Inspection Act of 1882 by giving a little more power to the Chairman of the Inspection Board. It is intended to increase the provision for the safety of ships and those who use them. Section 14 adds some securities against dangers to vessels which use coal oil lamps.

HON. MR. KAULBACH — Does it regulate the certificates issued under the Imperial Act and our Act, making the certificates held by masters and mates the same as under the Imperial Act? In other words, are our certificates of competency to masters and mates and to engineers to be of equal force as if they were granted by the Imperial authorities?

HON. MR. PLUMB—That is a detail which will fairly come before the Committee of the Whole to which this Bill is to be referred.

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

The Senate adjourned at 6 o'clock.

## THE SENATE.

*Ottawa, Thursday, May 13th, 1886.*

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

## NORTH-WEST CENTRAL RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee of Railways, Telegraphs and Harbors, reported Bill (17) "An Act to amend the Act respecting the North-West Central Railway Company," without amendment. He said: I may state that no person appeared before the Committee to oppose the passage of the Bill; yet the Committee thought it their duty, without any special instructions from the House,

after their attention had been called to certain objections to the Bill, to thoroughly examine the directors who were present as to their bona fides in this matter, and they saw nothing to justify them in refusing to report the Bill.

HON. MR. CLEMOV moved the third reading of the Bill.

HON. MR. POWER—I am rather sorry that the third reading has not been allowed to stand until to-morrow. I do not think that this third reading should be allowed to go through without observation. It is true, as the hon. Chairman of the Committee has stated, that nobody appeared to oppose the Bill, and it is also a fact that the Committee endeavored, of their own motion, to elicit information on some of the points that had been raised in connection with this Bill in the other House. I wish very briefly to state to the House the result of the examination had by the Committee, as it presents itself to my mind. There may be other hon. gentlemen who look at it differently. We examined one of the directors, who was a member of the House of Commons, and that gentleman gave the Committee to understand that the Company as incorporated, in their contract with the parties who are to build the railway, had reserved a sum of \$1,500 per mile, which was to be paid to the company by the contractors. As the length of the road is 400 miles, the \$1,500 a mile would make the sum of \$600,000 which is to be paid by the contractors who build the road to the company who now hold the charter. When a director who was present was asked what was proposed to be done with this \$600,000, he said that money was required for the purpose of operating the railway, and that there would be various expenses.

HON. MR. DICKEY—To pay the interest on the bonds.

HON. MR. POWER—I think that was mentioned by some member of the Commons. I do not think that the witness mentioned that himself.

HON. MR. NELSON—Yes, distinctly

HON. MR. DICKEY.

HON. MR. POWER—I think that was suggested by some member of the Commons and the witness assented.

HON. MR. ROBITAILLE—No.

HON. MR. POWER—I presume the interest on the bonds would be included in the charges for operating the railway. Then it further appeared, at any rate to my satisfaction, that the gentleman who was examined had not himself, although he was one of the directors of the company, put any money into the company, and I have no reason to suppose that any of the several members of Parliament who are on the Board of Directors have put any money into the company. Another gentleman, not a member, who presented himself stated that he had subscribed a considerable sum, and that some two or three other gentlemen whom he mentioned had also subscribed considerable amounts towards the capital of the company. I presume that these sums subscribed by the outside shareholders are the money upon which the work of the company is now being conducted—that these sums have gone, partly at any rate, to pay for the visits of the president to England, New York, and other places. The facts I take to be these then: that these incorporators, some of whom have not subscribed anything at all except their parliamentary influence, and some who have subscribed actually in cash, are to receive a sum of \$600,000 from the parties who construct the road. There is nothing in the legislation respecting this road, either in the Bill now before this House or in past legislation, which would hinder the present company from transferring their interest to the contractors who are to build the road. If they do that, the company are in a position to take \$600,000 from these contractors, and then hand their charter over to the contractors. Out of that \$600,000 I presume something would be paid to recoup the gentlemen who have paid cash—the present shareholders—and to pay probably some of the expenses in connection with the promotion of this measure up to the present moment.

HON. MR. KAULBACH—And mental anxiety.

HON. MR. POWER—And mental anxiety as my hon. friend remarks. I see nothing at all under the circumstances of this case to hinder the present company from putting into their pockets a half million of dollars.

HON. MR. ROBITAILLE—Hear, hear.

HON. MR. POWER—I am glad my hon. friend approves of my sentiments. As he is one of the directors, I presume he is glad to see a chance of so much being made out of it.

HON. MR. ROBITAILLE—I am not a director.

HON. MR. POWER—I see nothing to prevent the present shareholders from dividing a half million of dollars amongst themselves after handing the charter over to New York gentlemen. I do not say they are going to do so: that would probably be an undue reflection on the members of both Houses. We know how those gentlemen particularly gentlemen like the hon. member opposite—how they would scorn to touch ignoble money of that sort: but there are vile creatures outside of this House, and outside of both Houses who are bad enough to suspect that with an opportunity for making half a million of dollars, even members of Parliament will be tempted to yield. Hon. gentlemen will remember that a few years ago there was a case of which the country heard a great deal, and of which this House heard a great deal.

HON. MR. PLUMB—Hear, hear.

HON. MR. POWER—Yes, my hon. friend knows it before I come to it. It is the famous case of the steel rails, as to which my hon. friend made a great many eloquent speeches, and many other members of this House made very eloquent speeches. What was the case of the steel rails?

HON. MR. READ—Do not state it.

HON. MR. POWER—It was this: the Government purchased certain steel rails.

HON. MR. READ—We have all the records of it.

HON. MR. POWER—I know my hon. friend has the steel rails record: but I do not think he holds a copyright of it. He said a great deal about them, at the time when talking did most good; and surely he will not object to my saying something of them now by way of illustration.

HON. MR. ALMON—The steel rails are getting pretty rusty.

HON. MR. POWER—No, some of them are on the road in British Columbia. What is the case of the steel rails? A firm in Montreal, named Cooper, Fairman & Co., had a contract from the Government to supply certain steel rails under tender and contract.

HON. MR. READ—And at a higher price than others.

HON. MR. POWER—It was shown that the other persons had only tendered to supply a limited quantity; and the remainder were to be supplied by Cooper, Fairman & Co. But putting it in the worst possible light—supposing Cooper, Fairman & Co. were the highest tenderers and had to supply everything, what was the difficulty in that case? One of the partners of Cooper, Fairman & Co. was a brother of the Premier of the day. Cooper, Fairman & Co. were not themselves the contractors, but agents of the contractors, and as agents they could at most make only a small commission on the sale. Hon. gentlemen at that time were virtuously indignant that a firm of which the brother of the Premier was a member should be the agents to supply steel rails under contract. It was quite true that it required an unusual want of faith in human nature to suppose that there was anything wrong in the Premier's conduct in that case; still hon. gentlemen so insisted that the public business of the country should be above suspicion that they made that one of the most serious charges against the administration of the day. What have we in this case? We have not simply brothers or cousins of members of parliament acting as agents for the contractors—the people who are

getting the money—but we have members of both Houses of Parliament getting this grant from the Government, out of which they may make \$500,000; and the singular thing is that in this House and in the committee also, some of the men who were most virtuously indignant over the so-called steel rails scandal, cannot see anything wrong in this transaction, and they are indignant that gentlemen like themselves should be asked unpleasant questions about their connection with this company. It just shows, I am sorry to say it, that the tone of public morals—not of the wretched Liberals who were so bad in 1876-77, but the tone of the moral, high-toned Conservatives of that day has fallen in a most lamentable way since then.

HON. MR. O'DONOHUE—My hon. friend has stated that a member of the House of Commons and also a member of this House was interested in this enterprise: I think it would be only proper that the House should know what member of it, if my hon. friend will favor us with that information.

HON. MR. POWER—I think I indicated very clearly who it was.

HON. MR. PLUMB—As one of the members of that committee which met today, I am somewhat surprised at the statement which has been made by the hon. gentleman from Halifax. In the first place he is so incorrect in his statements as to refer to an hon. member of this House as being a director of that Company who has nothing to do with it; and the general confidence which can be placed in his remarks may be inferred from that—he is so unacquainted with the facts as to refer to a member of this House as one of the directors of the Company upon which he is endeavoring to throw suspicion. That hon. gentleman has nothing to do with the Company.

HON. MR. POWER—It is another Company.

HON. MR. PLUMB—The hon. gentleman ought to be ashamed to make such a statement.

HON. MR. POWER

HON. MR. POWER—I made a mistake about it.

HON. MR. PLUMB—I do not rise for the purpose of defending this Company at all. It is a simple matter referred to the Committee. The Committee had to judge of that Bill upon what was before them, and I object very much to any gentleman in this House going into details with regard to a Committee of that kind, as a member of the Committee, and stating as belonging to the proceedings of the Committee that with which the committee were not seized and had nothing to do. It is very well known that a virulent controversy has been going on in another place over that road. Where is the man who was charging impropriety with respect to that company? He never came to the Senate. He must have been aware that the question would be discussed, yet he never came forward with his charges. The gentleman by whom the statements of the hon. member from Halifax have been inspired—I do not say directly, but undoubtedly he accepted the statements of that gentleman—was not there. That company has the privilege of issuing bonds to the extent of \$25,000 a mile. Every railway charter in the North-West embraces those provisions, or similar ones, in some perhaps not so large, and others have greater privileges. That company is to have a bonus of 6,400 acres of land per mile, and when it is remembered that the Government which the hon. gentleman opposite supported from 1873 to 1878 proposed to give 12,800 acres of land per mile for any line that was constructed north of the Pacific railway, this may not seem an extravagant bonus. The statement before the committee was that the directors of this road, with commendable caution, had so arranged that they expected the contractors would sell the bonds for what they could get for them, and that \$1,500 per mile was to be paid back to the company out of the proceeds, whether they sold at 60, 80 or 90 per cent., and they are not likely to bring an extravagant price at present. That \$1,500 was stated by the gentlemen who appeared on behalf of the railway, to be reserved for the purpose of paying the running expenses of the road.

at the outset, and of paying the interest on the bonds. He says it was suggested that the interest on the bonds was to be paid. So it was: I suggested it myself. I said that the interest would be \$7,000 the first year and it was not likely that the road would be earning the interest on its bonds the first year and pay running expenses: and it was an act of commendable caution on the part of the directors to reserve enough to pay the interest. I have no doubt the road is demanded by the people of the North-West. We are asked by the Legislature of Manitoba to pass this Bill; every restriction is put on this contract so that if the promoters do not arrange for a contract which will be satisfactory to the Government by the 1st day of June, or if they do not build 50 miles of that road by next December, their charter will expire. There was absolutely nothing before the Committee which in the slightest degree suggested bad faith on the part of the Company: there was nothing proved, nothing hinted at, no suggestion by which the foul aspersion that these gentlemen could pocket half a million of dollars out of this transaction could be substantiated. Contractors have not that hankering for railway enterprise in the North-West that would induce them to give any gentlemen who happened to hold a charter \$600,000 for the privilege of going up there and spending their money to construct and run a road. There is no such avidity on the part of railway contractors for charters that they will allow, for the sake of getting the contract, any set of directors to put \$500,000 in their pockets and hand over the charter. They want that money. Railway contractors are not such a liberal and confiding set of people that they will not take all they can get, if I know anything about them. I think it was not fair for the hon. gentleman to make the statement he did. He says also it appears that the directors have not put any money into the project.

HON. MR. POWER—Parliamentary directors.

HON. MR. TRUDEL—One admitted it.

HON. MR. PLUMB—No, there was no such thing. He simply declined, when

asked, making a statement; but a very responsible gentleman, who was not a director, and who of course would not stand by and see his money going into the concern without insisting that the directors should share with him—a gentleman who had put \$5,000 into the project—stated that he had put his money there two years ago; and he also said that he had followed the proceedings of the company from the beginning to the end with the strongest possible reasons for watching them closely, because he had got his money there, and he volunteered the statement that he had entire confidence in those who were managing the company, and in default of any evidence to the contrary I do not think it is fair to state that there was any suspicion thrown, either on the prominent promoters of the company or upon the directors. My hon. friend goes out of his way to say that probably the money paid by this gentleman, who had perfect confidence in the directorate, was expended for the purpose of paying the expenses of the promoters to London and New York. No such thing appears, and no such thing was hinted at in the Committee. I defy the hon. gentleman to state that the slightest suggestion was made upon which to base that statement, and therefore the animus of the hon. member can be inferred from that as well as from the fact that he recklessly charged a member of this House with being a director of this company.

HON. MR. POWER—It was not a charge; it was simply a statement.

HON. MR. PLUMB—The hon. gentleman has gone out of his way also to lug in a transaction of the late Government. Now I shall take him on his statement. He says that in a fit of virtue we called the late Government to account for a purchase of steel rails. Well, it is a very stale and rusty business, one may say, but inasmuch as the hon. gentleman has chosen to provoke a discussion on that subject, I will tell him what the steel rails controversy meant. It meant this: that tenders were called for a large quantity of steel rails. They were advertised for in September, weekly in a newspaper, and advertised only three weeks in this country, and not in England. A certain

firm who were prepared to make an offer, who had prices before them in Montreal, and one of whose number was a brother of the late Premier of Canada, tendered for those rails when no proper competition could take place. That is where the troubles comes in.

HON. MR. POWER—There were several tenders.

HON. MR. PLUMB—The tenders were advertised for, to come in about the first day of October. There was not time enough given for these advertisements to go to England to be seen by the great ironmasters there, not time enough for proper competition. That was where the trouble was. It was upon that, and upon that alone, that the charge was made of favoritism in giving out that contract. The hon. gentleman did not state that fact, that Cooper, Fairman & Co. were enabled, by means of that tender, to have an advantage over people in England who should have been given an opportunity to compete. The rails were not required at the time, and before they were used the price of them had fallen nearly one-half. That is the steel rails scandal and the hon. gentleman was very unfortunate in bringing it up at this day as an illustration of the character of this transaction, in which nothing appeared to the committee which was for one moment worthy of consideration which would warrant them in refusing to report the Bill to this House without amendment. They had no greater privileges than Parliament has granted to any other company; we had no right to inquire what contracts they were making. If we should follow every railway charter and find what contracts were made by those who got those charters we would be doing that which we are not called upon to do, that which we have no right to do, and would have our hands full. This Railway Company has no advantage over other companies. It has a good line and its construction is desired by the country. An hon. member has stated that the Legislature of Manitoba had requested that this Bill should pass and that they are perfectly satisfied with its provisions.

HON. MR. POWER—No.

HON. MR. PLUMB

HON. MR. PLUMB—I am making a statement of fact and I am a little more accurate in my statement than the hon. gentleman has proved himself to be on this occasion.

HON MR. READ—I have no doubt that this Railway is a very important one and that it is necessary it should be constructed. In all railway enterprises those who promote them expect to make some money, and if these people should make money properly we have no reason to complain. Railway construction has not been generally profitable though we seem to find money for railways when it cannot be obtained for anything else. But in this discussion there has been a most unfortunate reference to the steel rails transaction, and as statements have been made which are not exactly in accordance with the facts, and as I know a good deal about that transaction, I am not going to let the hon. gentleman from Halifax make erroneous statements without contradicting them. He states that Cooper, Fairman & Co. were agents of certain ironmasters and manufacturers in England. It is true that they were, for certain contracts, but they were not the agents of certain manufacturers in England when the Government telegraphed them that they required a certain amount of steel rails and offered for them £10 10 per ton delivered at Montreal. At the time that offer was made the Department were in possession of letters and telegrams offering steel rails at £10 per ton, delivered in Montreal, from certain contractors who had fulfilled their contracts. Cooper, Fairman & Co. were placed in a position which enabled them to go into the English markets and make agreements for the delivery of steel rails in Montreal on the best terms they could secure, and the difference between the price they paid and £10 10 would go into their pockets. On a large quantity of steel rails that would amount to a nice thing. There were other transaction with Cooper, Fairman & Co. which attracted a good deal of attention. There was freighting to be done to Lake Superior ports, and this favored firm got the contract at higher prices than another party, who was prepared to give security, was willing to take the contract for. The lower tender was rejected on

that occasion on the ground that the parties who made it were not steamboat owners; but Cooper, Fairman and Co., who got the contract at a higher price, were not steamboat owners either. All these facts are established by public documents. A certain quantity of those steel rails had to be taken to Manitoba, and the contract was given, without asking for tenders, to a firm in St. Paul, Kittson & Co., at \$15 a ton of 2,000 pounds, when two parties in Hamilton, Fuller and Milne, had offered to carry the rails at \$13.50 per ton of 2,240 lbs. On these three transactions this country lost \$110,000, as the public documents show. The statement could not be denied at the time the matter was brought up, and I think it is unfortunate that the hon. member from Halifax should at this time revive the question. The transactions to which I have referred could not bear investigation when they were fresh, and as time passes by they only look worse. I merely rose for the purpose of correcting the erroneous statement of my hon. friend from Halifax with reference to the steel rail scandal.

HON. MR. ALEXANDER—I do not think the House will be disposed to continue any debate on the question of the steel rails. It is a very old subject, and, as the hon. member from Niagara says, a very stale one. I rise simply for the purpose of observing that the hon. member from Niagara is equal to every occasion. He now occupies the position on the Treasury Benches to which he has long aspired, and I have no doubt if Sir John Macdonald will place him there that he will adorn the position, with his great eloquence and parliamentary experience and must necessarily be a very popular leader in this House. The hon. gentleman made a great mistake in his early life when he did not choose the legal profession. If he had done so he would doubtless have become a most distinguished member of the Bar.

HON. MR. BOTSFORD—What has that got to do with the question?

HON. MR. ALEXANDER—I suppose we must assume that with legal gentlemen principle is not essential.

HON. MR. BOTSFORD—The hon. gentleman is reading his speech.

HON. MR. ALEXANDER—The hon. member, who has reached an advanced age, might allow me to proceed without destroying the respect which we might desire to entertain for him. Since the hon. member from Niagara has entered this House he has pretty well established his character for utter recklessness of statements.

HON. MR. PLUMB—I think that I must call the hon. gentleman to order. I do not mind much what he says—it is not of much consequence; but still, for the sake of the dignity of the House, I must ask whether he can charge another member with utter recklessness of statement. If it is held to be parliamentary I bow, of course, to the decision of the Chair.

THE SPEAKER—I consider that the hon. member from Woodstock is wandering from the subject. These personal reflections are certainly not in order.

HON. MR. ALEXANDER—I am sure the House must feel that I am often called to order by the hon. member from Niagara when I am in order.

HON. MR. O'DONOHUE—In dealing with the Bill before the House, it seems to me that bringing up matters of the past has no relevancy. So much has been said about this measure, both in Parliament and out of Parliament, I think it should not be permitted to pass through the Senate without some comment. The great object in granting charters originally was to give railway facilities where they were needed, and the holders of the charter in this case have been remiss, or entirely unable to carry out the enterprise. It is said, and I believe truly, by people from that part of the country that it is a line much needed; but it is over six years since this charter has been granted, and nothing has been done on this railway. A great deal has transpired to which we cannot close our eyes, that is anything but creditable—much that any man who desires to uphold the dignity of Parliament must condemn. We find that members, hitherto held as respectable men, have



been dealing in the charter and hawking it about. That business should, in my opinion, be left to men who are not members of Parliament. I do not rise to oppose the passage of the Bill but to condemn trafficking of this character, and whatever another House may have said about it I do trust that anything so shady will always meet with a cold reception in this honorable body. The shortness of the time given the promoters of this Bill to prove their ability to construct the road, being only the interval between this time and the 1st of June, renders it only fair and right to give them this *dernier* opportunity of accomplishing it, if they are able. We know that when that time comes, unless they exhibit their means and ability and proceed with the work of constructing 50 miles of this road by December next, their charter falls to the ground; and however much I deprecate and condemn all that has been said and done in reference to it, and the action of certain members of Parliament in connection with the measure, in my anxiety to see the road which is so much needed constructed, I withdraw all opposition from the Bill and am willing to concede the time which the Government have thought fit to grant to this Company to show their ability to construct this line.

HON. MR. POWER—I feel that I cannot allow the motion to pass without making an apology to the hon. member from the Gulf division, as to whom I gave it to be understood that he was one of the directors of the Company. I have learned that the hon. gentleman is not; but in justice to myself I should say how I came to make the mistake. There is another Railway Company incorporated or being incorporated, of which that hon. gentleman and Mr. Riopel, the member in the House of Commons from Bonaventure, are directors and I had confounded the two companies. Mr. Riopel is also a director of the Company whose charter we are now amending; and I was under the impression that the hon. gentleman from the Gulf division was also a director. I am very sorry that I should have been led into the mistake that I have made.

HON. MR. TRUDEL—I am not a member of the Railway Committee, and

it is not my intention to take part in the discussion of matters which are brought before that Committee, but as a member of this House I may be called upon to give a vote upon this question, and I think it is hardly possible for me to record it in silence. Not long ago when this Bill was referred to the Railway Committee, some facts were stated in this Chamber which had been published in the press and had been the subject of discussion in another place, and seemed to me to be of the greatest importance. While I would not be prepared to say that those statements are sufficient to warrant the House in defeating the Bill, I consider that they are of such a character that the House should not pronounce upon the merits of this Bill without having the charges that have been made properly investigated. It is said that those who raised that question failed to appear before the Railway Committee of this House. When the order of reference was made, it will be remembered that a motion to give special instructions to the Committee was declared out of order, on the ground that the Committee possesses all the powers requisite to make a proper investigation. When grave charges are made publicly and supported by written documents which all of us must have seen, the members of this House and the public generally must have a conviction that there is something wrong in this matter, and I do not think the mere fact that no one has appeared before the Railway Committee to oppose the Bill should be considered sufficient to justify the House in passing it without further information. The absence of accusers, as we may call them, may be accounted for by a hundred different causes. No information has been elicited, and the accusations remain as they were before the Bill was referred. I will not enter into a discussion of the matter, but from my point of view I would not be justified in voting for the Bill until proper means have been taken by a committee of this House to make a thorough investigation and to bring the parties interested before them for examination. Transactions of this character are becoming more and more frequent. I will not quote any particular instance, but it is well known by all the members of this House that at

HON. MR. O'DONOHUE.

this day certain parties in this country are making a regular business of obtaining charters from parliament for the purpose of selling them and procuring subsidies from governments with a view to disposing of the advantages which they have secured through their parliamentary influence and making private profits by such transactions. This is becoming of very frequent occurrence, and when the House has before it a case where the parties are very strongly suspected of having acted in such a way, we should not vote in a manner calculated to encourage the practice. I think the House, in passing this Bill, would sanction an abuse which, to my mind, is detrimental to the public interest.

HON. MR. OGILVIE—I think we have all read in the papers, and many of us have listened to the very charges which the hon. gentleman from DeSalaberry speaks of and which were investigated in another place. Two noted committees, which were going to unearth any amount of scandal against members of the Government and their supporters, have been investigating them. I listened to a good deal of what took place in those committees and I know that it has all ended in smoke, or less than smoke, because there was not enough in the charges to give them any color of truth. To start another investigation here would be absurd. It is the easiest thing in the world to make assertions and charges but it is quite another thing to prove them. The hon. gentleman from DeSalaberry states that it is becoming quite common for persons to secure charters through their parliamentary influence and sell them for their private advantage. He may know of such cases, but I doubt very much if other members of this House do. I certainly do not; I cannot recall one single instance in which money has been made in that way, although the hon. gentleman says it is frequently done. I think that we should pass the Bill. To appoint a committee for the investigation of the statements which have been made, I think would be most absurd.

HON. MR. TRUDEL—I did not propose a committee, but I said that without such an investigation I would not feel

justified in voting for the Bill. The least that a member of this House can do when such a matter comes before him is to say whether the evidence is sufficient to warrant him in voting one way or the other.

HON. MR. DICKEY—I should like to say to the hon. gentleman from DeSalaberry that I think he has made an unnecessary and uncalled for reflection on the Committee. If he had been present at the meeting of the Committee he would not have made that reflection. He has stated that the Committee did not take the trouble to inquire into the matter.

HON. MR. TRUDEL—I did not say that.

HON. MR. DICKEY—It was leading in that direction. I am quite aware of his disposition to deal fairly with every question, and I am sure he will be quite pleased to learn that the Committee took every pains. The Clerk of the Committee interviewed the gentleman whose name has been bandied about in connection with this measure—I allude to the member for King's, Nova Scotia,—and told him when the Committee was to meet and we fully expected that he would attend. He said that he expected to be present. When the Committee met, finding that he was not there, we actually sent a messenger to the House of Commons to see if he would attend. This much is certainly due to the Committee: but we did not stop there, because, although nobody appeared to oppose the Bill, we thought we should take notice of a statement made by an hon. member of this House in his place on his own responsibility, and one of the directors being there and some of the shareholders, we thought it our duty to examine into the matter and probe it to the bottom. When I state that the examination of those gentlemen was left to me, as chairman, by a member of this House who was quite competent to conduct the examination himself (I allude to the senior Member from Halifax) I hope that every member of the Senate will admit that it was done thoroughly. It has extracted from the hon. gentleman himself a quasi admission that he heard a

good deal then that he had not known before, and that he had not the same impression that he, in common with other members, had entertained before. I do not want to enter into the matter at all because, in dealing with it, our disposition was to elicit every fact that it was possible to discover in respect to the *bona fides* of this transaction. We went even into the amount of stock each person held, the amount paid upon it, the work done, the reasons for delays and the prospects of the work being prosecuted, for it was a matter of great importance to the people of Manitoba. I think I may say that the question was looked at by some gentlemen with a little irritation, but certainly my desire as chairman was not to be satisfied with a bare examination of the matter, but to probe it to the bottom, and that is what we did. It was not our fault that there was nobody there to oppose the Bill.

HON. MR. TRUDEL.—The hon. gentleman having stated that I passed a reflection on the work of the Committee, I wish to explain that it was not my intention to do so. At the same time, I think the hon. member cannot find fault with me if I am dissatisfied with the enquiry which took place. Though I am not a member of the Committee I was present at the meeting and heard what took place. I may be wrong—it is very likely that I am wrong—and if it is necessary for the prestige of the Committee that I should say I am mistaken, I have no objection to ask every gentleman to consider that I was wrong. At the same time I think that the investigation which took place was not a proper one. I am very sorry to have to say so, but that is my opinion. The Chairman will recollect the way in which the several points were investigated and questions asked and answers given.

HON. MR. ALMON—I rise to a point of order: this is the third time that the hon. gentleman has risen to speak.

HON. MR. TRUDEL—I forgot to ask permission to make an explanation. I have already stated why I thought it was necessary for me to give my own opinion. I ask a thousand pardons for having come to the conclusion that the investigation

was not satisfactory. I will not make any motion but content myself with expressing my opinion.

HON. MR. HAYTHORNE—I think the House will not grudge me a few minutes of its time while I offer some remarks on this question. It seems to me that the explanation which has just fallen from the hon. member from Amherst has quite vindicated the action of the Railway Committee on this Bill. I think also that it has vindicated the action of those hon. gentlemen who the other day, when the same question was before the House, sought, although they were out of order, to ensure that the question should come before the Railway Committee and be thoroughly investigated there. It is quite true that the Speaker decided we were out of order in the course that we took on that occasion: nevertheless it was evident to everyone here that a necessity for an inquiry existed, and perhaps still exists. I think it is an undesirable thing to irritate old sores. It is much better to let the steel rails lie in the quiet to which they have been consigned for several years. But as an hon. gentleman who has occupied the position of Premier of the Dominion, and bears throughout the length and breadth of this country the highest possible character for integrity, both as a man and a Minister, has been attacked, I think some explanation is required from gentlemen on the other side; and I say this, myself, that if, when the question was new, the hon. gentleman from Belleville or any of his friends had been able to substantiate their charges against Mr. Mackenzie and his Government, I for one would never have supported them.

HON. MR. PLUMB—We did substantiate them.

HON. MR. READ—Every one of them.

HON. MR. HAYTHORNE—But now the hon. gentleman has thought proper to draw forth from his memory words that have been laid up for many years ready to be brought forward on an occasion like this; he has thought proper to bring forward these charges to-day.

HON. MR. READ—No, they were every one of them stated before.

HON. MR. HAYTHORNE—They might be very persuasive and convincing words to move a Tory audience, but in a mixed audience, particularly in the province from which I come, they will be listened to with very little credence. In speaking of this matter, hon. gentlemen have given no prominence whatever to the fact that Mr. Mackenzie's action with regard to the steel rails was taken on the advice of his chief engineer. The circumstances under which that Government was formed and the position in which they were placed at that time, the hon. gentlemen who have spoken on both sides of the House were very willing to pass *sub silentio*. They were quite willing to forget the conduct of their own political friends in similar cases. They had quite forgotten their own conduct with regard to steel rails and steam dredges in England. They had quite forgotten how persons employed by themselves had actually been convicted in a court of British justice, and condemned. If anyone wants to know the real origin of the charges against Mr. Mackenzie on the steel rail question, I will tell him that it is just a set off against a conviction being had by the Mackenzie Government in English courts. At that time the market for rails and the production of rails of all kinds was much less extensive than it is now, and Mr. Mackenzie, with the prospect of the Pacific Railway before him, was perfectly justified in assuring himself and his colleagues, and Parliament too, that he was not likely to be arrested in his progress by an insufficient supply of rails. He was perfectly justified under those circumstances, and by the advice of the chief engineer, in giving the orders that he did; and as to the statement that his brother was a gainer by it, that has never been proved. It has never been shown that Mr. Mackenzie's brother profited to the extent of \$1 by that transaction.

HON. MR. PLUMB—It has been shown a dozen times.

HON. MR. HAYTHORNE—If anybody had been in a position when that matter was fresh before the public, and when the existence of proof of that charge could have been brought forward, to have

done so I would have abandoned the Mackenzie Government myself in despair.

HON. MR. SUTHERLAND—Before the question is put I would like to say a few words. I do not rise as the champion of the promoters of this railway. I have not been asked by them to champion their cause, and I do not rise to do so now. My principal motive in rising in support of the Bill is that I believe it to be in the interest of my province. My other reason is to answer a remark made by the hon. gentleman from Toronto which might mislead the House. He mentioned that this charter had been before the country for some six years, and that there was large trafficking in charters going on, which might lead hon. gentlemen to infer that possibly this same charter might be one of the worst in the lot, and that there was nothing done by the company. Perhaps the hon. gentleman is not aware that the first company graded some seventy miles of that railway and they found after doing so that they had not funds enough to go on with it. In the first place I do not think they had any subsidy; at all events they did not have sufficient land subsidy to induce capitalists to take hold of the project. The consequence was they came back to Parliament to get a grant of land, and they got it, but when they got the land they had not time to go on when their charter expired. I think with this explanation the House will have a better understanding of how the matter stands.

HON. MR. HOWLAN—I did not expect to speak upon the present occasion, but from the course the debate has taken, particularly after the stale argument advanced by the hon. gentleman from Montreal, as well as my colleague from Prince Edward Island, it is incumbent on me to say a few words with regard to this matter. I have always understood that the position of a Member of Parliament was very different from that of a private citizen, who is bound by the words which he makes use of outside of the walls of Parliament, while a Member of Parliament is not bound in the same way by what he says inside of the walls of Parliament as he would be outside. My hon. friend from New

Brunswick, Mr. McClelan, is very apt to smile about these things. Perhaps before I am done he will smile from the other side of his face. A member of Parliament stands in a different position from a private citizen. Outside of parliament he is responsible to the individual and to every court of law, but here he is not. Therefore, it is not looked upon as a proper position to take to accuse a man of improper conduct, when he is not in parliament to defend himself. I might call the attention of the House to the motto above the Speaker's chair, "*Honi soit qui mal y pense*" It is wonderful how some gentlemen elevate themselves on the high pedestal of virtue and liberty and look down upon those who are beneath them. It is with them always the great "I" and the little "you;" they are so virtuous, so great that they have the whole concentration of the human virtues and human ability in this House; they can see nothing disinterested, just or patriotic in any other men but themselves. Everything that does not emanate from themselves is tinged with something bad, and it necessarily follows that it is bad, because it does not happen to meet their particular view. The Bill that we have before us now has been under consideration in the Commons from day to day and from week to week. Every argument that it is possible to advance, and all the ingenuity that could be exercised by advocates on one side and the other were advanced and exercised and what do we find? That the committee there failed to find the charges proven, and the Government are now taking the responsibility of the whole matter and saying if certain things are not done by the 1st of June the charter will lapse. Is there anything wrong about that? There are some men in every parliament and in every community who are perhaps a little in advance of others in their ideas. The hon. gentleman from Howell smiles at me across the room. I believe he is a director of the Albert Railway. Is that a reason why he should smile?

Hon. MR. McCLELAN—The hon. gentleman is misinformed if that is what he thinks I smile about.

HON. MR. HOWLAN.

HON. MR. HOWLAN—The Parliamentary Companion is my authority. Can he deny that he is not?

HON. MR. McCLELAN—I beg the hon. gentleman's pardon he is wrong again. I am not a director of the Albert Railway.

HON. MR. HOWLAN—Were you not a director of the Albert Railway?

HON. MR. McCLELAN—I have never been a director of any railway company.

HON. MR. HOWLAN—Were you never director of the Albert Railway?

HON. MR. McCLELAN—I have never been a director of any railway company.

HON. MR. HOWLAN—Supposing he was a director, that fact would not detract from his honesty or his intelligence. My hon. friend from Halifax I think is not a director of a railway company; perhaps in the near future he may occupy such a position. Does it necessarily follow, when he becomes a director of a railway company, that he must become untruthful and dishonest?

HON. MR. TRUDEL—Who pretends that?

HON. MR. HOWLAN—The hon. gentleman from DeSalaberry is one who creates the impression that such is the case.

HON. MR. McCLELAN—The hon. gentleman is not very correct in his statements.

HON. MR. HOWLAN—I am quite as correct as you are in any statement I have made to this House.

HON. MR. DEVER—I rise to a question of order. I hold that it is not in order to make such taxing and vexatious allusions to any hon. gentleman in this House.

THE SPEAKER—The taxing and personal remarks are certainly out of order.

HON. MR. DICKEY—I think the point that should be taken is the conversation between gentlemen across the House.

HON. MR. HOWLAN—The hon. gentleman must not attack me across the House or he will get attacked in return. It is not so often a smile passes over his lips, and if it is any pleasure to him I shall let him have his smile.

HON. MR. POWER—Is a smile an attack?

HON. MR. HOWLAN—It appears to me that it is the duty of every man holding a seat in Parliament to be very careful not to make statements inside of the House which he would not make elsewhere.

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

## THE SEDUCTION BILL.

### THIRD READING.

HON. MR. VIDAL moved the third reading of Bill (20) "An Act to punish Seduction and like offences, and to make further provision for the protection of women and girls."

HON. MR. MCINNES—Yesterday when this Bill was in the Committee of the Whole I gave notice that I would move on the third reading that the second clause be struck out, but on reflection as to how the clause was amended in Committee of the Whole I have come to the conclusion that the sting has been taken out of that clause, and it is certainly to my mind a great deal more acceptable now than it was before those amendments were made. Even with the amendments, it is yet the objectionable clause in the Bill. In fact, in my opinion, it is now the only objectionable clause in the entire measure. The principle of the Bill I endorse and approve of, and I am prepared now to withdraw the notice that I gave that I would move that the Bill should be re-committed to a Committee

of the Whole to strike out the second clause. I do not wish to put my objections and my opinions against those advanced by men of maturer years and greater experience than I possess in matters of this kind. However, I feel bound to express my conviction, that more depends upon the training of our youth than upon any legislation that can emanate from this or the other branch of the Legislature in making our young people moral. A great many hon. gentlemen within the last two years, notably on that Bill, brought in as an amendment to the Scott Act, asserted positively that it was impossible to make men temperate by legislation. There was a great deal of force in their argument; and a couple of days ago we had a Bill before us to force people to be religious. If those objections were considered good and valid as against those two measures, I claim that in this case it is utterly impossible to make people virtuous by Act of Parliament. I am yet of the same opinion that I held when this measure was introduced and before the lengthy discussion took place yesterday. I still believe that if guardians and parents, and especially mothers, would look after their daughters and their sons too, and see that they did not go out and come in at all hours of the day and night, and with whom they please, a great number of those revolting and sad cases that we have recorded in the daily press would never be heard of or occur. I claim that any girl or woman who is capable of maintaining her virtue and her honour until the period when she extracts perhaps a promise or pledge from her lover that he will marry her, is capable of resisting those improper advances that ought to be treated with scorn and contempt; she is quite capable of resisting them until they are joined in holy matrimony, if the couple intend that such a ceremony is to be performed and they are to become man and wife. Owing to the fact of having given notice that I would move that this clause be struck out, I thought it right to state that owing to the age of the girl being reduced from 21 to 18, and the age of the man fixed at 21 or over 21 years, that my objection to the second clause of the Bill has been to a very great extent removed. Similar legislation to this is, I believe, in force and has been in force a number of years in

some thirty different States of the Union. Any person who has looked over the records of the different tribunals before which such cases as those have been tried will have no hesitation in arriving at the conclusion that the people of Canada stand higher in the scale of virtue and morality than the population of those States, and I am proud to say from everything that I have been able to gather from the statistics of this country that the people of the Dominion stand not only as high in this respect as any people in the world, but stand at the head of them all. I say this with pride and I hope this legislation will not have an effect different from that which the promoter of the Bill had in view when he presented it to Parliament. That gentleman (Mr. Charlton) no doubt is conscientious and has worked hard to promote the morality of this country, and I think he deserves all credit for it, yet I am bound to say I believe some of the details of the Bill are defective, and I fear will not have the desired effect.

HON. MR. NELSON—Since the Bill was committed yesterday an idea struck me that there is a very grave flaw in clause number one. It provides for the case of any person who seduces and has illicit connection with any girl of previously chaste character, or who attempts to seduce and have illicit connection with any girl of previously chaste character, being of or above the age of ten years, and under the age of 16. But there is no provision at all, and I think there should be a provision for the case where the illicit connection took place between a girl under the age of sixteen and a boy under the age of sixteen. In almost nine cases out of ten, where it occurs between a boy and a girl under sixteen, the girl is as much to blame as the boy. I would therefore move that the Bill be not now read the third time but that it be recommitted to add the following to clause number one: "Any person who being above the age of sixteen years seduces and has illicit connection with any girl of previously chaste character, etc." I think that would be a move in the right direction. I think it would be very hard in a case such as I have mentioned that the boy should be condemned to punishment for an act of that

kind. The same thing will apply to subsection two of the clause.

HON. MR. VIDAL—I am sorry to state that I am not in a position to accept the amendment. I must confess that I can scarcely understand this line of argument. It has made no impression on my mind that there is any flaw in the measure, as it stands, requiring an amendment which he proposes. It has so far received the sanction of the House, and I think it should pass. I do not know why he should overlook this particular fact, that we are not legislating to make people moral. That is not the the object of the Bill. The advocates of this Bill know perfectly well that they cannot affect a man's character and make him moral by legislation; but we can do this by legislation.

HON. MR. MCINNES (B. C.)—Can you make them temperate?

HON. MR. VIDAL—We do not undertake to make men temperate by legislation; we punish people who committ a certain offence who do certain wrong things to the injury of themselves and others, just as when we legislate against stealing. We do not legislate to make people honest; we legislate to punish the particular act of wrongdoing; and so through all our legislation. It is a wrong thing to attach a meaning like that to it. We simply say that such and such a thing will be an offence and will be punished. As to morality we know that it cannot be affected by law. We know that in the sight of Him who judges the human heart, morality will count for nothing in the case of the man, who, in the absence of law, will do that which is wrong.

The amendment was declared lost on a division.

THE SPEAKER—The question is now on the third reading of the Bill.

HON. MR. POWER—I think the alterations which were made in the Bill by the House yesterday, although some of us may not have concurred in them at the time, are in the right direction with one exception, and that is the change made in

the second clause. In the original Bill a man over the age of 21 who seduced a girl under 21 years, under a promise of marriage, was subject to the penalties imposed by this Bill. The amendment which was made in this clause—the amendment to which I have referred—alters the age of the girl from 21 to 18. It has struck me that that is an undesirable amendment. I think as a general thing, that men who are guilty of this offence are not very young men—they are generally men over the age of 30; and any man who ruins a girl under the age of 21 should be punished. I think he should be punished if she is over 21 and there is a promise of marriage; and I do think the amendment made in this House in that particular respect is an undesirable one, and the motion which I propose is to reinstate the words "21 years" and strike out the words "18 years."

HON. MR. VIDAL—I think the hon. gentleman is under a mistake. The amendment as there recorded in our minutes is not made.

HON. MR. POWER—The amendment was carried in committee, whether it is recorded in the minutes or not; and I should not care to take advantage of an omission which had been unintentionally made by one of the officials of the House. There is no doubt the amendment was carried, and it is an undesirable one.

HON. MR. VIDAL—Then the hon. gentleman should see that it finds its place in the Bill, because there is no official record of such an amendment being made.

THE SPEAKER—It is a mistake of the clerk.

HON. MR. VIDAL—If an error, it is a clerical error, and it is supposed to be there.

HON. MR. MCINNES—Is it in the minutes that the man shall be over twenty-one years?

HON. MR. VIDAL—Yes.

THE SPEAKER—And the female under eighteen.

HON. MR. SMITH—Let the clause stand at that.

HON. MR. DEVER—Make the ages equal.

HON. MR. KAULBACH—I would ask if it does not require a notice to make an amendment? There has been no notice given.

THE SPEAKER—No notice is necessary, as this is a public Bill.

HON. MR. VIDAL—I voted against the change yesterday and it is only consistent on my own part to vote for the amendment now proposed by the hon. gentleman from Halifax.

The House divided on the amendment which was declared lost on a division.

The Bill was read the third time as amended and passed.

#### BILLS INTRODUCED.

Bill (101) "An Act in amendment of the Consolidated Inland Revenue Act, 1883, and the Act amending the same." (Mr. Plumb.)

Bill (125) "An Act to amend the law relating to the salaries of certain judges of the Supreme Court of Judicature for Ontario." (Mr. Plumb.)

Bili (126) "An Act to amend the law respecting Crown cases reserved." (Mr. Plumb.)

Bill (120) "An Act to make further provision respecting the administration of public lands of Canada in British Columbia." (Mr. Plumb.)

#### SCHOOL SAVINGS BANK BILL.

##### SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (75) "An Act to incorporate the School Savings Bank." He said: After having provided so well for the protection of women and girls, I suppose the House will have no hesitation to provide for the care of those who cannot administer their own money. The Bill provides for the establishment of



School Savings Banks, an institution which is rather new in this country, but which has been in operation for some time in Europe. Wherever it has been tried it has produced good results and proved advantageous to the community. I believe the system originated in France. As the preamble states, the object of the Bill is to encourage the teaching of economy in the various educational institutions of this country—to induce school children and apprentices who may have small amounts of money that they should save, and which would otherwise be unprofitably spent, to deposit them for safe keeping in these banks. The principle of the Bill is to encourage thrift among children. I have taken some notes from an article on “Thrift among the children,” published in the April number of *The Nineteenth Century*, from which I learn that “thrift among the children has been inculcated to such purpose in France that, since 1874, over twenty-three thousand Schools Savings Banks have been opened numbering, in January 1885, no less than 488,624 depositors, with deposits amounting in the aggregate formed of the *bona fide* pocket money of the children, to a sum of 11,285,046 francs—£451,026.” Such banks exist in England and in different parts of Europe, but to France belongs the distinction, a distinction of which she is justly proud, of having attained a national system of school banks. The object of these banks is to train children in foresight, and in provident, thrifty habits, so that as men and women they may be both able to save carefully and know how to spend wisely, and no one can spend wisely who has not learned the self-restraint of careful saving. This Bill comes to us from the other House were it received careful attention. The first clause gives the names of the corporators, and they are as such as to inspire public confidence, and insure the success of the enterprise. Perhaps the word “bank” is not the proper one to use in describing these institutions: we have enough large banks already. But I think the young and especially the poor need some institution of this kind. I do not ask that provision be made for the savings of the children of the wealthy,

who are either looked after by their parents or will be able to look after themselves, but I am speaking of cases where the amounts which can be deposited do not exceed 10, 20 or 25 cents. These small sums can be deposited from time to time and will bear interest at 4%. Depositors will not be able to withdraw their money without the consent of their parents, guardians or tutors. I think that provision will be a great protection not only for the children but also for the parents. The children will naturally feel ambitious to improve their positions and increase their little fortunes by deposits that they will have a chance to make from time to time. Poor parents will also find it to their advantage. They will be naturally pleased to see the disposition of their children to be thrifty and become useful members of society, and will aid them as far as they can by giving them small sums of ten or twenty cents at a time to be deposited in these banks. They will take a pride also in showing to their friends these deposit books, and the tendency will be to increase the thrift of the people. The capital stock of the Association is limited to \$200,000, in shares of \$25 each. When one-fourth of the capital stock is subscribed and paid up the bank will begin its organization. Directors will be appointed and provision is made for the proper organization of these institutions. The head office of the bank will be in Montreal, but branches will be established, as occasion may call for them, in other parts of the Dominion. The directors will be remunerated for attending the meetings of directors and supervising the affairs of the bank, but it is provided that their remuneration shall be paid only out of the net revenue of the year after paying all expenses and interest due to depositors, and after the approval of such by-law by the shareholders. The directors will have no chance to make money in any way beyond this remuneration. The 14th clause provides how deposits may be received and from whom. The depositors shall be “clerks, servants, students in colleges or schools, apprentices, mechanics, workmen, laborers and other employees and from no other person whomsoever.” The amount that can be deposited at any one time is not to exceed \$10, nor shall any deposit exceed \$250 in all. The Bill received

very careful consideration in the House of Commons, and I have no doubt it will be equally attentively considered here and receive the sanction of this House.

HON. MR. DICKEY—We are all disposed to regard most favorably anything which emanates from my hon. friend from St. Boniface. He has made on this occasion a special appeal to this House for the protection of the interests of women and children. I shall look at this measure entirely by the light of the rule which he has himself laid down. It is only because it is exceptional altogether, and deals solely with the property of women and children and other persons not accustomed to business, that I venture to offer a suggestion as to it. I certainly shall not oppose the second reading of the Bill, but I think it will conduce to a better appreciation of the measure itself in committee if I point out some objections, or rather points on which the committee should exercise some little inquiry and insight before they pass the measure. The Bill is to authorize the bank to receive deposits from certain persons. What is the security that these people are to have? In the first place they have \$50,000, the 25 per cent. of paid up capital. It is proper to mention that there is that fund for them. This institution is authorized to receive deposits and pay interest upon them and make investments in government and municipal securities. The interest which the bank is authorized to pay is 4 per cent. It is not likely that they can get deposits for any less rate, because there are other savings banks which give that. The 16th clause provides:—

The bank shall invest its moneys, including the paid up capital thereof, in the securities of the Dominion of Canada, or any of the provinces thereof; or in debentures issued by the corporation of any city or county but not otherwise.

If these investments are safe, we cannot count upon their producing more than the average price of 4%, that is to say, the amount that they have to pay for interest on deposits, except they should be authorized to deal in debentures issued by the corporations of cities or counties. In that case they get a higher rate of interest, but the higher the interest the less will be the

security for depositors whoever they may be. I think that is perfectly obvious. My difficulty with regard to this Bill is to know how any money is to be made out of this enterprise. If they are to pay depositors 4% and are obliged to invest in securities which yield only 4%, how are they to pay the directors, not only at the head office but at the various branches, employes, rent and other charges? I cannot see how it is to be done. I am afraid as the Bill stands it will be unworkable. My hon. friend says that it has been found workable in France, but it has not been tried in other countries. It makes it the more necessary that we should carefully scrutinize this Bill before we legislate upon it. Assuming that the House will pass the second reading, as I am disposed to do, and refer the Bill to the Committee on Banking and Commerce, I wish to state to them that there appears to be a defect in the 6th clause which authorizes directors to be appointed at the different branches but does not state what powers those directors shall exercise. They are to be subordinate to the directors at the head office, but there is no definition of their powers. Then in the 13th section there is a provision that the President shall call a special meeting of the shareholders at the request of 15 shareholders of the bank, but it does not require that the shareholders shall be notified what the object of the meeting is to be. There is also an objectionable principle introduced into the 19th clause which creates the reserve fund: that fund is to be made out of the capital of the bank, and and therefore will come out of this \$50,000, or whatever the sum may be. I am bound to say, however, that the names of the provisional directors furnish a sufficient guarantee of the respectable character of the institution; at the same time we must legislate in matters of this kind with reference to the future, and as to the persons who may or may not be directors. We know who the first directors are to be; but no one can tell who, in a very few years, will represent this company, and it is in the interests of the Bill itself that attention should be drawn to these circumstances, in no unfriendly spirit—I am sure my hon. friend will acquit me of that—but in the interest of good legislation.

I will make no objection to the second reading of the Bill, but content myself with calling attention to the points to which I have referred.

HON. MR. PLUMB—I have examined the Bill, and while I fully sympathize with my hon. friend, the mover, in the almost charitable object for which the measure evidently is designed, we must understand that our duty is very imperative, to see that if a Bill of this kind is permitted to pass this House that it is guarded in every possible way to ensure the security of the depositor. If the principle is admitted it will be necessary to scrutinize the Bill in regard to its machinery and working, and as that, I suppose, will be carefully done in the Committee, I certainly see no objection to the second reading of the Bill, and its being discussed by the experienced members of the Committee on Banking and Commerce. In passing through their hands, it undoubtedly will be so amended as to protect the interests of those who cannot protect themselves. The object, as stated in the preamble, is a laudable one, but in my judgment when it comes to be carried out in detail it will be found that there will be great difficulty, as far as I can see, in getting any sufficient return for the capital invested to pay any considerable expenses, or in fact even to pay such an ordinary rate of interest as will satisfy depositors. That is a matter to be ascertained. I do not intend to criticize the Bill. My sympathies rather go with it, if it can be found on examination that perfect security can be given to those who confide their money to the custody of the corporators.

HON. MR. KAULBACH—Much has been said that I intended to say on this matter. I agree with my hon. friend who has just spoken in thinking that there is not much to be made out of those banks by the depositors. It seems to me that the savings banks of Canada have been established chiefly to meet the needs of mechanics, laborers and others who have small amounts to invest. They can deposit very small sums—I believe to the fraction of \$1—and though the interest is not so large, they can draw the deposits any time when necessity requires it, and the Government security is ample and

beyond any question. Here the security, it seems to me, is not so good, although it consists of investments in Dominion and Provincial securities, and securities of city and county corporation. They may be safe enough, but after paying all the expenses necessary to run these banks the profits cannot be as large as the promoters of the Bill anticipate. Although the system may have worked well in France, I do not see, with our present savings banks in operation throughout the country, how those institutions can be very successful. Of course the object is very laudable—to induce people to save small sums of money—and if we had not already savings banks I should highly approve of this measure. I do not propose to offer any opposition to the Bill.

HON. MR. POWER—I think that the gentlemen who have taken hold of the matter are actuated by the very best motives and deserve a great deal of credit; but I am myself opposed to the principle of the Bill. Looking at the list of directors I find that while they are all very respectable and public spirited gentlemen they are as a rule not business men; they are not capitalists or men whose business is banking. To-day when we find numerous banks reducing their capital, because there is not enough for them to do, is not a time well chosen for establishing a bank which is to have branches throughout the country. It will be observed that in this Bill it is provided that the rate of interest shall be 4%. Looking at the present value of money in this country these gentlemen really can not carry on their bank and pay 4% to the depositors. I think there is very considerable doubt as to whether this institution would be permanent and as to whether the earnings deposited in it would be perfectly safe. I find that in England the Post Office savings banks are used as school savings banks; and it occurs to me that the better course would be to so modify the law with respect to the existing savings banks as to facilitate the deposits in those banks by school children. The depositors will then have the security of the Dominion for the return of their money, and their deposits will be perfectly safe. There is no doubt that the Committee to whom this is to go will give the Bill every atten-

tion, but I hope that they will not feel bound to report in its favor. If they think that on the whole the principle of the Bill does not commend itself to their judgment, I hope that they will report against it.

HON. MR. ALMON—Not approving of the Bill, I certainly shall vote against the second reading. I think the Government Savings Banks already established meet the view of the hon. member from St. Boniface—that is, they enable persons wishing to invest small sums to do so. We should be more careful of the interests of the poor than of the interests of the rich. Savings banks in the United States have very frequently failed, and we should endeavor to prevent such disasters in this country. I do not know the persons whose names are mentioned as provisional directors, but as the Government Savings-Banks already supply all that this measure is intended to secure, I am opposed to the principle of the Bill.

The motion was agreed to, and the Bill was read the second time on a division.

### CHIGNECTO MARINE TRANSPORT RAILWAY BILL.

#### THIRD READING.

The House resolved itself into Committee of the Whole on Bill (105) "An Act to amend the Act to provide for the granting of a subsidy to the Chignecto Marine Transport Railway Co. (Limited)."

#### IN THE COMMITTEE.

HON. MR. DICKEY—The House will remember that on the second reading my hon. friend from York adverted to the fact that he thought the agreement which was made between the Company and the Government with respect to this change of subsidy, both as to its terms and as to its amount, should be placed on the table, and ought to be inserted as a schedule to the Bill. In point of fact, the agreement had been placed on the table, and the suggestion that was made then had not escaped my notice; but in accordance with that idea, I communicated by letter with the Minister of Justice, pointing out the omission of this agreement from the

Act, in which I think it clearly ought to have been incorporated. The result of that was, that after some little circumlocution it at last got to the right department, and upon being examined, the Department accepted the suggestion and asked me to have this done: and it is obviously necessary. The 4th sub-section of the agreement which has been laid on the Table, is to this effect:—

"Whereas, the terms of payment fixed by the Act of the Parliament of Canada, 45th Victoria, cap. 55 (1882), of the subsidy granted to the said Company, are hereby modified to a certain extent, this agreement is made subject to the approval of the said Parliament of Canada at its now next session."

This is the agreement which is dated on the 4th March last, I now beg to move in accordance with that provision that the following be the fourth clause of the Bill:—

"4. The Indenture made on the fourth day of March, in the year of Our Lord one thousand eight hundred and eighty-six, between *The Chignecto Marine Transport Company (Limited)*, and Her Majesty the Queen, represented therein by the Minister of Railways and Canals of Canada, a copy of which is in the Schedule annexed to this Bill, is hereby approved and ratified."

The clause was agreed to,

HON. MR. DICKEY moved that the contract be added as a schedule to the Bill.

The motion was agreed to.

On motion that the title of the Bill be agreed to,

HON. MR. POWER said: Before that is carried, I might state that I took the liberty when this Bill was at its second reading to make some reference to the commercial value of this undertaking. I had not at that time the official report of the Commissioners who were appointed in 1875 to inquire into and report upon the nature and extent of the commercial advantage to be derived from the Baie Verte canal. Of course the arguments applied to the canal will apply to this Railway also. I find that the commissioners reported adversely to the construction of the canal and gave their reason for so doing. They went into the matter at considerable length. They inquired into the trade of the lower Provinces,

New Brunswick, and Nova Scotia and Prince Edward Island, and they established from statistics and otherwise in a manner to satisfy any unprejudiced mind that the commercial advantages to be derived from the construction of the canal were very small, and the evidence which they submit establishes the same fact. I do not propose to trouble this House with reading much of the evidence; but there are one or two pieces of testimony which I shall read as illustrations. Evidence was taken in St. John and Charlottetown, and in Quebec, Summerside and Halifax; and the preponderance of testimony was altogether against the commercial value of the canal. One-half the witnesses examined in Prince Edward Island were of opinion that this canal would be of no commercial value to that Province. I do not wish to detain the committee by going into the evidence in detail. There were witnesses examined in Pictou, and those witnesses also unanimously were of opinion that the commercial value of the canal was next to nothing. They also spoke of the character of the navigation of the Bay of Fundy. I will just quote from the examination of one gentleman living in Halifax, a man of very great experience, as a sample of the evidence given by several merchants. Daniel Cronan says, at page 89 :

"I have been engaged in shipping and general business with the West Indies and Gulf ports for the last forty-three years; I have no business that would be injured by the construction of the Baie Verte Canal, but from my experience and the knowledge I have of the business of the maritime provinces, I consider its construction would be a useless expenditure of public money; it would not benefit trade with the West Indies, from the Gulf or North Shore Ports of Nova Scotia and New Brunswick, for all would prefer using the Gut of Canso or going round Cape North, as circumstances may direct, to using the proposed canal; the same remark would apply with greater force to the trade of South America, as it is advantageous for ships to sail out a long way to the east. From my knowledge of the American fishing vessels, I am quite sure they would not take the canal in preference to the present routes. I am a director of a Marine Insurance Company, and if I was asked the rate via Canso or the canal, I would say much less by the Canso route than by the canal from Gulf Ports, in consequence of the increased dangers of navigation by strong currents and fogs in the Bay of Fundy. As far as the St. John trade is concerned, I would say that a railroad from Shediac to St. John is sufficient for its purposes.

HON. MR. POWER.

"In my opinion there is no prospective increase of trade that would lessen the conditions that at present exist adverse to the canal."

I read that simply as a specimen of the kind of evidence taken in all those places. It will be noticed what Mr. Cronan thinks about the navigation of the Bay of Fundy, but there is other evidence on that subject. I might quote the report of the canal commissioners, but members might possibly say they were prejudiced. I quote, however, from page 16 of the report from the Admiralty sailing directions, wherein it is stated :—

"Ships navigating the Bay of Fundy have to encounter an atmosphere almost constantly enveloped in dense fogs, the tides setting in with great rapidity over the rocks and shoals with which it abounds, and a difficulty of obtaining anchorage on account of the depth; so that under these circumstances, the most unremitting attention is requisite to prevent the disastrous consequences which would necessarily attend a want of knowledge and caution."

That quotation from the Admiralty sailing directions refers to the Bay of Fundy end of the proposed ship railway; and here is what the St. Lawrence Pilot, published by order of the Admiralty, says on the same subject :—

"Baie Verte is completely open to easterly winds, as well as very shallow water near its head, where flats of mud and weeds dry out to a distance of three-quarters of a mile from the shore. It was formerly erroneously represented as being free from dangers with mud bottom—shoaling gradually to its head. The Admiralty Survey has, in great part, deprived it of that character, by the discovery of dangerous rocky shoals being directly in the way of vessels entering the Bay."

I have read these extracts simply to show that when I spoke of the difficulties and dangers of the navigation of the Bay of Fundy I was not speaking without some authority.

HON. MR. DICKEY—Who were those commissioners?

HON. MR. POWER—I think Mr. Keefer and some others.

HON. MR. DEVER—Have you the report of Mr. Lawrence there?

HON. MR. POWER—Mr. Lawrence dissented I know; but these gentlemen

were appointed to go down and report on the matter, and they probably reported under a sense of responsibility, and they have annexed the evidence which they took. I will just quote again, from the evidence of James A. Hughes, a ship captain of Digby, given at page 43 :

"I do not consider the navigation of the Bay of Fundy as good as that outside. With vessels in foreign ports asking for freights, objection is always made to the fog, high tides and currents in the Bay of Fundy. I have been up in the upper part of the Bay of Fundy, towards Au Lac, the entrance to the proposed canal; I have knowledge of its navigation, of its shifting sand and mud bars, and think the navigation very intricate, rendered more so by the very high rise of tides, especially at high tides. I have thought a good deal about the proposed canal, and think there would be a good deal of difficulty, occasionally, in getting vessels out."

HON. MR. DICKEY—With regard to that report, my hon. friend has not yet stated by whom it was signed.

HON. MR. POWER—It is signed by John Young, Chairman of the Commissioners.

HON. MR. DICKEY—Who are the other commissioners ?

HON. MR. POWER—I do not know, but I know that Lawrence was one, and he dissented.

HON. MR. DICKEY—It is well, as my hon. friend has made a point of this, to remind the House of the origin of that commission. The canal was decided upon under the Government which preceded Mr. Mackenzie's administration, and money was voted for the purpose by the consent of Parliament, and the first act that the Mackenzie Government did—I am not complaining of it—was to send out a commission for the purpose of destroying this work.

HON. MR. POWER—It is not right to impute motives.

HON. MR. DICKEY—It is no imputation except politically; he had a perfect right to do so politically if he thought it was wrong, but he differed from the other Government in his policy on this ques-

tion. They appointed a commission, one member of which had to be from the Lower Provinces. I cannot penetrate the secrets of the commission, but we can all understand that those gentlemen went there with their instructions, and sought evidence that would be necessary to fortify their conclusions in the report, and the fact ought to be stated that Mr. Lawrence, who knew more about it than any of them, because he lived in the Port of St. John, presented the minority report differing from his colleagues. After all, it has nothing to do with the merits of this Bill, because the Bill is not a proposition to impose any charge upon this country with respect to the navigation of the Bay of Fundy, but it is to aid persons, if they choose to undertake this project, in doing it at their own cost, and spending an enormous sum of money in this country. If that experiment proves successful, then and only then shall the subsidy be granted. That is the whole case. I did not go into the commercial features of the question at all, because it is for the company to do so. The hon. gentleman may be right in his conclusions that he drew from the evidence of the witnesses selected for examination; there are, however, gentlemen in this building who know more about the navigation of the Bay of Fundy than the commissioners did, who will differ from their conclusions. The fact is patent on the face of it, that the people who are advancing the money for this enterprise will satisfy themselves upon that point. On behalf of my own province, I protest against those insinuations against the navigation of one of the finest estuaries of the world, the Bay of Fundy. Some gentlemen are frightened because they get into a little bit of fog crossing the Bay of Fundy. Then because a vessel occasionally touches they are afraid; but we never hear of a want of safety in the port of Halifax—we never hear of any difficulty because a vessel is occasionally picked up on the Thrumcap ledges or some other outlying dangers near the harbor of Halifax. The bottom of the ocean is not thoroughly level and free from those obstructions, but I do say upon that point that the Bay of Fundy is as safe as any other arm of the sea that I know of; and the only obstructions that exist from one end of the Bay to the other

are the Quaco ledges, and these are only on one side of the Bay ; they are perfectly well known, and it is only once in 20 years that a vessel touches them.

HON. MR. DEVER—At this late period it is hardly right to bring up the dead question of the Baie Verte Canal. At one time it was a pretty live question ; a vote of half a million of dollars was placed in the Estimates for the purpose of holding out inducements to the Lower Provinces respecting this canal. What it was done for I cannot say, but such is the fact that half a million of dollars was placed in the Estimates for it. My hon. friend from Halifax dealt unfairly with the report of the Canal Commission. He took great care not to quote the evidence of a gentleman from St. John. He took good care to quote the evidence of Mr. Cronan, a gentleman from Halifax, and the evidence of a gentleman from Prince Edward Island. This evidence was very unfair, especially as the hon. gentleman suppressed the report of our Commissioner, Mr. Lawrence, who made a separate report from the fact that the whole proceedings were unfair. From then until now it is a question in St. John if the whole report was not a political juggle.

HON. MR. KAULBACH—I think this is a fair discussion, because the hon. gentleman from Amherst referred to the navigation of the Bay of Fundy, which I at the time condemned. From what little knowledge I have from my association with some Marine Insurance Companies, I am aware that they make a large difference in favor of vessels going east from Halifax from those that go up to the Bay of Fundy. In fact, it is noted by the whole of them that the tides and currents and fogs of the Bay necessarily make that navigation more difficult and dangerous. I am very glad my hon. friend put that right so far as regards our coast of Nova Scotia.

HON. MR. POWER—A good example of the evil effect of party spirit is the speech of the hon. gentleman from Amherst this afternoon. He is a gentleman whom we are in the habit of looking upon as one of the most judicial minded men in this House, but that hon. gentleman did

not extend to the Mackenzie Government who have been so long dead the mantle of charity that he thinks should be extended to the acts of the present Government. My hon. friend began by telling us that the commission was appointed for the purpose of destroying the canal. I think that is an allegation unworthy of the hon. gentleman's character and position, and probably I would say with just as much correctness, to put it in the mildest form, that \$500,000 had been put in the estimates before the election of 1872 for the purpose of influencing the vote in the counties of Westmoreland and Cumberland in favor of the Conservative Government. It might be quite as true as to say that this commission was appointed for the purpose of destroying the Baie Verte Canal. There was a great difference of opinion as to the value of the Baie Verte Canal. People in the immediate vicinity of the canal thought it would be an important public work ; everybody else, as far as I know, thought it was of comparatively little value ; and I think the Government were perfectly right. What was the natural thing to do, this question having been raised, a sum of money being found in the estimates, and a proposition to spend \$8,000,000 of the public money? I think it was a duty which the Government owed to the people of the country to have an investigation of a proper character into the commercial value of this canal, before committing themselves to that vast expenditure.

HON. MR. PLUMB—What is the date of the report?

HON. MR. POWER—December, 1875.

HON. MR. PLUMB—But the Government kept the item in the Estimates in 1874 and 1875 also!

HON. MR. POWER—The report was made in 1875, and the item did not appear in the Estimates afterwards. I think the hon. gentleman from Amherst described the commission unfairly. The hon. John Young was not a man who would take a commission under instructions of that sort.

HON. MR. ALMON—He was the man who opened certain letters, I think.

HON. MR. POWER—I think he was one of the greatest authorities on commercial questions in Canada. That was the reason he was appointed. The hon. gentleman from St. John (Mr. Dever) said that Mr. Lawrence presented a minority report. I admitted that he had dissented and I stated at once that I had not gone into the personnel of the commission at all; nor did I make the allegations that I did for the purpose of injuring the reputation of the Bay of Fundy. I think that the Admiralty sailing directions are in the hands of all seamen, and anything that can be said on the floor of this House is not going to affect in any way their opinion of the navigation of the Bay of Fundy. The statement that I made was not an uncalled for statement, because this whole measure is based on the supposition that this undertaking is of great commercial value. One of the reasons given why it was not of commercial value was that the navigation of the Bay of Fundy was more difficult than the navigation round the southern and eastern shores of Nova Scotia, and the statements I have read from the report establish that fact. It is unfair for the hon. gentleman from St. John to charge me with suppressing anything.

The title was agreed to.

HON. MR. VIDAL, from the Committee, reported the Bill with amendments.

The amendments were concurred in, and the Bill was then read the third time and passed.

### NIAGARA FRONTIER BRIDGE COMPANY'S BILL.

#### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (48) "An Act to amend the Act to incorporate the Niagara Frontier Bridge Company." He said: This Bill relates to a work near where I reside. It is for the purpose of extending the time for building a suspension bridge across the Niagara River to connect a railway from the State of New York with the Grand Trunk system in the Province of Ontario.

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

It being six o'clock the Speaker left the Chair.

#### AFTER RECESS.

### SUBSIDIES INLAND TO RAILWAYS BILL.

#### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (117) "An Act to amend an act to authorize the granting of subsidies in land to certain Railway Companies."

In the Committee.

On the first clause.

HON. MR. PLUMB—The object of this Bill is to authorize the granting of subsidies in land to certain Railway Companies in a different way from that which is at present authorized by law. Hitherto these grants have been made in odd sections: the propositions is to grant them in alternate townships and lots. It has already been done in certain cases by order in Council, and the object of the Bill is to sanction what has already been done, and to permit the Governor in Council to continue the system in future. By the terms and conditions of the arrangement with the Hudson Bay Company, that Company is entitled to one-twentieth of lands surveyed into townships, and in each township the Company have had a section reserved. These rights of the Company will not be interfered with by this legislation. It is intended by this Bill, with the consent of the Hudson Bay Company, in granting subsidies of land to Railway Companies to do so without having the tracts so granted broken upon by the Hudson Bay reserves, or by school sections. It is proposed to accomplish this by reserving an equal quantity of lands elsewhere. That cannot be done without the consent of the parties interested. In many respects it is desirable that this power should exist. For instance, in granting lands for grazing purposes: any one who understands the subject knows that it



is absolutely necessary that a tract used for grazing should be in a block. You cannot have a reservation of a section, or two or three sections, in the midst of lands which are used for cattle grazing. It destroys the value of lands for that purpose. The cattle must remain undisturbed, and if there are people living in the middle of the range it is good for nothing. It is the same way with the land granted to railway companies; it is desirable that they would be in large blocks, instead of being divided up as they have been in some parts of the North-West.

HON. MR. POWER—I think the explanation of the hon. gentleman is very good as far as it goes. I should like, however, to hear a little further from him. The hon. gentleman said that the Hudson Bay Company's lands and the school lands were treated in the same way. As I read the clause before the Committee it is not so. If the hon. gentleman will look at lines 20 and 21 he will see that the change is to be assented to by the Hudson Bay Company, but if he looks at lines 25 and 26 he will see that there is no such provision made as to the school lands. The Government simply grant other lands for school purposes, and there is no discretion in the hands of anybody else. While that may be perfectly correct in the territories, I doubt whether it is so in the Province of Manitoba. I think the Hudson Bay Company should be treated in the same way. As to requiring the assent of the Hudson Bay Company, it may be taken for granted that as a general thing they would not sanction any change in the location of their lands unless the new lands were worth rather more than the old. I think it may safely be taken for granted that any private corporation would act in that way. Perhaps the hon. gentleman can point out what provision there is here to prevent the Company from being unreasonable. The Government ought to have some means of compelling the Company to take land which is clearly equivalent to the land they lose. If the principle of the Bill is good as respects land granted to railways, I do not see why it should not apply to other land too.

HON. MR. PLUMB—As regards the school lands they are in the hands of the

Government. If the hon. gentleman will look at Section 20 of the Act of 1883, he will see that the school lands shall be administered by the Governor in Council through the Minister of the Interior, and if he can show me what other authority there is to be referred to, and how else the decision shall be given as to the school lands to be substituted, I should be glad to see it. As far as the Hudson Bay Company is concerned, the hon. gentleman will permit me to say I have no doubt that the Company and the Government will be able to agree upon the terms on which the exchange shall be made, and I do not think that it is desirable, or important, or necessary in any way to put safe-guards around the arrangements.

HON. MR. KAULBACH—I understood my hon. friend to say that the Hudson Bay Company has consented to the terms on which this substitution shall be made?

HON. MR. PLUMB—Their consent is required.

HON. MR. ALEXANDER—I have endeavored to follow some of the legislation proposed by the Government this session, and several of those bills are drawn in most ambiguous terms. The provisions are made to appear so tortuous and conflicting that they must lead to litigation and trouble. I am surprised that Parliament permits the Government to bring in bills merely referring to other Acts of Parliament of former sessions. Why should members of Parliament, and the courts, and the whole country, have to refer to a dozen Acts of Parliament to know the meaning and object of a bill? No such system of drawing bills can be satisfactory to the people of this country. It is only another evidence to me that this Government is drifting more and more into bad methods and ways which certainly mean no good for the country. The time has arrived when members of Parliament ought to speak out. This Government has become sadly depraved in many respects—depraved in their money expenditures and legislation. No lawyer in this House can say to-day what ground this Bill covers

and I am surprised that the hon. member from Lunenburg and other gentlemen present, who are astute lawyers do not raise their voice and say, that they will not allow the Bill to go through in that shape. I am surprised that the House should allow such a bill to pass.

HON. MR. WARK—I approve of this mode of granting lands for railways. I think it was a great mistake when they were divided into one mile squares. These lands ought to have been granted in townships, and then settlers could have settled close together. There is one serious objection to this Bill—that is extracting school lands from the townships. The school lands ought to remain there for the benefit of the settlers in the future. If the whole township is given to a Railway Company and by them sold to settlers, are the inhabitants of the township to buy land on which to build their school houses and residences for school teachers? The school lands ought to be left there and the township granted with the school lots reserved.

The clause was adopted.

HON. MR. GIRARD, from the Committee, reported the Bill without amendment.

The Bill was read the third time and passed.

### PROTECTION OF NAVIGABLE WATERS BILL.

#### THIRD READING.

The House resolved into a Committee of the Whole on Bill (96) "An Act respecting the protection of navigable waters."

In the Committee,

On the first clause.

HON. MR. DICKEY—The object of this Bill is to make regulations somewhat better than exist under the law for the protection of navigable waters.

The clause was adopted.

On the second clause.

HON. MR. POWER—I quite concur in the spirit of this clause but I think the wording includes rather too much. Under the language of this clause if a fisherman's boat happens to sink near the shore in the loneliest part of say Cape Breton or Prince Edward Island, in a place where the little wreck does not occasion the slightest risk to anybody; unless the owner puts a light upon it and notifies the collector of Customs in the nearest port, he is subject to a penalty of \$40 per day for every day he neglects to do so. Now that is legislation which is very likely to be abused. It seems to me that before the owner of the vessel should be liable to a penalty he should have been notified himself to remove the wreck, or something of that sort. I think it would have been more reasonable. If the wreck interferes with navigation he should be requested to remove it, and it would be time enough if he refused to do so, or to place the lights on the wreck in the manner described in this clause, to fine him.

THE SPEAKER—Do you think a fisherman's boat would obstruct navigation?

HON. MR. POWER—Under some circumstances it might.

HON. MR. KAULBACH—Under such circumstances, where a wreck is an obstruction to navigation, this clause should apply. I think the harbor master is particularly interested in this matter. It is his special duty to look after the harbors. In some cases the collector may be some ten or fifteen miles from where the obstruction is, and there may be some difficulty in getting at him. On such a river as La Have, in the County of Lunenburg, there are two or three harbor masters and they are appointed specially for the purpose of seeing that the navigation is kept clear and unobstructed. I think the clause might be amended by inserting "Harbor Master."

HON. MR. DICKEY—The object of this clause, as the hon. member Lunenburg has stated, is to deal only with cases where navigation is obstructed. The time within which notice is to be given is

"forthwith." The reason of that is that the time must necessarily vary with the circumstances, and the object is to give reasonable time in which to notify the collector. The Act must be construed in that way. My hon. friend suggests that the notice should be given to the Harbor Master.

HON MR. KAULBACH—The collector or the harbor master.

HON MR. DICKEY—I do not know that there is any reasonable objection to that. If notice is not given "forthwith"—that is within a reasonable time—a great deal of mischief may be done by the obstruction of navigation. It is hardly likely that a boat grounding would prove an obstruction to navigation, because it would necessarily occur in a shallow place and out of the track of ships, but where a vessel is grounded it is reasonable that the party should give notice as soon as possible and display a signal to warn other vessels and prevent the risk of destroying lives and property.

THE SPEAKER—I doubt very much if you would find a harbor master where there is no collector of Customs.

HON. MR. KAULBACH—But the Custom House officer is sometimes so far removed that it is inconvenient, while the harbor master's office is at the mouth of the river usually.

HON. MR. DICKEY—I would say, as regards the Bill, we are looking at it with the best light we have, and as far as I am concerned I have no particular official knowledge on the subject. If the clause is allowed to pass in committee I will make inquiries before the third reading to see if it can be altered in any way.

HON. MR. POWER—Hon. gentleman may think the criticism on this matter is of too microscopic a character; but if the hon. gentleman will read the clause they may think differently:—

4. If, in the opinion of the Minister of Marine and Fisheries, the navigation of any navigable water as aforesaid is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck sinking, lying

ashore or grounding of any vessel or of any part thereof, or other thing &c."

Vessel, by the first clause is defined to include every description of ship, boat or craft of any kind. The Parliament of Canada has jurisdiction over all our sea-coast waters, and the case I put of a fisherman's boat interfering with navigation would be construed as coming under this clause. As to the improbability of any difficulty arising under that, I would call the attention of the committee to a case which occurred in Nova Scotia. Under an Act which we passed here some three or four years ago, there was a provision as to bridges interfering with navigation. An old bridge was removed from Porter's Lake in Halifax County and a new one built instead of it. The new bridge was an iron bridge. It happened that the contractors who built the new bridge made the passage between the piers some six inches narrower than it was before, and a man in the neighborhood took a scow and let her drift against the pier of the bridge, it was supposed purposely, and the scow was injured, and he brought an action against the contractor on the ground that the bridge interfered with navigation. The court decided that because the space between the piers of the bridge was six inches less than the space between the piers of the old bridge, the contractors were liable for a considerable amount of damages. We ought to be careful not to put anything in this Bill which a litigious or quarrelsome man could avail himself of. I think that the party should receive notice to put a light on his vessel or to remove it before he is made liable to the penalty.

HON. MR. KAULBACH—But the danger is an immediate danger; after a time it diminishes, and it might be some time before he would receive notice, and the greatest danger would be over.

HON. MR. WARK—It is worthy of notice that this Bill places the owner of a vessel residing in Canada at great disadvantage as compared with a foreign owner. We frequently have foreign ships wrecked at the mouths of our harbors, in which case all the captain does is merely to get what he can out of the wreck and

leave it there. Is it fair then that the owner of a Canadian vessel cast away at the same place, because he resides in the country, should be compelled to go to this expense? My impression is that the Government ought to assume the whole expense of keeping our harbors clear, and mete out equal justice to all: because on enquiry hon. gentlemen will find that there are more foreign ships, including English vessels and vessels on the continent, wrecked in our harbors than Canadian vessels, and I think the owners of Canadian ships will be placed at an unreasonable disadvantage by this Bill.

The clause was agreed to.

On the fifth clause,

HON. MR. KAULBACH—I see by the first clause that the action shall be brought against the registered owner although he may not be the real owner of the vessel.

HON. MR. DICKEY—It says that the amount shall be recoverable from the managing owner.

The clause was agreed to.

On the seventh clause,

HON. MR. KAULBACH—I object to this clause although there is discretionary power given to the Governor in Council, because it is questionable whether this is not infringing upon Provincial rights. It may be that streams tributary to navigable waters are subject to legislation by this Parliament. I know that in Nova Scotia, where there is one large gang mill, and we have hundreds of small mills over the country for the benefit of settlers, it has been very severely and harshly used by officers for their own benefit in order to get fees. It is not so objectionable as I first thought, as by the next clause of the Bill the Government have discretionary power to exempt streams that will not interfere with navigation from the operation of this clause.

HON. MR. HOWLAN, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

## MANITOBA CLAIMS ON THE DOMINION BILL.

### SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (123) "An Act to explain the Act intituled 'An Act for the final settlement of the claims made by the Province of Manitoba on the Dominion.'" He said: This Bill is simply to remedy an error that we find in the Bill passed last year for the final settlement of the claims of Manitoba against the Dominion. The amendment which is asked for is to the second clause of the Act. By that clause it is provided that the sum which the province is entitled to receive in payment of the Dominion subsidy is to be based on a population of 125,000 souls. The amendment is to provide that the intention of section 6 is that the rate *per capita* at which the calculations therein mentioned are to be made shall be taken and construed to be the rate *per capita* ascertained by dividing by 17,000 (the estimated population of the Province of Manitoba under 33 Vic. cap. 3) the sum of \$551,447, being the amount of capital on which the province was entitled to receive interest. That is all the change that is asked for by the Bill. Under the construction of the Act of last year the Province of Manitoba would be treated unjustly, and it is but right that Parliament should render justice to the province I represent.

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

## TOWN OF COBOURG RELIEF BILL.

### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (122) "An Act for the relief of the corporation of the town of Cobourg." He said: In 1884 the town of Cobourg was indebted to the Dominion in the sum of \$44,798 arising out of the purchase of the Cobourg harbor and the Port Hope and Rice Lake road. The corporation of Cobourg contributed in the financial year 1876-77 the sum of \$25,507.49 towards defraying the cost of constructing a harbor of refuge,

which is of great advantage to the shipping on Lake Ontario though of no special advantage to the town. The corporation pray for relief against the indebtedness to the Dominion to the amount which they have expended in the construction of that harbor.

HON. MR. ALEXANDER—What is the balance they will have to pay?

HON. MR. PLUMB—The balance they will have to pay will be \$19,290.75.

HON. MR. POWER—The hon. gentleman who represents the Government just now has not informed the House why this Bill should be adopted. I might be able myself to give a reason, but perhaps hon. gentlemen would not think it was the sort of reason that should be given. I remember that shortly before the last general election a measure was introduced to relieve the town of Pembroke. Pembroke owed the Dominion some \$70,000 or or \$80,000, and just on the eve of an election, the constituency being a rather close one, it was thought desirable to remit that debt to the town. I do not make any assertion, but I dare say there are a great many men of my own political creed who would be suspicious enough to think that this \$20,000 that we are about to give to the town of Cobourg is intended to influence the elections that are expected to come on during the ensuing year; and I do not think the Bill should pass unless we hear a more substantial reason for it.

HON. MR. PLUMB—The town of Cobourg owes the Government \$44,927. As an offset to that debt, the corporation has expended for the harbor upon which this debt has been incurred, the sum of \$25,507, and though that expenditure was made in 1876-77, Cobourg very reasonably asks, inasmuch as that expenditure has been made for the general benefit of the Dominion, that the Government shall credit the town with that amount of money as the work for which it was expended brings them no revenue. If it had been, as my hon. friend so kindly suggests, for the purpose of influencing the elections, the Government might have gone further and allowed the town interest on that sum from the time

it was expended, which I am sorry they have not done. I regret that my hon. friend thinks that in every measure of this kind there is something that refers to elections which are pending.

HON. MR. POWER—We have been there before.

HON. MR. PLUMB—I think the House will see that it is perfectly right, under the circumstances, that the town of Cobourg should be relieved of the debt incurred for this purpose, by the amount it has taxed its own people for a work which brings it no profit, and which is not peculiarly for the benefit of the town.

HON. MR. KAULBACH—What is the character of the work done?

HON. MR. PLUMB—Piers have been built for the protection of the harbor. It is a harbor of refuge for that part of Lake Ontario.

HON. MR. ALEXANDER—Will the House permit me to show the actual position of this debt due by Cobourg to the Dominion. The town of Cobourg purchased their harbor at an expense of \$44,798, and, as the hon. gentleman from Niagara has further informed the House, the corporation expended the sum of \$25,507 upon the ground that it was a harbor of refuge. I asked the hon. Senator from Belleville, Mr. Flint, whether he, as formerly engaged in lumbering, and employing many schooners to carry his lumber from the western part of Lake Ontario to the east, regarded the harbor of Cobourg as a harbor of refuge? I have frequently entered the piers at Cobourg, and I certainly do not think refuge could be taken there in any storm, and I want to know upon what ground the Government should remit this debt and not in the same way come to the relief of Kingston, Toronto, Hamilton, Port Dalhousie, and all the harbors on Lake Ontario. I cannot see. I do not think that the senior member from Halifax is very far astray when he mentions upon his own authority, or upon public rumor, that this is nothing more or less than a Bill to relieve an important town of its indebtedness with a view to influencing the extn

HON. MR. PLUMB.

election. There can be no doubt of it. Just in the same way as the Chignecto railway subsidy Bill has been introduced by the First Minister to throw public money broadcast over the provinces in order that he may buy up the Dominion from one end to the other. Could the cloven foot be more plainly shown than in the case of this sort of legislation? A port into which no vessel can go in a storm! You may possibly pilot a small boat into that harbor in a storm at the risk of life, but I defy the most experienced captain on the Lake to pilot a boat into that harbor in any kind of a storm. I am astonished that the Senate should allow this Bill and other bills of this kind to pass where the object is so apparent. The learned gentleman from Niagara is always equal for every occasion. He is a man of great ability, but, I am afraid, destitute of principle.

HON. MR. PLUMB—I move that the Bill be read the second time.

HON. MR. ALEXANDER—This is truly a grave matter. The town of Woodstock, from which I come, has sent deputation after deputation to the Government asking them to build a much-needed post office there, without avail. The policy is, "You don't send anyone to support us; until you do you will get no post office and no favors." If you go to Barrie, Galt and other Conservative towns, you will find magnificent post offices and customs houses. Why, there is no such absolutism, no such infamy, and no such corruption as this under absolute monarchy!

HON. MR. OGILVIE—I call the attention of the Speaker to the fact that the member from Woodstock is out of order!

THE SPEAKER—The hon. gentleman is attacking the Government. The Government have not complained, and I think they can stand it.

HON. MR. ALEXANDER—One is obliged to use strong language when he finds the most intelligent constituencies in the Dominion denied the accommodation of post office and customs house, while counties that send men to

Parliament to give a servile support to a Government that is demoralizing the country and lavishing millions of the public money for their own purposes, receive every favor: it is time to use strong language. I am surprised that the people do not rise in their might to stamp out such a system of carrying on the Government in a free country like Canada.

HON. MR. PLUMB—I move that the Bill be read the second time.

HON. MR. O'DONOHUE—With respect to this port, I can say from personal knowledge that from the time you leave Kingston until you go to Hamilton it is the only place to which vessels can run for shelter with safety; and if there be one port or place on the whole of Lake Ontario that deserves consideration it is the town of Cobourg. If the people of that town have paid their money for a work which is of a public character, it is only just and proper that they should be reimbursed. I think the Bill before us is a proper one. We in Ontario seldom ask for any grant—indeed we are not asking for a grant in this case—we are simply asking to be reimbursed moneys which we have paid in the public service.

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

## ST. GABRIEL LEEVE AND RAILWAY COMPANY'S BILL.

### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (116) "An Act to incorporate the St. Gabriel Levee and Railway Company."

He said—This is a Bill, the object of which is explained in the preamble:—

Whereas, it is of urgent importance that measures should be taken to protect that portion of the city of Montréal and its suburbs lying south of the Lachine Canal from disastrous floods; and, whereas, the construction of a levee or dyke from the abutment of the Victoria Bridge to a point above the Pavilion Road, on or near the northern bank of the River St. Lawrence, would tend to prevent the recurrence of such floods; and,

whereas, the construction of a railway upon the said levee or dyke to connect with the Grand Trunk Railway at Point St. Charles and St. Henri, crossing the Lachine Canal at the bridge at St. Paul's locks, would protect the proposed work, and greatly diminish its cost.

It is in the form of a general railway Act, with permission to build the levee. I believe that there have been some objections made to it by the City Engineer of Montreal. The corporators of the Bill are the Mayor of Montreal, three or four leading members of the Council, and other prominent citizens, and the active promoter is Sir Alexander Galt. I presume that the members of this House are all acquainted with the nature of the undertaking, and it will not be necessary for me to explain it further.

HON. MR. OGILVIE—I beg to second the motion.

HON. MR. KAULBACH—The second reading of the Bill having been seconded by the hon. member from Montreal, I rise with great hesitation to object to the measure. I am opposed to the principle of the Bill. It appears to have been sprung upon us at a late hour of the session. It proposes to protect that portion of the City of Montreal and its suburb lying south of the Lachine Canal from disastrous floods. Now, it seems to me that this is a matter of public importance, and the Dominion should take hold of it and not hand it over to a private company. The Corporation of Montreal the Harbor Commissioners, or the Board of Trade should express an opinion upon it before we are asked to pass this Bill and hand the work over to a private Company, who, no doubt, are more interested in promoting their own interests than the interests of Montreal. I would not rise to discuss this matter at all—because it might appear that I am talking of something which I know nothing about—but for the fact that this question was brought to my notice by a prominent resident of Montreal, who is a large property owner there, and who thinks that this Bill is calculated to do great injustice. I was in Montreal during the late flood and witnessed the distress which attended the calamity, and I should be glad to see any proper measure adopted to prevent a

recurrence of these floods. But this Bill interferes with Government and municipal property, and the rights of the Harbors Commissioners, and I think it is rather dangerous to place a matter of such magnitude in the hands of any private company. We have to look beyond the present time and see whether it may in the future conflict with some general system of protection to Montreal. I believe the Harbor Commissioners exercise control up to River St. Pierre. They should be consulted, and so should the Board of Trade. My hon. friend has referred to the report of the Harbor Commissioners' engineer. His report is not favorable to the undertaking. As the preamble of the Bill points out, this is something which is essential to the protection of life and property in Montreal, and we should hesitate before giving a matter, which is of so much importance to the leading city of the Dominion, to a private company, which may do something that may afterwards have to be undone. There are matters of detail in the Bill to which I object, but I press strongly upon the House, that in view of the great damage done there by floods, whether we should pass a Bill giving such an important undertaking over to a private company, for them to do what they may conceive to be for their own interest, and, at the same time, incidentally what may be to some extent a protection to the harbor of Montreal. It is not in the public interest that this should be relegated to a private company when it is a matter of such public importance.

HON. MR. DEVER—I think there is a great deal in the argument of the hon. member from Lunenburg—it would be quite wrong to give to any private company a matter of such vital importance to Montreal. If other interests are opposed to this measure they should have appeared and opposed this measure before now. The Bill has passed through all its stages in the House of Commons and is regularly before us. When the parties most deeply interested in the matter have taken no action against it, I do not see why we should raise objections to the passage of the measure.

HON. MR. OGILVIE—I am exceed-

ingly obliged to the hon. member from Lunenburg for the interest he takes in Montreal; but he must not consider, nor must the House think, that Montreal is asleep to her own interests. A deputation from the Board of Trade, the Corn Exchange and the City met the Minister of Public Works here yesterday, and had a talk with him over the matter. I am fully alive to the objections that are very properly raised by the hon. member from Lunenburg to this Bill, but I did not think it was much use bringing them up here at the second reading: I thought the best place to urge them was before the Railway Committee. When Sir A. T. Galt, the principal promoter of the Bill, was speaking of it to me some time ago, I said that I could see no objections to it, and would be glad to support him as far as I could. Since then I have seen serious objections to the measure, in many of its clauses. I intend to propose to-morrow in the Railway Committee that the charter be not allowed to take effect until this commission of engineers, which is to be appointed by the Dominion Government, send in their report. We thought it would be better to have this commission appointed by the Government, than by the city, or Board of Trade, or Corn Exchange. The Government will see that the best and most impartial men, who will study only the public interests, are chosen, and I intend to ask that this charter be suspended until we have their report; because, if this charter were to take effect at once, and the report of the commissioners should recommend something which might interfere with it, this company might come and say, "You cannot touch this; it belongs to us." All the amendment and changes which have been spoken of were talked over yesterday and to-day with the mayor and some of the aldermen of the city of Montreal. I telegraphed to Montreal to one of the parties interested in this measure, asking him to see his confreres and have some one here to-morrow to look after the Bill, as I was determined to oppose it or have it amended very considerably. Thanking the hon. member from Lunenburg for the interest he takes in Montreal, I want the House to understand that the leading city of the Dominion has not been neglecting its own interests.

HON. MR. DEBOUCHERVILLE— I do not rise for the purpose of opposing the second reading of the Bill, but I wish to call the attention of this House, and more particularly the Government, to a point which seems to be very important. No one desires more earnestly than I do that this levee should have the effect of saving the low portions of the city from inundations, but there are other parts of the country besides Montreal. The south shore has been frequently, and more especially for the last two years, very much inundated. The question arises— will this levee, by saving Montreal, throw the water over on the south shore and cause even more serious inundation? In that case, if there is not something in the charter to make the company responsible for damages which may be occasioned by this levee, I think the Government will be responsible. I would remind the House of the damages which the Government had to pay owing to the construction of the levee at Beauharnois. I think this should be taken into consideration by the Government, and I shall certainly, for my part, in the Railway Committee try to introduce such amendments in the Bill as will secure the interests of the people residing on the south shore. I wish the members of the House who are not members of the Committee, to keep in view the deep responsibility which the country will assume, if this work should have the effect of increasing the inundation on the south shore.

HON. MR. TRUDEL—I have received letters from Montreal, some of them from gentlemen who have been alluded to in this discussion. Amongst the promoters of the Bill there are some—I might say the majority—who have given their names to this Bill, believing it to be a matter of public interest and conceiving it to be a public measure. They have written to me suggesting that a clause be added to the Bill to provide that if the work should not be executed within a given time the right to construct it should be given to the City of Montreal. It is hardly necessary to say that we could not legislate in that way. This is a private bill and we could not introduce in it a clause which would give it a general effect or make it a public bill.



Though it may be open to objection that a private company should undertake such a work, we cannot find fault with the promoters of this Bill, as it is a matter of great urgency. On the contrary, we ought to thank those who have come forward with a proposition, to avert the disastrous consequences of these floods. Perhaps the public authorities have not been quick enough to take action in the matter, and we cannot, therefore, find fault with private parties who have taken a step in the right direction. I have risen to suggest that a clause be added to the Bill providing that if the work is not promptly begun and satisfactory progress made in the course of three months, that the company shall lose the rights granted by the charter. I thought it my duty to make this suggestion in order that some of the promoters, who may not have seen things in that light, may ask for such an amendment. The hon. member from Montreal stated that the Bill will come before the Railway Committee to-morrow; I think it is hardly within the rules of the House to refer a bill so soon after the second reading.

HON. MR. PLUMB—I was going to ask that the rules of the House be suspended to permit the reference of the Bill to-morrow.

HON. MR. TRUDEL—My hon. friend from DeLanaudiere and myself had an interview yesterday with some members of a deputation who told us that they had received assurances that the second reading of the Bill would not take place until Friday. We then told them that in that case the matter could not come before the committee until next week, so that those gentlemen, who are members of the corporation of Montreal and men of high standing, who are deeply interested in the matter, would be taken by surprise if the Bill should come before the Railway Committee to-morrow. I think, therefore, that they should have proper notice in order that they may be given an opportunity to state their views before the committee.

HON. MR. BELLEROSE—I cannot consent to the Bill going to the committee to-morrow, for the reasons stated by my

HON. MR. TRUDEL,

hon. friend from De Salaberry. Having been informed that the second reading would not take place until to-day, we told some members of the deputation that it would not come before the committee until Tuesday or Wednesday next.

THE SPEAKER—It cannot come before the Committee to-morrow without a suspension of the 61st Rule.

HON. MR. BELLEROSE—I understand the hon. gentleman from Niagara intends to ask for a suspension of the rule. We cannot consent to that. Remarks have been made as to the interests of the south shore of the St. Lawrence, and with good reason, because the residents in that section have suffered more in comparison than the people of Montreal. The whole of Laprairie, which is a very large parish, and St. Lambert's have suffered a great deal. The extent of the flood in Longueuil can be imagined when I tell the House that this year there was water to a depth of three or four feet in the parish church there. The House will therefore see the necessity, before such a bill goes into operation, of inquiring into these matters, not only in the interest of Montreal, but also in the interest of other places in the vicinity which contribute so largely to the business of the commercial metropolis. The rising of the St. Lawrence has an influence, not only on that river itself, but also on the branch of the Ottawa river which passes between the Island of Montreal and Isle Jesus, the island on which I live. This year the rise was so great that the low portion of the parish of St. Vincent de Paul, was covered with water for a distance of 4 or 5 miles along the shore, and the people residing there had to watch day and night for about a week to see that the ice passing down with the current did not carry away their buildings.

HON. MR. PLUMB—Is that below or above the place where this dyke is to be built?

HON. MR. DEBOUCHERVILLE—St. Lambert and Laprairie are above.

HON. MR. BELLEROSE—So is St. Vincent de Paul. If this levee is made,

it will certainly raise the waters of the St. Lawrence, because now, in flood time, the St. Lawrence, which is about three miles wide at summer level, is about four or five miles wide at Montreal. If the water is confined to a narrower channel, it will certainly increase its depth, and the effect will be to make the flood greater in other places. All those considerations should be present in the minds of those who are to be appointed to look after the matter, and they are stated now in order that they may be dealt with by those who have to make the inquiry and report to the Government.

HON MR. PLUMB—Under the circumstance I will not propose, as I had intended to do, to suspend the 61st rule, because what has been stated in this discussion makes it perfectly evident that there are very serious questions connected with this Bill; but I presume there will be no objection to the second reading to-day.

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

HON. MR. PLUMB moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbors.

HON MR. BELLEROSE—The Committee generally meets on Tuesdays, I believe. The day of meeting should be fixed, because the people of Montreal, who are interested in this matter, wish to be present.

HON MR. TRUDEL—There will be deputations here to watch the progress of the Bill.

HON MR. OGILVIE—I think it would be better to postpone the consideration of the Bill until Tuesday morning.

HON MR. DICKEY—In my experience it is always desirable, where so many interests are affected by a measure, that a particular day should be fixed for bringing it before the Committee. Tuesday is the regular day for the meeting of the Railway Committee. I will not be here then, but I presume whoever will act as Chairman will be sure to have the Bill proceeded with.

HON. MR. DEBOUCHERVILLE—The Chairman of the Railway Committee, before leaving, might give instructions to the clerk to convene the meeting for Tuesday.

HON. MR. PLUMB—We will try to have the Committee meet on Tuesday.

HON. MR. KAULBACH—Then it is understood that the Committee will meet on Tuesday.

The motion was agreed to.

The Senate adjourned at 9.30 p.m.

## THE SENATE.

*Ottawa, Friday, May 14th, 1886.*

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

The following Bills, reported from the committee on Banking and Commerce, were read the third time and passed without debate:

Bill (95) "An Act to incorporate the Victoria and Sault Ste. Marie Junction Railway Company." (Mr. O'Donohoe.)

Bill (69) "An Act respecting the Bank of Yarmouth." (Mr. Plumb).

Bill (114) "An Act to amend an Act respecting the British Canadian Bank." (Mr. Allan)

## MONTREAL BOARD OF TRADE BILL.

### THIRD READING.

HON MR. ALLAN, from the committee on Banking and Commerce, reported Bill (90) "An Act respecting the Montreal Board of Trade," with certain amendments. He said: The first two amendments are purely verbal. The second is to this effect: the Bill, as it originally came before the committee,

in section 11, stated the oath to be administered by the President and Vice-President shall be administered by the Mayor of the City of Montreal. Of course that was *ultra vires*. There was no power here to say that the oath shall be administered by that officer; instead of that, it is inserted "may be administered by the Mayor of the city of Montreal, or by any commissioner for receiving affidavits in the Superior Court of Lower Canada."

HON. MR. OGILVIE moved that the amendments be concurred in.

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

### WINNIPEG & NORTH PACIFIC RAILWAY COMPANY'S BILL.

#### THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (78) "An Act to incorporate the Winnipeg & North Pacific Railway Company." He said: the amendments made in this Bill are entirely verbal, with the exception of two. The first occurs in the clause which relates to the receiving of aids by the railway in the shape of bonuses, lands and so on. This provision in the Bill is that the Company shall be authorized to receive from the Government of Canada or from the Government of any Province, or from any corporations, aids with respect to the undertaking in the shape of lands, bonuses and so on, and that they shall be at liberty afterwards to sell and dispose of the same. So far as that goes, the Bill was perfectly correct and there was no amendment; but there was a condition to this effect—That it shall be lawful for the said Governments and corporations to do so. We have no power to do that, and, besides, it was a dangerous precedent to establish, for the reason that it gave an unlimited power to the Government of Canada or any other Government to grant any number of subsidies for the promotion of this railway. We therefore struck it out, and gave the Company authority to receive aids the same way as other companies. The other was an amendment with respect to the clause for the

issuing of bonds, where we introduced the ordinary requirements that at any meeting for the purpose the Company shall be represented by the two-thirds at least in value of the stock, by person or by proxy, so that the majority of two-thirds would be required to act in that respect.

HON. MR. CLEMOW moved that the amendments be concurred in.

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

### A QUESTION OF PROCEDURE.

HON. MR. POWER—I wish to call attention to a matter with reference to the procedure of the Railway Committee, which, I think, comes in properly now. It may be remembered that amongst the bills which were referred to the Railway Committee—the report on which we have had from the Chairman to-day—there was a bill entitled "An Act further to amend the Consolidated Railway Act." That Bill was thrown out in committee, and a question of procedure has arisen in connection with it, which I think proper to bring before the notice of the House, in order to have the decision of His Honor the Speaker on the question. It was held by the Chairman of the Committee, and I think by the majority of the Committee, that there was no necessity for making any report to the House in connection with the Bill. I humbly submit that the decision of the Chairman in that matter was incorrect, and I shall refer the Speaker to one or two authorities on the subject. Rule 67 of this House says:—

"The committee to which a private bill may have been referred shall report the same to the Senate in every case."

An hon. gentleman behind me suggests that that refers to a private bill. It is quite true that this is not strictly speaking a private bill, but it was referred to that committee as though it were a private bill; and the reasons which require the committee to report on a private bill require still more urgently that they should report on a public bill which affects the whole country. On that point I refer to Bourinot, page 658:—

"By the rule previously cited, the committee to which a bill may have been referred, 'shall report the same to the House in every case'; and when it is decided not to go on with the bill, it is proper to move in the House for its withdrawal. In case the committee do not report with reference to a bill, the House should take cognizance of the matter. 'It is the duty of every committee to report to the House the bill that has been committed to them,' says the best English authority."

I do not propose to read any more to show that the authorities are in favor of the reasonable and proper view. This House, by reading the Bill the second time, in a certain measure endorsed the principle of it. It was referred to the Committee; and it was clearly the duty of the Committee to report it back to the House with a recommendation, if they thought proper, that the Bill should be deferred for six months, or that the introducer have leave to withdraw it. I am myself opposed to the Bill, but I think that the action of the Committee might form an undesirable precedent, and I consider it my duty to bring it to the notice of the House.

HON. MR. ALEXANDER—I agree with the member from Halifax who has thought proper to make some remarks with regard to the action of the Chairman of the Committee in not reporting this Bill.

HON. MR. POWER—Not specially with regard to the action of the Chairman—I did not mean to reflect on the Chairman.

HON. MR. ALEXANDER—We ought by our committee reports certainly to show the fate of such a bill as that. This Bill was introduced by Mr. Dalton McCarthy, M.P., an eminent barrister of Toronto, and it was shown by the hon. gentleman from Ottawa (Mr. Scott) to be a bill clearly brought in for a special case, a very unworthy object, and I do not think Parliament ought to let a matter of that sort drop without marking its displeasure at members of Parliament, barristers, bringing in skilfully worded bills which are hurried through the lower House, and when they come to us we find them brought in for a special purpose, bills of a most reprehensible character which the Senator who introduced them thought he

would smuggle through, and by which gross injustice would be done. Because they are skilled lawyers, they think they will by their legal acumen draw Bills so complicated in their character that they can get them through, and then gross injustice is done in the courts of law.

HON. MR. DICKEY—I suppose it will be expected that I should make an explanation with regard to this matter as, although my hon. friend has very courteously not charged me with anything, his remarks affect me as one of the majority in the Committee. I understand my hon. friend to say that the bill was thrown out by the Committee. In that he is wrong. The bill was not thrown out or reported upon in any way whatever.

HON. MR. ALEXANDER—It was objected to.

HON. MR. DICKEY—In the first place it was a public bill. The authorities my hon. friend has cited are entirely inapplicable, because it is not a private bill. For convenience, and in order that all parties might be heard, it was thought better to refer it to the Committee as the more convenient mode of ascertaining what ought to be done with the Bill. It lay over for the purpose of having the amendments printed that were proposed to be made. When the amendments were printed the Bill came up before us to be considered to-day. It was talked over by several members, and one of the members of the Government said it was a very proper case in which the Bill might stand over until next session, and it might be withdrawn. The hon. member from York, who was in charge of the Bill, then rose and said he withdrew it.

HON. MR. ALEXANDER—When the Committee objected to receive it.

HON. MR. DICKEY—The Bill was withdrawn. At the same time, I stated on the spur of the moment, whether correctly or not, that it was open to any member who objected to the course taken or wished to consider the measure further, to make a motion in the House, after giving due notice, to do anything that he pleased with the bill. It was in the hands

of the House if they thought proper to deal with it after it was withdrawn, so that there would be no injustice done. That was the view that I took of it and, accordingly, with the concurrence of the majority of the Committee, I considered that there was nothing for me to report. The Bill was withdrawn: there was an end of it. That was the view I took of it, and I wish to make that explanation.

HON. MR. POWER—I forgot to say that the member in charge of the bill expressed a desire to withdraw it. My opinion is after a bill has been introduced, and certainly after having been read the second time and referred to a committee, it is not the property of any member, but of the House.

THE SPEAKER—It is true that the rule cited by the hon. member from Halifax refers to private bills and it is also correct that the authorities cited from Bourinot refer to private bills: nevertheless I am inclined to the opinion that the same rule applies to public bills when referred to select or special committees. A special committee of this House or a committee of the whole has no power to deal finally with any bill. The House alone has power to do so. A bill cannot be withdrawn in committee: it can only be withdrawn by leave of the House. Every bill that is sent to a select or special committee must be reported upon, no matter what the decision of the committee may be with regard to it: otherwise the House could not keep track of the public business. No action of a committee is valid or has any force until it is ratified by the House. A committee has only a delegated authority, and anything it does under that delegated authority amounts to nothing unless it is ratified by the House. Although the cases cited are in reference to private bills I think the same principle must apply with equal force to public bills—when sent to any of the Standing Committees of the House. A Select Committee must report to the Senate its action on any bill referred to it whether public or private. In addition to the authorities cited by the hon. member from Halifax, I find here in May an authority exactly in point. It will be found at page 809 of the 8th edition, and is as follows:—

HON. MR. DICKEY.

“If the parties acquaint the committee that they do not desire to proceed with a bill that fact is reported to the House and the bill may be ordered to be withdrawn. It cannot be withdrawn in the committee.”

I think it is the duty of the committee to report every bill sent them, whether public or private, and although I have given my opinion without having made any particular research, I have little doubt that the principle asserted by the hon. member from Halifax is right.

HON. MR. VIDAL—I wish to express my concurrence in the views expressed by the hon. member from Halifax and the decision of the Speaker. There is one point to which attention has been directed which shows that our practice is not in accordance with the rules laid down. For instance, a very few days ago the House in committee had a bill before it which was not reported. There was a motion that the Chairman leave the Chair, which was adopted, and nothing was reported to the Speaker or to the House, consequently we should be careful to bring our practice in harmony with the rule. I certainly coincide with the views of the hon. member from Halifax, and did at the time in committee.

THE SPEAKER—What I said just now was that no Special Committee, or Committee of the Whole, has power to finally dispose of a bill. The Committee the other day did not finally dispose of the bill before them: the bill is still alive and may be put on the orders and proceeded with. Any gentleman who wishes to put that bill upon the orders may do so at any time, and the House can proceed with it.

HON. MR. VIDAL—Is not the bill which is now under discussion in exactly the same position? I do not myself see any difference in the action taken in the Committee of the Whole, and the action taken by the Railway Committee this morning. The bill was simply dropped and no report was made upon it.

HON. MR. ALEXANDER—Chair, chair!

HON. MR. VIDAL—I simply ask for information. I bow to the decision of

the chair with the greatest respect and I fully approve of the decision.

**THE SPEAKER**—The rule referred to here applies to bills before special or select committees. A bill referred to committee of the whole is subject to different rules and for evident reasons. The Bill to which the hon. member for Sarnia refers was dropped under a special rule and practice of parliament only applicable to committees of the whole. No similar proceeding could take place before a select or special committee. The action of a committee of the whole is patent to the House. Not so the action of a select committee. But even before a committee of the whole, a bill could not be withdrawn. There is no analogy between the two cases, as stated by the member from Sarnia.

**ST. VINCENT DE PAUL PENITENTIARY.**

**MOTIONS.**

**HON. MR. BELLEROSE** moved.  
That a 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 which may have been made by Inspector Moylan, or by any other persons appointed by the Government for that purpose, on and upon the occasion of the escapes in 1881, of certain persons named Herwood and Williams, then prisoners at St. Vincent de Paul Penitentiary; as well as copies of all evidence taken at the enquiries which preceded these reports, and also copies of all other documents forming part of the record thereof.

**HON. MR. DICKEY**—There is no objection to the Address.

The motion was agreed to.

**HON. MR. BELLEROSE** moved  
That a 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 copy of the report upon the enquiry made by Inspector Moylan into certain complaints or charges made against Romuald Gadbois, one of the employees at St. Vincent de Paul Penitentiary, at the end of the year 1884, or the commencement of the year 1885, together with copies of the evidence taken and all of other documents forming part of the record thereof.

**HON. MR. DICKEY**—I am instructed to state, with regard to that motion, that there will be no objection to the Address.

The motion was agreed to.

**CATHOLIC REPRESENTATION IN THE CABINET.**

**MOTION.**

**HON. MR. O'DONOHUE** 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 Patent of appointment, or copy thereof, of John O'Donohoe to the Privy Council, a copy of letters of the Right Honorable Sir John Macdonald to their Lordships certain Bishops of the Province of Ontario, and all other letters and papers, and a copy of all Orders in Council in reference to said appointment or the cancellation thereof.

He said: For some time past considerable attention has been given to the subject upon which I am about to make some remarks. Questions were put and answered in the House of Commons which have been commented upon very largely throughout the Dominion, and I must say that almost any other duty would be more pleasing to myself than to dwell upon a matter in which I am personally concerned. But as a member of this House I feel it a duty to the Senate as well as to myself, to state as briefly as I can the nature of these proceedings. For the greater part of my own life I have been a member of the Liberal party of Canada, particularly in Ontario. From my boyhood upwards I worked with them. I had thorough faith in the principles of their policy. My fellow-countrymen and co-religionists in the Province of Ontario were one with them during the early period of our difficulties. When Downing Street ruled and Baldwin and Lafontaine were leaders of the Liberal party, the Catholic people of Ontario were one with them and continued so. Afterwards a good deal of irritation arose between Upper and Lower Canada on the issues of representation by population, the school question and various other matters of that kind. They were spoken of by a wing of the Reform party, led by the Hon. George Brown, in language so strong, so vituperative and abusive that the

Catholics who, up to that time, had been part and parcel of the Liberal party, had to withdraw from it. They had no alternative. They then joined the Conservative party, finding that party yielding more of those particular demands on which they insisted than the party with which they had been acting. They continued supporting Sir John Macdonald and his party firmly and almost unanimously until 1871. During a period of 20 years or more they had supported that party. In 1871 they met, by calling members of their body from all parts of the Province and outside of the Province together to take counsel with one another as to their then position. They found upon consultation that although they had been supporting the Conservative party in all matters of representation, in all matters of honor and emolument they themselves had no place. They found that they were only used at times of elections to support Sir John Macdonald and his party. They bore their share of the public burdens; they bore more than their share in the political battles of the country, for both parties were in unison, at all events on one point, to vie with each other in their generosity in allowing them all the honors of the hardest battles that had to be fought, and often left them the honor of the field. These were the honors that were conferred upon our people, but to look for them in the Senate, in the House of Commons, or in the Legislative Assembly was to look for them in vain. They then decided that they should no longer continue in that position. They put themselves in communication with both political parties and found that while both of them were willing at all times to avail themselves of the support of our people, neither was willing to do full or fair justice. The Irish Catholics insisted that they should continue in that groove no longer, but should look for representation, believing that all other matters which belonged of right to them would follow. They found that with the Liberal party of that day they were more likely to succeed in securing that representation than they were with the Conservative party. During all this time I myself took a pretty active interest with the Liberal party in seeking to obtain representation of our people. In 1871, they founded an association call-

ed the Catholic League, in which members of the hierarchy, reverend clergymen, and the masses of the people joined. On the next election succeeding that event, we found in the elections for the Assembly that both the Conservatives and the Liberals vied with each other as to which of them would exhibit the greatest degree of liberality in this respect, and we found as the result of our labors and our organization that for the first time in our history in Ontario we were approaching a fair representation in that House, with one distinguished member in the Cabinet, the Hon. Christopher Finlay Fraser. That was our position in those days, and it so continued and would still continue if the Reform party had remained in opposition, but when the Liberal party under the Hon. Alexander Mackenzie got power, he seemed to forget himself—seemed to forget his undertakings—seemed to forget the very people who were the highest element in placing him in office. A large and influential body of our people came down here to wait upon him on this question, and in meeting with them he refused to listen to that delegation while one of them was present who was not friendly to his Government. This was treatment to which we were not prepared to submit—conduct to which we could not submit; we were pledged to our own people all along that while we took away the power of our people from Sir John Macdonald and brought it to Mr. Mackenzie and made him successful, that the day the Liberal party attained power, if they did not do our people justice, we, who advised them to support the Reform party, would be the first to abandon and withdraw our confidence from them. That was the position of things in 1878 when the National Policy was initiated. On that occasion, and in order to avenge ourselves upon Mr. Mackenzie for his conduct, we joined ourselves together. Our people are very largely mechanics and of the laboring class. An additional inducement to the desire to have revenge upon the leader of the Reform party, was the inducement of qualified protection, which we believed would be beneficial to Canada, and towards that point we leaned, and we fell in, many of us, as did many of the leading Reformers of Ontario, at all events, for the sake of that issue,

and gave our support to the Conservative party. Many of them had gone to stay in the ranks of that party, but a very large number of them, I have no doubt, fell back from time to time again into the ranks of the political party to which they belonged, and whose principles they upheld. I took a strong part in the elections of that time, and continued giving my support in every way I could to the Conservative party until towards 1882. The elections of 1882 were coming on, and much correspondence took place between Sir John Macdonald and myself. He knew very well our purpose; he knew that we were united as a people upon one point—representation—particularly representation in the Cabinet. Having no representation in the House of Commons, being the minority in Ontario, it became of paramount importance to us to have in the Cabinet at all events some representation. He himself, unsolicited by me, offered me a seat in the Cabinet and in the Senate. After conferring with my friends, and they having acquiesced in that arrangement, it was consented to, and shortly afterwards the right hon. gentleman wrote a letter offering me a seat in the Senate. I did not understand that exactly. The arrangement once made with a man in his position, made when many were present, made where it was well understood, I considered just as good and as binding as if it had been on parchment. There was considerable correspondence, much of which I cannot use because of its being private, or intended to be private, but the last one was:—

“Let me hear from you about this notion of the Upper House by telegram on receipt of this.”

That was on the 23rd of May, after a good deal of correspondence.

HON. MR. MCINNES (B.C.)—In what year?

HON. MR. O'DONOHUE—In 1882. On the 23rd May he telegraphed me “I write.” In answer to that telegram he was written to as follows:—

“25th May, 1882.—Sir John Macdonald, Ottawa—Letter received. Does the letter mean that our people in this Province shall

have no seat in the Cabinet? If so their protest will be prompt and unanimous.

J. O'DONOHUE.”

Then he came to Toronto, and invited us to the residence of the Hon. D. L. Macpherson. We met there. The Hon. Mr. Smith, the Hon. David Macpherson, Mr. Boyle, Mr. Shields, and the Premier; and on that occasion he signified his full adherence to the arrangement he had made, and declared his intention of carrying it out. He presented on that occasion the patent of appointment, executed and signed by the Marquis of Lorne. Every thing was done and perfected. Then it was expected that we should, of course, give all the support in our power and bring all the influence to bear that we could for the support of the Administration. We did so, and we issued an address to the people of Canada, signed by Mr. Smith, Mr. Costigan, and myself. Before letting it go abroad we desired to have the matter communicated to our bishops so that they would understand the position of affairs, and Sir John Macdonald on that occasion wrote to them this letter:

TORONTO, June 5th, 1882.

(Private and confidential.)

My dear Lord,—Mr. O'Donohoe will tell you of the tempest that has been raised here in Toronto on account of the supposition that his views are extreme as to the Irish question.

This might destroy his future, and it has therefore been arranged between the Hon. Frank Smith and O'Donohoe that the former is to represent the Irish Catholics in the Cabinet, while O'Donohoe will get a seat in the Senate.

Frank Smith is to make way for O'Donohoe in the Ministry when they think the time is opportune. Those two gentlemen are acting in perfect accord, and desire that I should explain to Your Lordship the nature of their arrangement which of course must be kept a profound secret for the present.

Believe me, my dear Lord,

Faithfully yours,

(Sgd), JOHN A. MACDONALD.

HON. MR. MCINNES—To whom was that letter addressed?

HON. MR. O'DONOHUE—To certain bishops. That letter having been sent, the letters were given to me to deliver. They were read, conned over and considered in the presence of all whom I have named. On that being done, an address



was signed by the three to whom I have referred, from which I will take the liberty of reading a passage or two :

“In 1871 the Catholic League, composed of Irish Catholics of both shades of politics, was formed for the purpose of securing some measures of representation for the Irish Catholic people. Prior to that, the Irish Catholics of Ontario had been, practically, unrepresented. Negotiations, honorable alike to all parties concerned, were opened with the party leaders of those days, the result being that our people cast their votes mainly for the Reform candidates.

One of us (Mr. O’Donohoe) declared from the first, that if the Liberal party with which he was then acting should prove recreant to its pledges, he would be the first to avenge such a breach of faith by voting and working against it.

We qualified our adhesion to the National Party by declaring that if the Government of Sir John Macdonald did not carry out its pledges, our support should forthwith be withdrawn from it. But as you are aware, Sir John Macdonald has not merely done what he promised but excelled his promise. The tariff now in operation has given the Canadian manufacturer and the Canadian mechanic that protection without which the successful prosecution of their industries had become impossible. From 1874 until 1878 we had depression; now we have prosperity; then we had gloom and despondency, poor wages and poverty; now we can, crediting the Government with their due, thank Providence that a better state of things has set in.

The undesigned appeal therefore to their fellow countrymen, no matter what may be their creed, to judge them and the Ministry which they have the honor to support, not fairly only but generously. We do not hesitate, however, to declare to you that should the Ministry of which we are the supporters, slight or neglect either our Irish Protestant or our Irish Catholic countrymen or prove untrue to the principles of the National Policy, we shall at once withdraw our support and appeal to those whose good and kindly offices we owe such influence as we may possess.”

From that one of my hon. friends here a few moments ago stated that which has been asserted in many another place—that I sold my party. Of course I give him leave to take all the pleasure he pleases from that. I have had one object in view in politics all my life. I believe that in a country like Canada, in which there is one law for all, the people should be upon an equality. I believe that no class of people should be, from their nationality or creed, repressed. I believe that there should be generosity from the majority to the minority in every country—that the

minority should not only get that degree of position to which it is entitled according to numbers, but even more. That would be the way to make the whole people feel content and happy. Has it been so with us? I have related enough to have hon. gentlemen understand that we were not idle in supporting parties and hon. gentlemen must also be aware that on every occasion we were supporting Protestant parties—being Catholics had no effect in keeping us back from aiding Protestants to places of position. I myself have stood on platforms of Ontario with the late Hon. George Brown in many of the counties in Ontario, at a time when my co-religionists looked upon me as a man that no Catholic could stand by. Times have changed; and he was found, after these questions which irritated the country and in which he was such a factor had been settled and buried, to be one of the most anxious men in the whole of Ontario to deal liberally and generously with the minority in this province. How have we treated the minorities where the Catholic people have the power? Take Ireland? There you find Catholic constituencies electing Protestants over and over again, making them their leaders. How do you find Protestant England? In the whole of Great Britain only two Irish Catholics are sent to the House of Commons. What a contrast! Coming out to this country to Quebec, we find in Quebec there are 65 representatives, 13 of whom are Protestants, and of that 13 many are elected where the Catholic vote is in the ascendency. We find that at Confederation the Protestants having representation from Ontario, the Catholics having none. We find 12 or 13 of the constituencies of Quebec walled in. We find the Constitutional Act providing that no change can be made in those constituencies which up to that time had been supporting Protestant candidates, without the consent and approbation of the people living within them. There was a protection thrown about the Protestant minority in Quebec. Where was the protection thrown about the Catholic minority in Ontario? None at all. Why? Because we had no representatives there so that representation became the paramount object with us. We find how much we suffered in every respect from want of representation. We

find how much our young men suffered from it. We find from the present government that the public offices in Ontario are being turned into Orange lodges, that the Custom House and the Post Office are being filled in the same way. We find the Customs represented in the Cabinet by the Ex-Grand Master Mackenzie Bowell. We find the Customs houses in Ontario nothing less than Orange lodges. Our Catholic young men get an education just as good as any young men in the province. They pass examinations for the Civil Service, but they have no civil service positions to obtain. They see their neighbors being appointed to office. They have an opportunity of looking on but they cannot touch them. They have no representatives to advance their interests and because they have not they must either pursue some other occupation or leave the province. In order that there shall be no doubt at all about the state of things in the province of Quebec, I mention the names of Protestants who represent 13 constituencies in that province.

Abbot, - - -	Argenteuil.
Auger, - - -	Shefford.
Bryson, - - -	Pontiac.
Baker, - - -	Missisquoi.
Colby, - - -	Stanstead.
Fisher, - - -	Brome.
Gault, - - -	Montreal.
Hall, - - -	Sherbrook.
Holton, - - -	Chateauguay.
Ives, - - -	Richmond and Wolf
Pope, - - -	Compton.
Scriber, - - -	Huntingdon.
Wright, - - -	Ottawa.

These are all Protestant gentlemen and no man in Quebec or elsewhere is prouder of that fact than I am. I believe in liberality to the minority. I believe that the hand of the strong should ever be stretched forward to lift the weak and to make them happy and make them feel that those who are stronger than themselves are capable of extending to them the hand of succor. How is it in Ontario? We have, as against 65 representatives in the House of Commons from Quebec, 98 members from Ontario.

HON. MR. PLUMB—92.

HON. MR. O'DOHOHOE—Then 92. If my hon. friend will turn to Bourinot he will find the correct figures. We are one-sixth of the population of Ontario by the

last census. What representation have we in the Commons? We have two Irish Catholics, one Frenchman elected in Ontario and one Scotchman, Mr. Dawson, from Algoma. Notwithstanding our efforts for party that is where we are placed. I know well that here, as outside, in bringing up these questions they are most distasteful to Protestant gentlemen. They say "that man is a nuisance who brings forward these questions and bores us with the names of Catholic, Irishman and religion." But hon. gentlemen will have to bear it and must be content to bear it until common justice is done us. We have four representatives from the province of Ontario; we have nobody in the Cabinet from Ontario. When the arrangement was made in Toronto for the appointment of one of us to the Cabinet it leaked out, and at once an Orange procession was organized in the city of Toronto and they marched in their war paint up to the park, where Sir John Macdonald was sojourning. They marched there and they said to him "Sir John, that man O'Donohoe is objectionable to us; you must not appoint him to the Cabinet. If you do we will raise the lodges throughout the land and hurl you and your ministry from power forever." That was the threat. That is what they did. They were not content with having themselves full representation in the Cabinet there. They are not content with having representation everywhere. They never heard—nobody ever did—of a Catholic coming forward and saying, "You must not appoint that Orangeman." On the contrary, I myself went into the counties and helped to elect Orangemen. John Grey who is dead did the same. We helped to elect them notwithstanding they were Orangemen; but the instant a Catholic is brought forward for appointment to any position, then the Orange lodges go to work and tell Sir John Macdonald that these appointments must not be made. Sir John leans upon that power; he gives his influence and adhesion to that power because without it he would not have a crutch upon which to lean in our Province, and therefore he supports it, and therefore he panders. But that is our position. And what does Sir John Macdonald do? He finds his difficulty still; he did not come and say

"Well O'Donohoe, we find the Orangemen will not take you, but they are willing to take Smith; they will not take you; you are too Irish for them altogether;" So when I say we have not representation in the Cabinet, I mean to say the Catholics have none there because Mr. Smith is put there by the favor of the Orangemen, and that is the body he is representing there and not the Catholics. He is there without a portfolio. He is but an ornament—he is here leading the Government; that is his position. There are times when he attends—that is when his business at home will admit of it. There are some occasions that he makes sure to be here. If there is a very large bonus to be obtained for a railway of which he is a Director, he really can feel young again and become one of the boys. If a change is to be made in the tariff there is no man knows better the value of a little information upon such an occasion than my hon. friend, Senator Smith. Sir John Macdonald has not stated the fact in this letter. The hon. gentleman had agreed—he had pressed upon me in my own house to come into the arrangement; he appealed to me that I knew very well that he did not want to be there, that he had too much to go through, and to go there merely to bridge over this Orange tempest, for while Sir John Macdonald calls it a little tempest, that is the tempest it was—a tempest of his friends. I am neither ashamed nor afraid to leave these matters to reasonable and sensible men as hon. gentlemen are. I think it is only right and proper that it should be known throughout the length and breadth of the land that this is the state of things in our province. We find in Newfoundland, when one of our creed and nationality is offered the Governorship of that province, that the Orange body there organize and send home to England and get that appointment cancelled. We find when we come to Kingston that the late James O'Reilly was appointed a judge, but the Orangemen came down to Sir Alex. Campbell and appealed to him to erase his name from the parchment and reduce that gentleman who had been all his lifetime a supporter of the Conservative party. That is the power the Orangemen are exercising over us. Political power is what they want. Shakespeare says: "He takes my life who

takes the means by which I live." Take pabulum and political power from them and they go down without a blow. For this the Catholics of Ontario are themselves largely to blame. They have been voting for them and giving them power which is simply used against themselves. Any liberal Protestant who wishes to get into parliament or into any high position considers the best mode of doing it. How does he reason with himself? "I will first go into the Orange lodge. By getting there I will secure myself the Orange vote, and although I do that I know I can get my Catholic friends to vote for me, and by thus combining forces I will be successful." That is the way we help to take away liberal Protestants and make Orangemen of them. We have here, as well as elsewhere, Catholics well described by Archbishop Croke. He says: "There are Tory Orange Catholics who are always ready to sell country and creed for party, plunder and pelf." So there are; but there are very few, thank God! My hon. friend keeps up the reciprocity with these people. A difficulty arose a few days ago in the city of Toronto between the Street Car Company and their employes, and he says to the public, "I have eighty per cent. of them Orangemen." That accounts for the profound peace and want of strikes in the Street Car Company of Toronto. Following the question of representation, if we received the same proportion according to our population that Quebec does we should have 17 members in the House of Commons, or, according to our population, at the very least 15. We want, as soon as possible, to get up to that position, and we want to have our Protestant friends understand that we are willing to help them, but not entirely to our own exclusion. They say, and their press says, "Oh, you are arguing this thing on religious principles; that is most distasteful. Why should you bring religion into politics?" I simply answer that by saying "We bring it up because you exclude us because we are Catholics; we bring it up to prevent our exclusion on account of our religion, and that is the way you treat us." You have heard the answers which the right hon. gentleman gave in the other House in reply to questions put to him with regard to these appointments.

I do not know what to make of them. Up to the opening of the present session the hon. gentleman always felt as anxious to carry out what is termed in some places Sir John Macdonald's quibble, as he was on the very day I did my utmost to put an end to the matter, but some of you may have had the pleasure of intercourse with him. It is difficult to break with him. He makes you almost feel that his last word is the Gospel itself.

HON. MR. MCINNES (B. C.)—The fifth and last Gospel—the Gospel according to Sir John.

HON. MR. O'DONOHUE—Yes, the Gospel according to Sir John. The correspondence would be more consecutive and connected if it had not been for the words "private and confidential," and there are very few of his letters without them. This is a letter sent to him on the 14th July, 1883 :—

"I have been daily expecting to hear from you since 14th ult. At my interview with you at end of the session you said you would have a full meeting of Council, with Smith present, on that date. Not hearing from you on the subject then referred to, I asked Smith and Boyle to meet me. We met to-day, when Smith said that he was no party to the arrangement mentioned in your letter, of which for easy reference I enclose a copy. You will easily judge my surprise at his taking such an attitude. He seemed both to admit that there was a telegram from the Governor General to you—that he had signed my appointment to the Cabinet. Even when Mr. Boyle assured him that he had seen the appointment signed and sealed by the Governor General, he simply remarked that he did not want to be "cornered." I called his attention to our joint address, appealing to the Catholics of the province, particularly the Irish Catholics, for their support of your government on the ground of representation being accorded. It would be no less than obtaining, or attempting to obtain their support by false pretences to allege to them that Mr. Smith warming a seat in the Cabinet when he liked, constituted representation. Such a view would be considered a huge sham. Surely sufficient time has elapsed to warrant me in setting myself right with you and our people. I therefore, my dear Sir John, ask from you a frank explanation of his position."

To that the reply was that they were to meet immediately and Mr. Smith would be present. On the 29th October 1885

—which I intended to be the ending of the matter—I wrote him reminding him of the promise that we were to have a meeting on the first of October.

TORONTO, 29th October, 1885.

My dear Sir John :—

The first of October has come and gone. You intended seeing me here about that time. May I now expect that you will communicate to me definitely your views as to the subject of intended interview had you come up. This is now fairly due to me. It would be better not postponed further. Representation, you know, was the aim. The travesty of it has lasted long enough. Depend upon it, Sir John, there is a smouldering fire which if not quenched will soon become uncontrollable. I am subpoenaed to Ottawa on the 6th prox., Should you rather see me there then, write—kindly meantime let me know.

Yours faithfully,

J. O'DONOHUE.

There are some who have gone so far as to allege that the rousing of the Orange procession was inspired by himself. I never believed that; I do not believe it now. I have no objection to my hon. friend, the leader of the Government here, becoming a member of any association he likes, but I have a great objection to his pretending to be representing Catholics while he is representing Orangemen. Look at the Cabinet! Sir John is an Orangeman; Mackenzie Bowell is an Orangeman. Tom White, it is said, is one.

HON. GENTLEMEN—No, no.

HON. MR. O'DONOHUE—If my hon. friend from Ottawa (Mr. Clemow) says no, I will take it as good authority. At all events it is hard to blame them. They say "if you take away from us the Orange vote or break it up in any way, you take our lives. We cannot exist without that organization. We can have that body all over the country, but we cannot make sure of the Catholics. You are generally known as the breed that we do not like." That expression, and its meaning, are terribly modified as you approach a general election. If a general election was announced for three or four months hence you would find the most white headed boys of all Canada were the Catholics. You would find Sir John Macdonald patting them on the back and saying he would rather let the Orangemen go down the stream than do the Catholics an injury.

That is his way. I do not speak, remember, of other Provinces or their representation. I only advert to our own Province and to the minority there. I say we are absolutely without any representation in the Cabinet; we are the same as without any in the House of Commons, and we have no place in the public offices. That is our position hon. gentlemen. I trust when any of you have an opportunity that you will use your influence to change that invidious state of things. I have gone through those remarks with a good deal of fear and trembling; there is so much that is religious that I was very much afraid that some hon. gentlemen would grow impatient. I have said all on this occasion that I intend to say, beyond this, that undoubtedly shortly there will be an opportunity of righting those wrongs. Before long the Government will be required to go to the people, and I have no doubt that when they do appeal to the country it will be the last of them. Their acts are viewed by the enlightened people of this Dominion as corrupt. They stand to-day in the eyes of the community as a stranded old hulk that is about to be dashed by the waves against the rocks, in the storm of public opinion which is gathering, and will drive them from power forever. They are not the Government for a country like this. They are a Government sustained by plunder of their supporters, by charter selling, by bribery, by every sort of corruption. That is not the kind of Government that this young country of ours, great by nature and with a great destiny, should possess. A time is coming when the people of Canada will find amongst her own sons one to lead them on—to whom they can look for power—that will not lean upon any secret society, or political-religious secret combination. They will find one to lead them who will depend upon the people's support in doing to the whole people entire justice—who will not buy them or hold them by self-interest as they are now held. Every day is causing to ooze out the price that members have been receiving for their support. That must come to an end—the sooner it comes to an end the better. Let people who love Canada and desire its future prosperity rally to the support of a man of illustrious family, possessed

of great power, who is pure in every sense of the word—a man that Canadians can speak of without having to blush for this truckling, this trickery, this mean device that is used to keep the present Administration in power. Such a day is shortly to come; I wish it were to-morrow, because then I think there would be an end to one of the most corrupt systems of Government that ever any country had to deal with. What do we find in this effete Administration? We find the country pouring out its millions; we find the blood of her bravest citizens deluging its fruitful soil—why? Because we have an incapable Administration. What was it all about? The power of Canada was set in motion to capture two lunatics, Louis Riel and Jackson. That is what all our money went for; that is what the blood of our people was shed for; that is what so many homes in this land were cast in mourning for—that is why so many have to mourn the loss of brothers, sons or husbands. This is the result of an effete Administration, men who are fitter to be retired from the world than in the exercise of active life and administration. Who will say that Sir David Macpherson, now roaming through Germany after his inactivity here, had not much to do with these evils? Who will say that any one man of them was fit for active life in a great country like the North-West? The consequence has been such that as long as the history of Canada is read there will be found attached to the present Administration this disgraceful episode, and the Administration conducting its affairs at the present time will forever stand known as the bloody Administration of Sir John Macdonald.

HON. MR. SMITH—Before answering this motion I wish to say a few words in reply to the hon. member who has moved it. I do not intend to make a speech, or to go so far back as 1871, as he has thought proper to do. I shall, to a great extent, confine myself to what took place, to my knowledge, in 1882, the time when, as the hon. gentleman alleges, the premier of this country acted a false part. I will give the facts as I recollect them, and if I make any mistake, it is because the subject on which I speak did not occur in my presence. I am only accountable for

what I personally know. Previous to the last general election in 1882, Sir John Macdonald and Sir David Macpherson met in Toronto. They sent for me and offered me a seat in the Cabinet in the Conservative interest. I was then, as I am now, a Conservative. I thanked them for the great honor they had conferred on me by such an invitation. It was one which I had never expected. I said "the honor is a great one, but I cannot under any consideration accept the position. In the first place, I am not well up in parliamentary practice: I have never had the time or the opportunity to study it: I am not fit to represent the Catholic people of Ontario, and I would be better pleased if you would select a more suitable representative than I am." I said, further, that my business would scarcely allow me to be away from Toronto and it would be unbecoming of me to take a position in the Catholic interest where I could not do them justice. This was at the first meeting. They pressed me very strongly, but I declined—positively declined. The question then arose—who was the man that the Catholics would require to represent them in the Cabinet? I made a mistake on that occasion. That mistake has brought trouble on me and on the Conservative Government from that day until now. I acted from a friendly motive. I made the suggestion with the best possible feeling towards a countryman of my own—one who had persecuted me for 15 years before that—a countryman who, whenever he could intrigue against me, did so and that is the gentleman who has just addressed you. Of course I am speaking of political intrigue. Notwithstanding all that, he had helped the Conservative party a few years before 1882 to some extent or, if he had not, he pretended to help us: but I think he was honest in his efforts, and did all he could to help the Conservative party. For that reason, being an Irishman and a Catholic, and an early acquaintance of mine in my boyhood in Toronto, I thought it my duty to give his name first to the Government, and insist upon his being taken into the Cabinet. As I have said I made a mistake on that occasion; I did not ask my Catholic friends to meet—I did not consult them, and let them say who should go into the Cabinet. I proposed Mr. O'Donohoe, and

the recommendation was considered. I think negotiations were going on for nearly two days, and I kept out of the way. After the lapse of a couple of days I was requested by Sir John Macdonald to meet himself and the Hon. D. L. Macpherson. When I did meet them Mr. O'Donohoe was there present with his friend Mr. Boyle. The negotiations were still going on; difficulties were arising. The trouble was very great, and the Conservative party, not only the Conservative Protestants but the Conservative Catholics, pressed on me in the strongest possible manner not to have Mr. O'Donohoe taken into the Cabinet. Every Irish Catholic that has met me, with one exception, to this hour has blamed me for advising that that hon. gentleman should be taken into the cabinet, and that one gentleman was Mr. Boyle. With that exception I was bitterly condemned by all. I was called upon by several: everywhere I went in the city of Toronto I was told "Smith you have made a mistake." My reply was "perhaps I have: if so I am sorry for it. I have made mistakes in my lifetime, and if this is one I am sorry for it." Some gentlemen said to me "we will never support the government of which John O'Donohoe is a member," and those were Irish Catholics.

HON. MR. O'DONOHOE—Name them.

HON. MR. SMITH—It is not necessary to name them: if the hon gentleman thinks it is necessary I will call a meeting in Toronto and show him who they are. The negotiations still went on, and I said, after considerable time, "this is a very strange affair." I supposed that Mr. O'Donohoe would be accepted in the Cabinet and that everything would go on well. I was lead to suppose that the pressure was too great from the Conservative party—not from the Orangemen alone, but Catholics as well as Protestants:—

HON. MR. O'DONOHOE—What about the procession?

HON. MR. SMITH—I never heard of the procession before the hon. gentleman made use of those words. I believe in

my heart there was no such thing as a procession. I never heard of it until he spoke of a procession a moment ago. After the negotiation in the Hon. D. L. Macpherson's house, they pressed on Mr. O'Donohoe the necessity of withdrawing, as they thought he was going to be a great trouble to them.

HON. MR. O'DONOHUE—Who pressed on them my withdrawal?

HON. MR. SMITH—I did not interrupt the hon. gentleman. Just allow me to proceed.

HON. MR. O'DONOHUE—That is a proper question.

HON. MR. SMITH—After finding that the pressure was great, Mr. O'Donohoe then consented to withdraw, and in doing so he knew that they wanted me to accept the position. After considerable negotiation I said to Sir John Macdonald, "This will complicate things very much. I do not want the position. I have all that I want. I know that others would like the position—that many Catholic gentlemen could represent the Catholic people very much better than I can, and therefore I am willing that they should do so." But no, I was pressed to take a seat in the Cabinet and do what I could for the benefit of the Roman Catholic people. I said: "What will become of Mr. O'Donohoe if I take a seat in the Cabinet now? He will fall between two stools, as it were, or between two parties: for the party he did work with formerly would not touch him at all."

HON. MR. O'DONOHUE—You will see.

HON. MR. SMITH—"Our party—my friends—the Catholic people, will say that I am too greedy, that I want everything. Now, that is not the case; I do not want it. To compromise this matter I will tell you gentlemen what I will do if it is satisfactory to the powers that be: I will take a seat in the Cabinet without pay or portfolio if you will appoint Mr. O'Donohoe to the Senate." That was the first I heard of Mr. O'Donohoe going to the Senate. I pressed the matter

and said positively I would not take a seat in the Cabinet and leave him out altogether. I said so and I stuck to it. I said "not only shall the promise be carried out, but it shall be done to-night." I said so sitting in Hon. D. L. Macpherson's parlor. I said further, "don't be afraid, because I know what I am talking about. If I am mistaken in that, and that my views and my advice to-night will not prove beneficial to the Conservative party, I tell you I will resign my seat in the Senate, and never sit there again." I added, "Give Mr. O'Donohoe the seat in the Senate; I will accept the seat in the Cabinet without portfolio, and if that does not bring the Government back to Ottawa with fifteen majority at least from Ontario, I will never predict anything again." Mr. Macpherson appealed to me and said that was a very bold assertion. I replied "Never mind, I know what I am talking about, and I do not care whether I ever take a seat in the Senate again." I said "If I want to get into Parliament I can go to a dozen constituencies in Ontario and be elected." I said so then, and I say it again; I am not afraid to appeal to the people of this country, although my hon. friend has insisted that I do not represent the Catholic people, but that I represent the Orangemen of Ontario. I have never flinched from Catholic representation when it was necessary to come forward and do so. I never turned my back on a meeting when it was necessary to stand by my fellow countrymen.

HON. MR. O'DONOHUE—I never saw you at the Parnell meetings.

HON. MR. SMITH—No, it was not becoming of me, from the position I occupy, to be at a Parnell meeting. I know better than to be at a Parnell meeting; but when it was necessary to bring pressure to bear for Ireland at the time that Mr. Costigan's resolutions were put through Parliament I was one of the most prominent supporters of those resolutions.

HON. MR. O'DONOHUE—Mr. Power's resolution.

HON. MR. SMITH—No, not Mr. Power's resolution, but the Hon. John Costigan's resolution—a man in whom I

had faith—a man in whom I still have faith, and a man who represents the Catholic party in Canada to-day better than any other man that can be sent there.

HON. MR. DEVER—It is not true ! Its is not true !

HON. GENTLEMEN—Order ! Order ! Order !

HON. MR. DEVER—Nor do you.

HON. MR. SMITH—I do not pretend to ; that is the beauty of it. When the resolutions were almost a failure—when some people were afraid to identify themselves with them, I went, after being here three weeks, and rallied the people again and brought on those resolutions ; and I am not afraid to say so to-day. They were moved for the welfare of my hon. friend, and of my fellow countrymen, I am perfectly satisfied. I suppose it would not be out of place to tell the House that I am the first man who ever signed a requisition to bring the late lamented D'Arcy McGee to this country ; and I could only get three friends to do it with me, and when he came to London to lecture, there were not twenty people in the hall who had paid their entrance fee. But when he came the second and third time the hall would not hold them, and who was to blame for that ? Whether it was his misfortune or not, it was due to me ; but the intention on my part was good, and it was for this purpose : it was to put down and checkmate the efforts of the *Globe* at that time. We were hounded from one end of the Dominion to the other as being the Priest's party—the petticoat party ; and I have in my possession many clippings from newspapers of those days on that subject. It was to meet and checkmate that policy that I endeavored to bring McGee to this country. Now we come down to 1871. I was a very short time in Toronto. My former place of business was London, Ontario, where I had lived seventeen years, and where the party said I represented them fairly well. When I came down to Toronto, I endeavoured to be friendly with my hon. friend, but it was almost impossible. The Catholic League

was then formed, and he took a course in the league that I could not endorse. I opposed him, and from that day until previous to 1882 he was an opponent of mine ; and I may say that notwithstanding what happened in 1882 until the time he spoke here to-day, he has scarcely been friendly with me, notwithstanding the fact that I have tried to do everything in my power to place him in the position he now occupies in this House. He spoke of Mr. Boyle, himself, and me meeting ; I will show you how that meeting came about. Mr. Boyle and Mr. O'Donohoe called on me on one occasion in my warehouse, in the office, and they sat down and had a conversation with me. They asked one question after another, and I answered them to the best of my ability. The hon. gentleman has referred to this meeting, and that is the reason why I want to show how it came about. I did not go to meet them : they came to me.

HON. MR. O'DONOHOE — I wrote you and you replied.

HON. MR. SMITH—They came to me and asked me why I would not resign. I said, "Why do you ask me to resign?" They asked, "Was it not the understanding?" I said I had no such understanding, and never had. There was no such intimation made to me by any one, and if there had been I would not have taken a seat in the Cabinet on any such condition. They then retired. I said I was going to keep that seat as long as it suited me ; and when my friends of the Catholic party wished me to retire, I would do so. The same two gentleman came to me and pressed me again ; and on that occasion the hon. gentleman said he was going to Ottawa that night and asked me if I would say that I would resign if Sir John Macdonald requested me to do so. I said, "No, I will not say anything of the kind ; I am not here to be kicked about by you or any other man. When the party I represent, or endeavor to represent, in the Cabinet say they are tired of me I will retire and give the place to some other and more worthy man." I have not the slightest doubt of the good faith of the Government. I cannot stand here and say that they were playing false, for I believe it was the intention of the Con-



servative party to have Mr. O'Donohoe or some other Irish Catholic representative in the Cabinet. I know that Sir John Macdonald and his colleagues in the Cabinet were anxious to do so, although the Roman Catholics of the Dominion had five representatives in the Cabinet without me. Those Catholics are in the Cabinet now, and there is no ground for all this talk about Catholic representation. If those gentlemen are not able to protect the interests of the Catholic people in this country, I do not know how many we want. Supposing the hon. gentleman had got the appointment to the Cabinet, what good would it have done him? He would have had to go to the people and look for a constituency.

HON. MR. O'DONOHUE—Not necessarily.

HON. MR. SMITH—He could not have sat here, for an appointment to the Senate was not mentioned before I spoke of it and demanded it. He would have had to go the country, and where would the hon. gentleman have got a constituency? Let him try it to-morrow! I challenge him to resign and appeal to the people, and if he goes out and stumps the country, I will meet him on the stump, and shew that he has not the confidence of the Catholic electors of this Province! I know that he dare not accept my challenge. If he could not have found a constituency, he could not have remained in the Cabinet. He would have had neither portfolio nor pay; the premier would not have asked any other members of his Cabinet to resign for the sake of giving Mr. O'Donohoe a seat in his Cabinet. There was no vacancy; there was no necessity for creating one, and therefore Mr. O'Donohoe was very much better provided for by my pressing him into the Senate. I thought the act was a kind one, and I did it with the best intention in the world towards him; but from that day to this he has scarcely looked pleasant at me, and I cannot suggest a reason for it. I thought he had fought me long enough. He had made no headway while he did fight me, and I have always endeavored to return good for evil and not to hate those who spitefully use me. If any one has made a mistake in the appointment of Mr.

O'Donohoe, the fault is mine in failing to consult the Catholic people of Toronto at a meeting that should have been called for the purpose of saying who should be their representative in the Cabinet. I tell you as a fact that the Conservative party said if I would not accept that position, if it was impossible for me to take a seat in the Cabinet they would take Mr. O'Keefe, Mr. Foy, or one of several other Catholic gentlemen of Toronto whose names were given. That was the suggestion, it was not me alone; it was not "Orange Frank Smith," as the hon. gentleman calls me, that they wanted to represent the Catholics of Ontario. The Conservative party would have taken any intelligent and respectable Catholic into the Cabinet except John O'Donohoe, on that occasion, and the reason they gave was that they knew him too well—they knew him very much better than I did. He was a citizen of Toronto that they had known for a number of years; I had been absent in the city of London for several years, and had not paid much attention to his course, and when I returned to Toronto I was very friendly with him, though he pressed on me a great many things to which I was not very favorable—amongst the rest that document that I signed with him. I shall never sign another document with him. This gentleman has not only attempted to-day to brand me amongst my fellow countrymen as unworthy of the position I hold; he has endeavored not only to bring my public character in question, but he has coolly and deliberately brought in my private business.

HON. MR. O'DONOHUE—No, no, no.

HON. MR. SMITH—The hon. gentleman has endeavored to shew that when there is any change in the excise or Custom duties under consideration, that I am always alive to my own interest, and that I am always in Ottawa when it is politic to occupy my chair in the Cabinet. He has done this for the purpose of leading the public to believe that I am an intriguer and that I make money by the knowledge I obtain as a Cabinet Minister. I would have the hon. gentleman to understand that the man who uses the information he obtains by his position as a member of the Cabinet, in violation of his

HON. MR. SMITH.

oath of office, is unworthy to hold any public position in this or any other country. I tell the hon. gentleman this, and I am willing to state it under oath if necessary, and bring a dozen witnesses to prove it, that when I knew last year that the excise duty was to be increased to a great extent, for I could not help but know it, I had less spirit and whiskey in my warehouse, or in my possession, than I ever had on any occasion before from the day I commenced business in a small way until then. And what was the reason? The reason was, my honor was at stake; I dare not move; the people of Toronto would say, "What is Frank Smith doing?" Frank Smith is doing nothing; he is making no change in his stock or in his business; his regular business is going on; and up to the hour the increase in duty was declared, every barrel of spirit I had in my possession I allowed to go at the old price. I make that statement as a fact; and I may add that on former occasions when there was a change in the excise and custom duties I have had as much as 4,000 barrels of liquor in my possession on which I took the chances. Sometimes I won and sometimes I lost; but I speculated in nothing but my business. The hon. gentleman has dragged in my street car business into this discussion. He has introduced that question for the purpose of bringing more trouble on my head. He has brought it in for the purpose of misleading the Catholics of Toronto into believing that I am employing nothing else but Orangemen. When I took possession of the Toronto street railway, I said to the Superintendent, "I want you to be very careful; I want you to employ, to a great extent, married men of the city, no matter what their creed, nationality or politics may be. Next to them I want you to employ the young man who has a home and lives with his father and mother here, and make no difference as to what creed or nationality he may claim—ask no questions. He did so, and when the question was asked me some time ago, how this matter stood, I was unable to answer but said "I will ask the Superintendent." I then inquired of the Superintendent how the employes stood as regards creed and nationality. His reply was "as to

their nationality most of them are Irish men and Canadians; about two-thirds are Protestant and one-third Catholic;" and he added "next time you ask me I will be able to give it to you exactly." The second time I asked him he said "there is about eighty per cent. Protestants and twenty per cent. Catholics." That being the case, I do not know how the hon. gentleman can find fault with me and charge me with employing nothing but Orangemen.

HON. MR. O'DONOHUE—Did't you say eighty per cent. of Orangemen?

HON. MR. SMITH—If I did I mean that they were Protestants—the fact that they are Protestants does not imply that they are Orangemen. I cannot understand why the hon. gentleman has made this move to-day unless it is to make the people of Toronto believe that I am employing men that I ought not to employ, and that I ought to be more favorable to the Roman Catholics. His object in doing it is to bring more trouble on my head than I now have; but I can tell him that if the trouble comes again, and ten times the trouble, I am going to stand by my property, in this country—the property I represent—the property I made by honest hard work.

HON. MR. O'DONOHUE—It is the property of the Company, not yours.

HON. MR. SMITH—I am going to stand by that property, I am not going to allow a lot of thieves to come in and take it from me notwithstanding the fact that the hon. gentleman has been trying to abuse me and represent me in false colors.

HON. MR. O'DONOHUE—That is not true.

HON. MR. SMITH—I am satisfied than he has been doing it, from what he said here to-day. He had no right to bring my private business before the House. I stand in defiance of him and of all those who want to rob me of my property, I have the law of the country at my back to protect me. I am

a Canadian by adoption. I will continue to be a Canadian while I live, and I am going to fight for my rights in this country. What has the hon. gentleman to complain of? Is not his course to-day sufficient justification for the action of the Government and of the Conservative party, Catholic as well as Protestant, in not accepting Mr. O'Donohoe on that occasion? Could there be better proof adduced that that hon. gentleman would deceive any party with whom he was connected, so long as he could not make it profitable to himself, and put himself forward as the leader of the Catholic party?

HON. MR. O'DONOHOE—Sir John Macdonald does not say so.

HON. MR. SMITH—If the Catholics of this Province speak out to-morrow and ask me to resign my seat in the Cabinet for Mr. O'Donohoe, I will retire in an hour. But is there a Catholic petition? Has there been a demand? Has the hon. gentleman since he was appointed to the Senate made himself any more popular in the country? I ask him has he made himself any more popular in this House or in Parliament from the time he came into it until the last three weeks? I say no; his every action, his very look proclaim that he is not the man to represent his fellow Catholics in this country. Is it because John O'Donohoe can make a good speech on a stump or in a place where he has got "an Irish crowd," as he says, that he thinks he can rally them to his call? Is that a proof that the Catholics want him as their representative? I say no! God knows they are badly enough represented as it is, but from the bottom of my heart I think they would be worse off if they had him as their representative.

HON. MR. O'DONOHOE—The Orangemen think so.

HON. MR. SMITH—If I were John O'Donohoe, and if I had the grievance that he pretends to have on this occasion, I would say to the Government of Canada, "Gentlemen I have been mistaken; I took a seat in the Senate under your Government; I do not like your actions; you have deceived me; I tender you my seat, and

I am going back to see if the people will put me there again. I will depend upon the people either to put me there or in the other House as their representative." That hon. gentleman was a long time associated with the Reform party, and they did nothing for him, and said they would do nothing for him.

HON. MR. O'DONOHOE—You were in the same company too.

HON. MR. SMITH—The leader of that party would not vote for him or endorse him, and he left in disgust. But he is going back to them; they are patting him on the back; they say "O'Donohoe you are a right good fellow; make trouble as fast as you can, and there is some chance of our doing something for you in the future—that is, provided we get into power." That contingency has been talked of for a number of years, but I think its consummation is a good way off yet. I do not wish to continue this debate. I will soon come to the question and answer the notice of motion. I have been deceived by that gentleman more than I can speak of to-day. I am sorry that an Irishman has to speak in this way of his countryman. I regret it; it would be the glory of my life if I could stand up here to-day and endorse him, and stand by him as I would desire to do, and as I have hitherto done by the Hon. John Costigan, notwithstanding the attacks of the *Montreal Post* and another paper or two that put themselves forward as representing the views of the Catholic people of this country. They have no such authority; they do not speak for the Catholic people. They have never been authorized to do so. They are not representatives of the Catholic people, and they never will be.

HON. MR. O'DONOHOE—But you are.

HON. MR. SMITH—No, unfortunately I am not. Unfortunately my early training and my attainments are such as prevent me from doing that justice to my countrymen which they deserve, or to the position I occupy. The fault is not mine; it is my misfortune, not my fault. I have always endeavored to help my country-

HON. MR. SMITH.

men in time of need, and am ready to do so still when occasion offers; and when I pretend to support a party, and give my word, they can rely on me as if I had sworn to it. I joined the Conservative party years ago in the city of London, when a countryman of mine was about to be insulted by those who now profess to be the friends of our worthy senator.

HON. MR. O'DONOHUE—You presided at the Reform meeting in Toronto; man, what are you talking about?

HON. MR. SMITH—So I did. I came down from London, and they put me in the chair. It was a Catholic meeting; it was not a Reform meeting, and the hon. gentleman endeavored to have them agree that whichever party would get the majority there that night, all the Catholics should go with him. I would not agree to that; I never could agree to such a proposal. I opposed it and took up the Hon. John O'Connor on that occasion, and fell out with my hon. friend there and then. I stuck by the Hon. John O'Connor, and we paddled our own canoe, from that day to this. I supported him until I got my countryman appointed as a Judge on the Bench of this country, and the Orangemen never protested; the Protestants never protested against it; the Conservative party favored it, and he is there to-day, and the way is open, when he steps out, for some other good Catholic who I hope will be found to take his place. The Hon. John O'Connor is to-day an ornament to the bench, and notwithstanding there was some slight feeling against him at the time he was appointed, he has outlived it. It is not for him alone that I have worked hard; and the sense of justice and fair play of the Conservative Government has given the Roman Catholics fair recognition in all parts of the country. There is scarcely a position vacant for which a Catholic appointment is not asked.

HON. MR. O'DONOHUE—What about Grey? How did you get rid of him in the matter of the collectorship at Prescott?

HON. MR. SMITH—We will dispose of poor John Grey now—God be merciful to

him to-day. All of us who know the history of the unfortunate man are aware that for years he was in delicate health—that he was not very strong in mind, that he was very excitable and irritable, and hard to keep in one place. His Catholic Conservative friends stuck to him until the day he died and did the best they could for him. The Hon. John Costigan got him a place in Stratford and took care of him.

HON. MR. O'DONOHUE—That is no answer to my question.

HON. MR. SMITH—I am prepared to say that if the appointment had been in my hands—and it is a pretty strong statement to make—and I had been asked to put poor Grey into a place where he would have to be responsible for handling money and doing business, I would have said no. Grey was not fit to be in such a position for some years before his death.

HON. MR. O'DONOHUE—That is not so.

HON. MR. SMITH—He was an honest well meaning man, but he was weakly and could not well attend to any office, and that was the reason that he was not given the collectorship at Prescott. He was not deserted by his Catholic Conservative friends. If the party with which the hon. member from Toronto is allying himself will stick by him as well as the Conservatives did by Grey it will be well for him.

HON. MR. O'DONOHUE—Was he not given a position by the Government and was he not, under Orange influence, disappointed?

HON. MR. SMITH—I am not here to answer your questions. I did not disturb you or interrupt you while you were speaking. I let you fire away and get through with your tirade as you pleased. You have endeavored to interrupt me a dozen times, and break the thread of my remarks. It is very unfair, but it is no more than you have always been with me—you have been most unfair towards me at all times.

I am, as I have already stated, prepared

to give my place in the Government to a more worthy Catholic than I am, and we have in the rising generation a large number of them who will do credit not only to the Catholics of Ontario but to Canada, and be valuable members of any government of which they may become members; but I will retire at the dictation of no man, and not until I see a proper successor selected to fill my place. But if the Hierarchy of this country wish me to retire, one insinuation would be quite sufficient. If they ask me to retire in favor of a certain Catholic I am prepared to say, "Gentlemen, I bow to you." Such a request coming from the bishops and clergy of this country I would treat with all respect and deference. But they have not asked me to do so; they have not found fault with me; I have never been found fault with for any political act in my life, public or private, with the exception of pressing the appointment of the Hon. John Donohoe to the Senate, and for that I have been censured a great deal. I repeat, if the hon. gentleman wants to be considered an honorable man; if he wants the public to regard him as such, and to believe that it is not for personal gain that he is taking this course, then let him resign and appeal to a Reform constituency in this country, and if there is one, Reform or otherwise, that will elect him, I am much mistaken. If the hon. gentleman had been in my place, without salary or portfolio, from the time he wanted it until now, he would have been very much worse off than he is to-day, and there is no vacancy in the Cabinet at present to my knowledge. I am sure that the Catholic people as a body will not ask any hon. gentleman in the Cabinet to resign his seat previous to a general election. If the Conservative party are not successful at the next election, and it is their misfortune to be beaten (which I do not at all anticipate), then the the Conservative Catholics have to step out, and the Catholic Reformers can step in, and we will see then how many are taken into the Government. How many of them were appointed when Mr. Mackenzie was in power? Was there a Catholic from Ontario in the Cabinet?

HON. MR. O'DONOHUE—There was.

HON. MR. SMITH.

HON. MR. SMITH—Who was he?

HON. MR. O'DONOHUE—Scott.

HON. MR. SMITH—Mr. Scott is an excellent man; but did Mr. Mackenzie take an Irish Catholic in?

HON. MR. O'DONOHUE—He placed one in the Speaker's chair.

HON. MR. SMITH—I was coming to that; did he take Mr. Anglin into his Cabinet? No he did not. What did he do? He said, "The Speakership is all I can give you." If Mr. Anglin had the pluck that some men possess, he would have thanked Mr. Mackenzie and said, "If you cannot take one Irish Catholic into your Cabinet, why then I will take a seat on the independent benches and vote as the interests of my people dictate." Mr. Anglin is a man who stands very high in my estimation in a great many ways, although we entertain different views on many subjects; but I say if he had properly represented the Irish people he would have demanded a seat in the Cabinet or refused to fill the Speaker's chair. The hon. member says that there was an Irish Catholic in the Cabinet in the person of Mr. Scott; but Mr. Scott is not an Irish Catholic.

HON. MR. O'DONOHUE—His father was an Irish Catholic.

HON. MR. SMITH—Mr. Scott is a very good and agreeable man, but he does not represent the Irish Catholic people. There were a great many other Irish Catholics who could have represented them and I would not have been annoyed—I would have been proud to have seen Mr. Anglin taken into Mr. Mackenzie's Cabinet. What do we find to-day? There are six Catholics in the Cabinet, three of whom are Irishmen. I am the most humble of the whole of them; but the others are fit to represent any population on the face of the earth. Therefore the Conservative Catholics are well represented in the Cabinet, leaving me aside altogether. I do not wish to be considered much of a representative man, but I have done my best for the Catholic people and will continue to represent them to the best

of my ability as long as they recognize me as a representative, and when they do not want me in the Cabinet I will retire. The hon. gentleman calls for letters and a patent, and the cancellation of a patent. In answer to his motion I may say if there are any letters that are not of a private nature I will ask for them. If they are of a private nature I may not be able to furnish them. Very likely copies were not kept of many of the letters.

HON. MR. POWER—Hear, hear.

HON. MR. SMITH—It is not likely they were kept because a gentleman, who is not in his own office, receiving a letter generally tears it up when he replies. As regards the patent, there was none ever issued for the hon. gentleman's appointment, and there can be no cancellation of a patent which was not in existence.

HON. MR. O'DONOHUE—The Order in Council.

HON. MR. SMITH—If there is one it can be produced; but I know of none. The Council, in my opinion—I am speaking now of what I think is the fact—did not meet from the time Sir John Macdonald left for Toronto until his return, and he was two or three days there and through the country. It was not likely there was any Order-in-Council while he was going about the country and on a friendly visit at Sir David Macpherson's. Now these are the answers I give to the motion of the hon. gentleman: if there are such documents (and I am almost satisfied there are none) they will be produced; but I state positively there was no patent issued and consequently there was no cancellation of one. I do not think it is becoming for the hon. gentleman, from all the services that he ever rendered the Conservative party, to endeavor to put me in a false position before the Irish Catholic population of this country. He says I am not true to them, but that I am more of the Orange type. I tell him I am straight forward and intend to remain so and when I meet a man I do not inquire what his religious views are. I repeat before I sit down that the moment the bishops and clergy of the Catholic Church of this country say that the Catholic population

of Ontario is not properly represented by me in the Cabinet and that I had better retire, I will bow to their decision and say they are quite right. There is no objection to the address, and if there are any papers such as the hon. gentleman calls for I will have them brought down.

HON. MR. HOWLAN moved the adjournment of the debate.

The motion was agreed to.

BILL INTRODUCED.

Bill (9) "An Act respecting the Revised Statutes of Canada." (Mr. Smith.)

It being six o'clock the Speaker left the chair.

AFTER RECESS.

EXPERIMENTAL FARM STATIONS BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (124) "An Act respecting experimental farm stations." He said: I have been requested to take charge of this Bill. It will be in the recollection of hon. gentlemen that a select committee was appointed by the House of Commons in 1884, to enquire into the best means of encouraging and developing the agricultural interests of Canada. That Committee made a very full and exhaustive report, and with it they submitted certain very important recommendations to the Government. These recommendations were to the following effect:—

"Considering that the proper development of our agricultural resources is indispensable to the upbuilding and maintenance of our national wealth and prosperity, and that all progressive countries are at present making strenuous efforts for the introduction of improved methods of agriculture, your committee believe that no object is more deserving of the active and generous support of the Federal Government than that of fostering and promoting this great industry, and of promoting, guiding and co-operating with all local and provincial institutions formed for the furtherance of this object. Your committee, therefore, beg leave to submit the following recommendations:—

"That the Government take into earnest

and favorable consideration the advisability of establishing a bureau of agriculture, and an experimental farm in connection therewith.

"That this bureau be formed in connection with, and under the supervision of, the present Department of Agriculture.

"That the object aimed at in the establishment of such bureau and farm be as follows :

"1. To conduct such experiments in the introduction and culture of new varieties of seeds, plants, trees, etc., as will most efficiently aid in the advancement of Canadian agriculture; to institute experiments with regard to the comparative value of fertilizers, the proper testing of seeds as to vitality and purity, and the healthy preservation and productive conditions of plants and animals.

"2. To make careful investigation into the origin, distribution and habits of insects injurious and beneficial, and the contagious and other diseases to which animals and plants are subject, in order to arrive at the best method of destroying and counteracting them.

"3. To study the qualities of the various breeds of cattle and other domestic animals, with the view of reporting on the best means of improving them; of protecting them from parasites and epidemic diseases, of feeding them for the market, and on the treatment of milch cattle.

"4. To initiate and carry out a convenient and comprehensive system of gathering the latest and most useful information, statistical and otherwise.

"5. To publish and send to the press and the various agricultural and horticultural societies of the Dominion, at different periods of the year, bulletins giving the results of trials made on the experimental farm, and whatever other information the Bureau may consider useful, either in the prevention of the ravages of insects and of contagious diseases among animals, concerning improved methods of culture that have stood test, or for the special advancement of any line of agricultural pursuits.

During the session of 1885, hon. gentlemen will remember, that following up the report of the committee—which was a report of a very large committee, composed of gentlemen from both sides of the House, a vote of \$2c,000 was made as an aid towards establishing an experimental farm. Before acting, however, on that vote, the Minister of Agriculture deemed it desirable to avail himself of the services of a gentleman whose scientific acquirements and valuable contributions on many important subjects connected both with agriculture and horticulture have made his name a household word with us, Prof. Saunders, of London, Ontario, to obtain further information in connection with the subject by visiting and reporting upon the

work being carried on at the agricultural colleges and experimental farms in the United States. The instructions to Mr. Saunders were, that he was to visit as many of the more important agricultural colleges and experimental farm stations in the United States as he might think necessary, for the purpose of enquiring into their various methods of working, and with a view of ascertaining as far as possible what benefits either direct or indirect, they were conferring on practical agriculture, including stock-raising, dairying, &c.; and also, of ascertaining what was being done in horticulture, especially in regard to the production of fruit. He was further desired to incidentally inquire into the subject of forestry, to ascertain as far as practicable the extent and character of tree-planting in the Western States, the varieties chiefly used, and the success which had attended the efforts that had been made. It was also desired that he should ascertain the areas of land occupied by the several institutions he visited, the character of the soil and equipments, with capital cost, together with the expense of maintenance. He was further instructed to prepare and submit, as early as practicable, a report on the whole of these subjects. That report, I presume, has been seen by most hon. gentlemen, as it forms an appendix to the report of the Minister of Agriculture for 1885. I may briefly state for the information of hon. members who have not seen the report, or having seen it have not had an opportunity of reading it, some of the particulars which are to be found in it. Alluding to the different experimental farms and stations which he visited, Professor Saunders says he found that the work going on there consisted of experiments which were being conducted to ascertain the relative value of agricultural implements, experiments in testing varieties of wheat, oats, corn, grasses and potatoes, methods and rates of seeding, effects of fertilizers, with comparisons as to relative vigor and ability of different seeds and plants to endure severe climatic changes. Experiments were also being undertaken with small fruits to ascertain their relative hardiness, vigor, productiveness and quality of fruit. At some of the stations varieties of wheat, barley and oats were being tested in experimental plots, the best of which, after

several years trial, were then grown on a large scale in field culture for the purpose of obtaining seed in large quantities with which to supply the farmers at moderate prices, with a view to the general introduction of the most desirable sorts throughout the State. He mentions that at some of these stations more than one hundred varieties of wheat had been tested, and their relative merits discussed in the bulletins and reports which had been issued by the stations. Another important work in which they were engaged was tests with regard to noxious weeds, to determine their relative growth and rapidity of multiplication, and the best methods of exterminating them. Observations on injurious insects had also been conducted and recorded, with tests of the several insecticides which had been recommended for destroying them. (Such enquiries as these will no doubt be of great assistance to horticulturists as well as farmers.) In other places he found that they were making experiments as to feeding, particularly with sheep, to ascertain the relative value of the different kinds of feed as flesh producing material. Great attention has also been given to the examination of agricultural seeds for the purpose of ascertaining their purity and quality, and to investigations connected with insect pests. In another place he speaks of the chemical department at one of these experimental farms as being very complete, and doing very thorough work in the analysis of fertilizers, and the analysis of milk. Experiments with fertilizers were also being carried on on a large scale, and the results were published for the benefit of farmers, and sent to every part of the State. Now, hon. gentlemen, these are exactly the sort of enquiries which it is proposed to institute, and the information resulting from them is what it is proposed to furnish to our agriculturists by means of the experimental farm stations which it is the object of this Bill to establish. I think hon. gentlemen will agree with me that the importance of such information to a great agricultural country like Canada can hardly be over-estimated. I am sure they will also agree with me that the days of slipshod husbandry, when farming was supposed to be a kind of business that any man might take up successfully, no matter how ignorant he might be of the

simplest principles of agriculture, have passed away. Our agriculturists are now convinced that to be prosperous and successful they must bring to their aid just the kind of knowledge which institutions such as those to which this Bill relates can furnish them with. They want to know what crops are most suitable for the soil and climate of their particular locality. They want to know what seeds succeed best and are most productive in particular soils; the best and most economical fertilizers; the diseases to which plants are subject; the insect pests and how to deal with them. They want to know what are the most suitable and best kinds of stock for their particular localities, and what are the best systems of feeding to obtain the most satisfactory results. These and similar important questions will receive, I think, their best solution in the results of the experiments and tests which will be carried on at these proposed experimental farm stations. I am, of course, aware that there are stock farms already established, though on a small scale, in New Brunswick and Nova Scotia—and I think in Prince Edward Island; and in Ontario we have our Agricultural College, at Guelph, which has been doing most excellent work not only in the training and education of our young farmers, but by importing and keeping the very best breeds of stock, by their field experiments, and by the work carried on in connection with the College. We have also the Ontario Fruit Growers' Association and the Entomological Association of Ontario, doing excellent service in the interests of farmers and fruit growers by disseminating much valuable information. In this way they are all doing their share of a very important work, but they do not and cannot fulfil the important purposes which these experimental farm stations are intended to carry out. By the Bill it is proposed that the Governor-in-Council may establish first a farm station for the Provinces of Ontario and Quebec jointly. Clause 3 provides that:—

The Governor-in-Council may establish, first, a farm station for the Provinces of Ontario and Quebec jointly; secondly one for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island jointly; thirdly, one for the Provinces of Manitoba; fourthly, one for the North-West Territories of Canada, and fifthly one for the Province of



British Columbia; and the farm station for the Provinces of Ontario and Quebec jointly shall be the principal or central station.

The fourth clause provides:—

The Governor-in-Council may, for the purpose of establishing such farm stations, acquire by purchase an extent of land, not exceeding five hundred acres, in the vicinity of the seat of Government, for the central farm station, and an extent of land, not exceeding three hundred acres, in either of the Provinces of Nova Scotia, New Brunswick or Prince Edward Island, and a like extent of land in the Province of British Columbia, for the farm stations, secondly and fifthly mentioned in the next preceding section; and the Governor-in-Council may, for the like purpose, set apart in Manitoba and in the North-West Territories of Canada such tracts of unoccupied available public lands, which are the property of Canada, as are necessary for the farm stations thirdly and fourthly mentioned in the next preceding section; but the tract of public land so set apart shall not, in each case, exceed one section.

Sub-Section 2, provides that the Governor-in-Council may set apart in the Province of Manitoba and in the Railway belt in British Columbia, and in each of the provisional districts of the North-West Territory, a tract or tracts not exceeding ten sections for tree planting and timber growing. It is provided that the farm stations shall be under the control and direction of the Minister, subject to regulations made by the Governor in Council; and the Governor in Council may appoint a director and such officers and employes as are necessary for each farm station. The duties of the officers at these several stations are precisely of the character which I have already stated as are being carried out at those different stations in the United States visited by Professor Saunders. They are:—

To conduct researches and verify experiments designed to test the relative value, for all purposes, of different breeds of stock, and their adaptability to the varying climatic or other conditions which prevail in the several Provinces and in the North-West Territories;

Examine into the economic questions involved in the production of butter and cheese;

Test the merits, hardiness and adaptability of new or untried varieties of wheat or other cereals, and of field crops, grasses and forage-plants, fruits, vegetables, plants and trees, and disseminate among persons engaged in farming, gardening or fruit growing, upon such conditions as are prescribed by the Minister, samples of the surplus of such products as are considered to be specially worthy of introduction;

Analyze fertilizers, whether natural or artificial, and conduct experiments with such fertilizers, in order to test their comparative value as applied to crops of different kinds;

Examine into the composition and digestibility of foods for domestic animals;

Conduct experiments in the planting of trees for timber and for shelter;

These are the principal objects which are to be carried out by the provisions of the Bill. Great as are the advantages which these proposed experimental farm stations and the work to be done by them will confer on the older provinces of Canada, in no part of the Dominion will they be of greater service than in Manitoba and the North-West; and, looking to the diversity of soil, climate and elevation in that vast territory, I think the Government have done wisely in taking power to establish separate stations in Manitoba, the North-West Territories, and in British Columbia. There is one subject connected with the working of those stations which appears to me to be of paramount importance. I allude to the science of forestry. If the House will permit me for a moment, I should like to read a short extract which will be found in this report of Professor Saunders, and which is contained in a letter to him from a gentleman whose name is well known to those who are interested in forestry:—

“No where, it seems to me, are measures of encouragement by Government called for more urgently than in establishing systematic forestry in your country. Part of Canada's wealth lies in Canada's forests; the nature of the soil and climate in the northern districts of the eastern and central provinces is, to a large extent, not fit for anything but forest growth. Yet Canada is utilizing the natural growth in such a manner as to deteriorate her forest capacity, and often even her agricultural possibilities. Timber growing will eventually become an economic necessity for Canada; few lumbermen, under existing conditions, can see any advantage in utilizing supplies with other views than those of immediate gain—a man's life seems too short to enter upon such extended enterprise as forestry—interest in future supplies can concern the State alone; at least, so it seems at present.

“The time for a wiser forest policy has come, and the Government should lay now, while it still retains land and forest, the foundation of systematic forest management—at least, to set, as in Germany, the example after which private owners may form their forestry.

We know to our cost that the work of deforesting, and denuding the country en-

tirely of timber has been carried on, in Ontario at all events, to a very reckless and improvident extent. It is a fact that in many parts of Ontario farmers have not as much timber left on their land as would mend a hen coop or light a fire; whereas if greater pains had been taken in the earlier history of the country to impress upon our people the great necessity and the great advantage both of replanting and of retaining small plots of timber on each of their farms, they might have had sufficient for their own purposes not only during their own lifetime but for their children and their great grand children after them. As it is, Ontario will have to depend to great extent for its fuel on the United States; and not only so but we shall feel the evil effects of this sweeping destruction of our forests on our climate and vegetation; on our rivers and streams by sudden freshets in the Spring, and their drying up in Summer. I am aware that of late years some attempt have been made to direct the attention of our people to this subject. The Americans seem to have suddenly taken the alarm on this question and are turning their attention to it, and are making great efforts to repair the waste that has been going on for years, both by replanting and by adopting a better system for the management and preservation of their remaining timber lands. I have always felt strongly that if in the early days of Canada certain portions of Ontario, where the soil was comparatively of an inferior description, had been retained as timber reserves under the restrictions and rules which have been for so many years in force in Europe, and more especially in Germany; these tracts of inferior soil now all cleared of their timber and yielding but a poor return for their cultivation might have been much better employed in growing trees, and large tracts of forest land might thus have been preserved for cutting over not only for the present but for a generation to come. I know that in Quebec, thanks to the great efforts of a very enlightened and public gentleman, Mr. Joly, the subject has received a great deal of attention amongst our friends in Lower Canada and efforts have been made there not only to repair the mischief which has been done, but to carry out a regular system of tree planting. In

no part of the Dominion will this subject be found to be of greater importance than in the North-West Territory. It may bring many parts of the country there which are now difficult to cultivate, which suffer from drying winds in summer and cold biting blasts in winter, into a condition in which they can be cultivated with profit. We cannot tell to what extent judicious tree planting may affect the whole climate of the North-West. As you go further west, and approach the mountains now covered with forest, and in which many of the great rivers of the North West have their source, it is of the utmost importance that the sources of these springs should be protected by preserving the forests which now shelter them. For all these reasons I think that the forestry part of the work of the experimental farm stations will be of the greatest possible benefit. Then again with regard to fruit trees we know that in the Western States, in the State of Iowa particularly, where great difficulty has been found in growing fruit, a complete revolution is likely to be made there by the pains that have been taken to test various descriptions of hardy fruit trees from Russia, and which now promise to be a great success there, and numbers of which are being brought to us in Canada. Having regard then to all these important subjects connected with the agriculture and horticulture of our country, there can be no question I think about the great advantages that will accrue to the Dominion if these experimental farm stations, (particularly the central one) are conducted with ability and energy. The central station, more especially, will be the means of disseminating information all over the country which will be of the greatest possible benefit to the grain grower the stock breeder and the horticulturist. This Bill has received the strong support of the House of Commons, and I am only sorry that in being placed in my hands to take charge of it in the Senate it has not been committed to some one who can do the subject greater justice, although it is one which I have very much at heart. Further explanations as to the details of the measure can be given in Committee of the whole.

HON. MR. HAYTHORNE.—Will the hon. gentleman state the total capital,

fixed and floating, which will be required for these institutions?

HON. MR. ALLAN—I am informed that the central station is estimated to cost \$120,000. That is for everything—buildings, appliances, chemical apparatus—the whole expense; and that the annual expenditure is estimated at something like from \$12,000 to \$15,000. I think the other stations are calculated to cost \$25,000, with an annual expenditure of \$5,000—that is if the land at other places has not to be purchased. If the land has to be bought, the Minister thought \$10,000 more would be necessary; so that the statement is that the total cost \$240,000 for land building etc., and a total annual expense of \$35,000 for maintenance will have to be incurred.

HON. MR. VIDAL—Will my hon. friend inform me whether the American farm stations are maintained at the expense of the Federal Government or of the State Governments?

HON. MR. ALLAN—At the expense of both, as I understand. There are different Experimental Farms supported at the expense of the State; and in this report from which I have read just now, Professor Saunders states that a measure was before the United States Congress by which the American Government proposed to give an annual grant of some \$15,000 from the Federal Treasury for the establishment of Experimental Farms which are to be under Federal control throughout the different states.

HON. MR. ALEXANDER—I have to congratulate the leader of this House, Senator Smith from Toronto, upon having summoned to his assistance one or two of the most distinguished members of this Chamber. In having the assistance of the hon. gentleman from Niagara he has an old parliamentarian, and a man of ability. This is a Government Bill, which has only just been laid upon our table, and we have not had time to study it. The hon. gentleman who has taken charge of this Government Bill, is the President of the Bible Society of Toronto—of course, a gentleman of great integrity. Of course he has been proved to

be a man of very great integrity to occupy that position.

HON. MR. POWER—I rise to a question of order. I do not think this has anything to do with the matter before the House.

THE CHAIRMAN—I must express my deep regret, that the hon. member from Woodstock cannot rise to address this House without directing his remarks so as to reflect on some member of this Chamber. I very much regret it, and I think the sense of the Senate is strongly opposed to it. I do not believe that on either side of the House the hon. gentleman receives any sympathy in the course he thinks proper to pursue.

HON. MR. ALEXANDER—I will put myself in order. As an old President of the Provincial Agricultural Association of Upper Canada in 1857, and as a member of the Board of Agriculture of Upper Canada for nearly 20 years, I am a little surprised at the Dominion Government bringing in this Bill. I suppose that the 13 Ministers of the Crown standing at the heads of departments, and drawing large salaries, must make an appearance of doing something to warrant our continuing 13 portfolios; but I ask this House what is the use of such a Bill as this? Have not the Provinces under the provisions of the Union Act of Ontario and Quebec dealt with this subject and do not the other Provinces in like manner?

HON. MR. BOTSFORD—No.

HON. MR. ALEXANDER—I say those provinces have.

HON. MR. BOTSFORD—Does the hon. member mean to say that the Province of New Brunswick has?

HON. MR. ALEXANDER—If it has not, it ought to have. The people of New Brunswick have a noble province and they ought to be able to have an experimental farm, because it does not cost a large amount and at all events the provinces ought to govern such institutions. I am utterly surprised at the present time, when we have a deficit of over \$3,000,000, that

the Government should be creating unnecessary offices—and sources of public expenditure. Is the policy of Sir John Macdonald to force upon the country a legislative union? It would almost appear so. Although the provinces, under the British North America Act, were assigned the appointment of license commissioners he brought in a bill in the Dominion Parliament to deal with that subject. So with regard to this question. I suppose, such encroachments are made to give him more influence, more patronage, and to waste the public money. The hon. gentleman from Toronto is just the person to bring in such a bill. The Government could not possibly find any gentleman better fitted to advocate such a measure. If there is anything that will arouse this country, it is the recklessness of the present administration. They have enough to do if they attend to their own duties, and so with regard to the licensing question, they appointed commissioners and brought upon the provinces trouble and expense as the result of unconstitutional legislation. Here again we are called upon to deal with a bill to duplicate officers in every direction, with what other object but to increase the patronage of the Government? I speak as an old member of the Board of Agriculture of Upper Canada for 20 years, and as an old President of the Provincial Agricultural Association knowing the working of such institutions, and if this House does not desire to be considered a mere register office of the acts of the Government and the pocket borough of Sir John Macdonald, it will throw out this Bill as a measure to squander the public money. If the measure were confined to the North-West there might be some justification for its introduction. They have no Provincial Government there, but why apply it to Ontario and Quebec, which possess their Boards of Agriculture and have their regular agricultural exhibitions? It is only another illustration of the manner in which this Government is throwing broadcast the public money.

HON. MR. MACDONALD (B.C.)—The different States of the neighboring Union have exercised a wise course with regard to this subject. They have endowed these institutions with grants of land, and now the experimental farms are

self-supporting. The rents and revenues of those lands go towards paying the expenses of those farms. I find that there are in the United States 36 experimental farms spread over the country, and attached to them there are colleges as well, where a highly scientific education is given to students. I hope the Government will carry out the plan proposed in this Bill. I would suggest to the hon. gentleman who has charge of the measure that he should recommend to the Government to set apart lands in the North-West for the purpose of sustaining those colleges. Those lands will increase in value from year to year and help ere many years to make these colleges self-sustaining.

HON. MR. VIDAL—While warmly sympathizing with the object which the Government have in view in bringing in this measure, I for once agree with the remarks made by the hon. member from Woodstock. I have very grave doubts as to the propriety of the Dominion Government undertaking the work. It appears to me that it is one of these matters which come properly under the management of the Provincial Legislature. I think if the Government had confined the operation of this Bill to the North-West and had there conducted the experiments in the most thorough and efficient way—with a lavish expenditure, if you like, of money—it would have been a very desirable and proper thing. I do not feel that I could venture to urge my view strongly, because this has received the sanction of a great many gentlemen more competent to judge of provincial rights than I am; but in my opinion it is a measure which could with great propriety have been confined to our North-West Territories.

HON. MR. DEBOUCHVILLE—I cannot agree with the hon. member from Sarnia. If he refers to clause seven he will see that the experiments and researches bearing upon the agricultural industry or Canada, will be of great importance to all the Provinces. Seven or eight subjects, concerning which experiments are to be made, are specified, and the results attained cannot fail to benefit the whole Dominion: the cost of conducting these experiments would be too great, I think, for the local govern-

ments to incur. It is necessary also that there should be uniformity in making those researches, and it is only by the Federal Government directing them that we can expect to attain a good result. Another gentleman who spoke before the hon. member from Sarnia reproached the Government for having brought in this Bill; I am disposed to compliment the Government for having introduced such a measure, but it must not be forgotten that this is only the result of the investigations of a committee of the House of Commons last year which sat for the greater part of the session, and which I may mention was presided over by Mr. Gigault, the member for Rouville, who showed, in the researches he made, a great deal of industry, for which he deserves the thanks of the country. If any fault is to be found, it should be with this committee as well as with the Government. However, in my opinion, the Government deserve the greatest credit from the country and from this House for the course they are pursuing on this subject.

HON. MR. VIDAL—My hon. friend has misunderstood me; I have no objection to the Dominion Government expending money in this direction, but I think it would be more consistent with our constitutional usage if it were done by giving liberal grants to the Provincial institutions to carry out the experiments required. My objection is, perhaps, only technical; I do not object to the expenditure, but to the mode in which it is made.

HON. MR. HAYTHORNE—As the House is not in committee now, it is not the proper time for a minute discussion of details. For my part I perceive pretty clearly that much good may result from the contemplated experimental farms, provided they are well managed—that care is taken that the business is conducted on a safe and sure basis, that the farms are not made political farms, and that great care is taken in the selection of those who are to manage them. One of those farms committed to the care of an incompetent manager will be worse than useless: it will not accomplish the objects intended and it will bring the Government experimental farms into disrepute. On the other hand great good

can be done by putting good and efficient men there, quite apart from politics. If the Government in power can find a capable farm manager of Liberal tendencies, let them appoint him, and that will give the public confidence: it is confidence which above all is necessary to make an experiment of this kind work smoothly. I am still rather in the dark with regard to the course of practice intended to be pursued. There is one clause of this Bill which I should assume intends that stock breeding shall be a part of the business of the farm, and I suppose it will, to a certain extent, but that is not made sufficiently clear with reference to one of its most important branches, particularly as regard the Maritime Provinces—that is the 'breeding of horses. Now, I believe that if experimental farms were established in some convenient places in the Maritime provinces, in which the breeding of stud horses would be a special object, that in ten years time the Maritime Provinces might become the best market for horses in America. I say this after a great many years experience, and I know the chief obstacle to our success in that point is the inability of the several Provinces and individuals to invest a sufficient sum for the purchase of the very highest class of stud horses. Let hon. gentleman look at the history of the American trotting horse, and they will find, I think, in every instance that the race horse of to-day in America has derived his principal good qualities from some high class English imported stud, and we know to-day that there is a constant importation going on amongst the more wealthy Americans of English horses. What has enabled American and French gentlemen to raise horses which have carried off the principal prizes on the English race courses? It is that the English have freely permitted the exportation of their highly bred horses. In Kentucky the English race horse seems to be perfectly at home, and I may say from my observation that he is equally at home in the Maritime Provinces, and his progeny can be reared with as excellent qualities—and as cheaply—even more cheaply than in any other part of North America. It is, of course, an important thing to decide what shall be the chief object to which the experimental farms shall be de-

voted. I believe that in the Maritime Provinces dairying and cattle and horse breeding are amongst the most important interests we have. We cannot pretend to compete with the West in the production of wheat, nor with India and the Australian colonies. It is with us, as with a great deal of the western part of America: we have lost that famous wheat trade which used to pour a treasure annually into the remotest districts, but we have substituted other things for wheat, oats, potatoes and articles of that description. Our attention is now being turned to dairying—the production of cheese and butter—and the feeding of bullocks and rearing horses. It was stated the other day, on good authority I believe, that Prince Edward Island exported 1500 horses in one year. That is a very large number and no doubt the export could be greatly increased: and what is perhaps of equal importance, the price realized for them might be very readily enhanced simply by the possession of superior stock. It is in accomplishing this object that the experimental farms could be most advantageously used. They could set at rest which breed is best, and, having demonstrated this by experiments, it would not be so difficult to encourage farmers generally to follow in their steps. In Prince Edward Island we have had two stock farms, one of which has been in existence for 25 or 30 years. The object there has not been to experiment in fruit or grain growing. What we have done has been to rear the best cattle, sheep and horses which our circumstances would admit of, and sell them by auction once or twice a year to the farmers of the Province. Often and often I have known—because I have been on the board of managers—animals to be sold at the stock farm for very much less than the managers could have obtained for them for export; but that was not the object for which the farm was established. It was felt more in the interest of the Province to sell them at a far less sum and keep them in the Province than to realize a higher price and send them abroad. I feel perfectly satisfied that if a first-class stud of English horses were established at an experimental farm in the Maritime Provinces, and followed up, perhaps, by a lot of imported mares of the same character, in 10 years there would

be a market in those Provinces for horses of the best quality and character to be found in all this continent. As to some of the other uses to which the experimental farms could be applied, I think they could be made very valuable. Some of the problems referred to here have been solved to a certain extent at the Ontario farm. I believe large experiments have been made there in feeding cattle and an accurate record has been kept of the consumption of feed by an animal from the day of its birth to the day of slaughter. They have shown the relation which food bore annually to cost, a most valuable experiment for farmers, and the result has been, I think, very encouraging on the whole. Another thing which has been done there is to ascertain the value and peculiarities of the different breeds of stock. In fact, so far as Ontario is concerned I should say this: that if the Government experimental farm is conducted as successfully as I understand the Guelph farm has been, it will leave very little to be desired. It will furnish a good pattern and afford a stimulus to exceed it if possible. There are many experiments in fruit growing—with the vine for instance—which might be made. We know very little about the vine in Canada. I am not aware that extensive experiments have yet been made to show which are the hardiest and earliest varieties of grapes; that is a most important subject in a climate where the summer is barely long enough to mature the fruit. I know in the Maritime Provinces the production of fruit has increased enormously of late years. After failures for two or three years I have myself at last succeeded in growing fruit. The great point in those experimental farms is to prevent the loss of time and money which attends experiments when conducted by individuals. They would put the farmer on the right track and demonstrate the best kinds of fruit to grow, show how they are to be obtained, and so with regard to insects which are so destructive. The Guelph farm and, I think, the famous Commission of the Ontario Legislature furnish an extensive history of these things. No work which has come before me on the subject of agriculture is more thoroughly searching than the report of the Ontario Agricultural Commission. Some gentleman connected with the Agricultural

Department at Toronto was polite enough to send a copy of it to me. I have taken pains to circulate it amongst some of the most intelligent farmers of my Province, and invariably they have expressed surprise and admiration at the amount of good done by that Agricultural Commission. There is another thing to which I would like to allude before sitting down: it is the benefit derived all over the provinces from the Agricultural School at Guelph. Several times I have made application on behalf of people in Prince Edward Island for the admission of students, and I have always found a readiness to admit them to share in the great benefits to be obtained in that college. They have been admitted without scruple or hesitation; no unnecessary difficulties have been thrown in the way. The youth obtain a knowledge of agriculture there which they could not otherwise acquire without the experience of half a lifetime. I would touch upon one point more which I think will prove conclusively the necessity of the farmers of this country availing themselves of every possible means of improving their position. We see large quantities of mineral phosphates mined every year, particularly in the Province of Quebec, and yet, strange to say, by far the greater portion of it is exported to foreign countries. We hear frequently of failures of crops, even in wealthy, rich Ontario, where the land is supposed to be of the most fertile character and admirably suited for the growth of cereals. We hear of disappointments in the wheat crops—that they have been destroyed by rust, by the fly, or fail to come to maturity. Farmers generally do not appear to care to investigate those things, and yet if they obtained and read some of the manuals in use in agricultural schools in the United States they might see the causes of those failures to a great extent explained. It is shown that these mineral matters, which are found in every plant of wheat, are as essential to the growth of that plant as nails are to the building of a house. Without the nails a house cannot be made to stand, it falls to pieces, and without these mineral phosphates, apatites, and other fertilizers, a cereal plant, wheat particularly, cannot come to perfection. It is from long cultivation that these particular properties come to be exhausted from the soil. Science tells us how to replace them. It

tells us that the minerals which are found in such great abundance in this country can, with a little preparation, be applied to the restoration of those exhausted phosphates to the soil. With reference to stock, I would say this with regard to my own province: It is alleged that for every hundred acres of improved land—and one-half of the whole area of the province is improved—there are 55 head of stock. I cannot from personal knowledge vouch for the accuracy of that statement.

HON. MR. HOWLAN—The figures in the census are 57 to the hundred acres.

HON. MR. HAYTHORNE—I would just suggest to the House that if it were possible to add a dollar to the value of each animal, what an immense access to the public wealth that alone would make, and any one who has a practical knowledge of farming must be aware that there is far more difference than that between the value of, for example, a good grade short-horn ox three years old, and an animal of similar age not of improved blood. The one can be fed to advantage—the other scarcely pays for the food he consumes. Now carry out that idea throughout the country generally for a moment—every cow, every sheep, every ox and horse having but \$1 added to its present value, see if there is not something to be gained by improving our system of agriculture. I do not wish to let it be supposed that in my opinion no dangers attend these farms. For instance, the Government may be remiss in establishing some of the remoter stations. We may have this 500 acres farm established here in the neighborhood of the capital, to be a very nice show place for visitors to Ottawa, or members of Parliament to drive out to on a holiday and spend an afternoon there: but the remoter parts—the Maritime Provinces for instance—may be forgotten, and we may find unexplained delays in the establishment of our experimental farm down there. Then, again, it may be right to record my opinion that the success of those experimental farms depends entirely on the honesty and skill with which they are conducted. If they are conducted on a proper basis they will be successful: if not they will be abused.

HON. MR. O'DONOHUE—I have felt a good deal of pleasure in listening to my hon. friend who has just taken his seat, and on the subjects he has dealt with I have nothing to say. I agree with almost everything he has said and I have an idea with regard to the mode of setting this thing on a suitable and permanent basis. As to the colleges themselves, I believe in them: but as to conducting them and supporting them from the seat of Government here I have doubts. I believe that at distant points there may be the neglect that my hon. friend adverted to: but when he speaks of anything affecting Prince Edward Island being forgotten or kept out of sight in this Chamber, at all events nobody will be disposed to agree with him, as long as its present representatives occupy their positions in the Senate. The idea which I wish to express is this: in my opinion it would be better if the Central Government appropriated a sum of money to be used by each province as soon as the provinces showed interest enough in the enterprise to put up some proportion of the money themselves, and give each province the management of the institution therein established. If we do not interest the provincial authorities in the institution, and leave it entirely in the hands of the Central Government, for my part I believe it will become extremely expensive, and will not be thoroughly conducted. But if—taking any basis you please, whether it be population or any other—the Central Government appropriate a sum of money to each of the provinces to be used as soon as that province comes down with a stated sum of money, then I think that province would take care of its own interest and the chances are that the experimental farm would be a success. This would not apply, of course, to the North-West Territories. Their supervision should be done from here; but, without knowing much on this subject, I have a very strong belief that this system would best secure the desired end. It would create an interest in it in each province, and when it became known that a sum of money was lying to the credit of each province in the Dominion exchequer, to be called upon when a province produced such additional sum as would be necessary, I feel that it would not be long left idle, and that it

would produce more good than to leave the entire control with the Central Government.

HON. MR. PLUMB—I was very glad to listen to the clear, lucid and exhaustive statement made by the hon. gentleman from Toronto in introducing this Bill. We are very much indebted to him for giving us a full explanation of the contents of the Bill, of the principles which are contained in it and of its laudable objects. I was also very much gratified to hear an expression in its favor from gentlemen on the other side of the House, one of whom gave us, as he always does, a speech which was comprehensive, and which showed that he had fairly mastered the subject; at the same time I imagine that many details of the Bill had better be left until it is read clause by clause, and we have an opportunity of discussing it in Committee of the Whole. I do not rise for the purpose of discussing the details of the measure, but to correct an impression which seemed so material as to lead the hon. gentlemen from Sarnia to strike hands with a member with whom he does not often agree—a gentleman whose course in this House has not been such as to lead anyone to follow him very closely. The hon. gentleman from Sarnia said he thought this was particularly a matter which should be dealt with by the several provinces, and my hon. friend who has just sat down has also spoken somewhat to the same effect, although not exactly in the same line. The hon. gentleman from Sarnia thought it should be left to the provinces altogether; and the hon. gentleman from Toronto thought it would be well that the Dominion should make certain appropriations for each of the provinces, those appropriations to be used for the purpose mentioned here, and to be supplemented by similar appropriations from the provinces, the working out of the institutions to be thus created to be left to the provinces themselves. I will not discuss that question. I have my own opinion upon the success of some institutions that have been started in that way; but I wish to say that there is a clause in the British North America Act, which obviates entirely the objection which is made by my hon. friend, if he intended to convey the idea that there was constitutional



objection to this kind of legislation. The 95th Section of the Act of Confederation reads this way :—

“In each province the Legislature may make laws in relation to agriculture in the province, and to the immigration into the province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the Provinces, and to immigration into all or any of the Provinces; and law of the Legislature of a Province relative to agriculture or to immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.”

It was therefore intended that this, the paramount interest of this country—the interest which is the basis of all the wealth of this country—should be regulated finally by the Dominion Parliament, and I think that clause effectually settles the question as to whether the Parliament of Canada has any right to inaugurate such legislation as this. My hon. friend from Prince Edward Island, with that loyalty to his own Province which is apparent in every address that he makes to this House—which is very laudable, and which everyone admires—has suggested certain departures from this Bill in the enlargement of its scope. He speaks of the raising of horses. I think it is entirely foreign to a bill of this kind to provide that the Government shall go into stock raising. In the first place, the experiments in that direction are enormously expensive. The hon. gentleman has referred to race horses. Does he not know that those horses which have enabled the American breeders to win the prizes on the race courses of England are the result of an outlay so great that no success in the way of experimental stock raising can repay it in the slightest degree? I know that the gentleman who is the owner of Rayon D'Or paid \$40,000 for that horse. Lexington and those famous horses that have been the progenitors of this stock were horses of priceless value and could not be reached by Parliament, and to breed from second rate stock is simply to deteriorate the stock that now exists. The same way with the breeding of thorough bred cattle—all experiments of that kind can be very safely left to private enterprise. There is wealth, enterprise and skill enough in all the Provinces to keep up the breed of horses, but I am sorry to say that it is

not done as well as it ought to be. Nothing remunerates the farming community better than to have the best class of stock, whether it be in horses, cattle, sheep or swine, or even poultry. The hon. gentleman from Prince Edward Island says that while he is quite sure the objects of this Bill will be carried out in the neighborhood of the capital, there will doubtless be an outlay which will enable gentlemen who have leisure time, as we have at our disposal occasionally, to drive out and visit those places: and they will be kept in special order for the inspection of members of parliament, to whom the officials will be indebted for appropriations from time to time: and he seems to suspect that the Maritime Provinces will be forgotten. From my experience in this House I do not think that the Maritime Provinces are likely to be forgotten. I think they are likely, under any circumstances, to make themselves heard, and if there is any neglect, we may be sure that my hon. friend from Prince Edward Island will make us acquainted with it. Even though his observations in that respect are sometimes microscopic they are useful, and he will not let us forget him or his island. But there is always a fly in the ointment. The hon. gentleman is a little afraid that this project will not be carried out with honesty and skill. I can say to the hon. gentleman that so far as my experience is concerned, honesty and skill are not confined to one side of the House or to the other: and I think he may safely trust the Conservative party, who are likely to carry out the provisions of this Bill, and to see those experiments extended for a good many years to come, will have the political tact to see that institutions of this kind are carried out skilfully and honestly for the purpose for which they are created because the mainstay of any political party is the agricultural interest of the country. The farming interest is that which any political party must ultimately depend on for success, and I say with particular pleasure that, so far as I know anything about the political conditions of the Provinces with which I have acquaintance, I think we are fairly supported by the agricultural interests, and we shall endeavor in carrying out a measure of this kind to show our gratitude for that

support. In the North-West it is of vast importance that experiments of this kind shall be made. Everyone can understand that it is for the interest of the Government and the people of Canada, because we should not on every occasion look at the measure from a political point of view. I hope we may be able, in discussions of this sort, to divest ourselves as far as possible of political leanings, and everything which can be done to develop the agricultural interests of the North-west (the only interest there worth developing except the coal and cattle interest) should be done for the benefit of the older provinces, in order to increase the revenue of the people and to make their lands valuable. As an evidence of what may be done in that country, I see that the revenue receipts of Manitoba and the North-West together are almost enough to pay the interest upon the whole debt created by the expenditures upon those Provinces, including outlay upon the Canadian Pacific Railway—in a country which fifteen years ago did not yield revenue enough to pay the expense of keeping up custom houses.

HON. MR. POWER—I had not proposed saying anything on this measure until I listened to the observations of the hon. gentleman from Niagara. The hon. member who introduced the Bill made an admirable speech, in which there was no word of politics. The several gentlemen who followed him said nothing about politics. The hon. gentleman from Sarnia, and the hon. gentleman from Toronto (Mr. O'Donohoe) thought it might be better that the Government should not undertake the experimental farms in the older Provinces, but should assist the Provinces in doing the work, and I was rather disposed to adopt that view myself, but as it was a matter concerning which one could not be quite certain, I did not propose to say anything. I thought this was a measure introduced by the Government simply for the purpose of improving the agriculture of the country.

HON. MR. ALLAN—So it is.

HON. MR. POWER—I gathered from the remarks of the hon. gentleman who represents the Government occasionally

that that is not the sole object of the Bill. The hon. gentleman from Niagara has perhaps given us another reason for the introduction of this measure, and that is that the Conservative party have been receiving a very large agricultural vote for some time, and they think desirable that this measure should be introduced as an indication that the Conservative party has at last awakened to the fact that they do owe something to the agricultural interests. Up to the present they have not seemed to realize that fact at all. They have been doing a good deal for manufacturers, contractors and people of that sort, and now, as the elections are approaching, we are informed by the hon. gentleman that they have awakened to the value of the agricultural vote. If that is what this measure means I think it is to be regretted that so much is to be expended for such a purpose. If the money is to be spent in an honest effort to improve the agriculture of the country it will be money well invested. If it were placed in the hands of a department which was under the control of a gentleman like the hon. member who has introduced this measure in the Senate. I should feel satisfied that it would be well expended in the interest of agriculture and not in the interest of politics. As it is not, I feel rather doubtful.

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

## STEAMBOAT INSPECTION BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into committee of the whole on Bill (103) "An Act further to amend the Steamboat Inspection Act 1882"

In the committee, on the 1st clause.

HON. MR. PLUMB said: This clause really provides that the certificate given shall be on parchment instead of on paper.

HON. MR. POWER—It provides also that the certificate shall be granted by the Minister of Marine and Fisheries instead of by the Board of Inspection. Perhaps the hon. gentleman will tell us why that change has been made.

HON. MR. PLUMB—In order to save the necessity of going before the Board of inspection, as far as I can understand it.

HON. MR. POWER—The candidate has to pass his examination now as well as before ; it is only as to the certificate that the change is made.

HON. MR. PLUMB—He brings the certificate from the Board of Inspection, and I think it is perfectly simple that he gets his certificate from the Minister after passing his examination.

HON. MR. DEBOUCHERVILLE — The explanation is in the preamble ; that the board of Trade of the United Kingdom have reported to Her Majesty that they are satisfied that the examination under the Canadian laws of persons applying for certificates as engineers are equally efficient with those granted for the like purpose under the Imperial Acts, and they have advised the extension of the provisions of the Order in Council made under the Merchant's Shipping Act to persons intending to act as masters on board British sea-going ships, making Colonial certificates of competency of the same force as if they had been granted under the Imperial Acts.

The clause was agreed to.

HON. MR. BOTSFORD, from the Committee, reported the bill without amendment.

## FINAL SETTLEMENT OF MANITOBA CLAIMS BILL.

### THIRD READING.

The House resolved itself into a committee of the whole on Bill (123) "An Act to explain the Act intituled 'An Act for the final settlement of the claims made by the Province of Manitoba on the Dominion.'"

In the committee,

HON. MR. POWER—This is a Bill of some little consequence, and I think we ought to be informed as to what its effects would be. I do not think the members of this House ought to shut their eyes and

open their mouths and swallow any measure the Government give them. As far as I can make out, it provides that Manitoba shall be allowed a debt of \$4,000,000. Under the Act of last year, which this Bill amends, and which we were told was a final settlement of the claims of Manitoba, we were informed that the population was to be estimated at 125,000, and that the subsidy was to be at the rate *per capita* as fixed by Act 33, Vic. Cap. 3. Will the hon. gentleman be kind enough to explain the object of this Bill.

HON. MR. GIRARD—The object of the Bill is to repair an error in the Act of last year. That Act, instead of referring to the measure of 1873, which adjusted the share of each Province, referred to the Act of 1870, generally known as the Manitoba Act. That was a mistake, the effect of which would be that Manitoba would lose \$4.67 per head of its population. The object of this Bill is to rectify that error and complete the arrangement intended to be sanctioned by the Act of last year.

HON. MR. VIDAL—I hope the hon. member from Halifax is abundantly satisfied with the explanation which has been given, but I repel with considerable indignation the charge made against this House of adopting any measure without intelligently inquiring into it and understanding its provisions. Such a charge we certainly are not open to.

HON. MR. POWER—I hope my hon. friend quite understands the provisions of the Steamboat Inspection Bill.

HON. MR. VIDAL—Where is the necessity for even the explanation which has been given. The preamble tells us that the Bill is to remove all doubts as to the interpretation of a certain section. I take it, when a bill comes to us with a preamble of that kind, that its object is unmistakable—that it is simply to make more clear some expression in a former statute.

HON. MR. POWER—I do not see why the hon. member from Sarnia should give me to understand that I had no business to ask for this information.

HON. MR. VIDAL—Not at all; I did not say that.

HON. MR. POWER—I have to thank the hon. member from St. Boniface for explaining the difficulty in my mind. I find (I had not noticed it before) that section 24 of the Manitoba Act provided that the Province of Manitoba was entitled to receive from the Dominion of Canada interest at the rate of 5 per cent. on the sum of \$472,090. Then, under the Act which was passed in 1882, the subsidies to all the provinces were increased and Manitoba became entitled to an amount *per capita*, equal to interest on an amount of \$551,447: last year's Act, instead of being based on the Act 45 Vic., was based on the Act of 33 Vic. I quite understand the object of the Bill now: I did not understand it before. I only wish that other Bills which come before this Chamber were explained in as satisfactory a way as this has been.

HON. MR. ALLAN, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

The Senate adjourned at 9:45 p.m.

### THE SENATE.

*Ottawa, Monday, May 17th, 1886.*

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

### FREE PASSES ON THE CANADIAN PACIFIC RAILWAY AND GRAND TRUNK RAILWAY.

#### MOTION.

HON. MR. MCINNES (B. C.) 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 list of the names of all Senators and Members of the House of Commons who received Half Fare Tickets and Free Passes over all roads or portions of roads owned or operated by the Canadian Pacific and Grand Trunk Railway Companies between the first of November last and the first of April, 1886.

He said: As hon. gentlemen will remember, the reason I gave some time ago, when I asked that this notice should stand, was that I had written to a distant part of the country for some information having a direct and important bearing upon the subject under consideration. I regret to say that that information has not come to hand yet. However, although it has not come, I will proceed with the motion, although at considerable disadvantage, in consequence of not having that information. All of us who have been in public life for any length of time, in the honest discharge of our public duties have often been called upon to do and say things that we would much prefer to leave undone and unsaid or let others do them for us. That is the position in which I find myself to-day. I find that I am taking a very unpleasant and unpopular course. I am quite conscious of the fact that this motion is not only unpopular but highly distasteful to a large majority of the members of the House of Commons as well as in the Senate. Yet, however disagreeable and distasteful the task may be, I feel that it is a duty I owe to this House and to the country to bring to public notice a custom that has been in vogue for some time and which can have but one tendency, and that tendency an evil one. The custom has prevailed for some time that all railway companies in Canada give half fare tickets to members of parliament. That has become one of the unwritten laws of our country. Even the Intercolonial Railway has adopted the system and there is not an hon. gentleman in the Senate or the House of Commons who has not received a half fare pass over the Intercolonial Railway, the Grand Trunk Railway or the Canadian Pacific Railway, and not only that, but I am credibly informed that a great number of them receive free passes over the Canadian Pacific Railway, with the exception of one humble member of this House.

HON. MR. KAULBACH—Who is he?

HON. MR. MCINNES—When the return comes down the hon. gentleman from Lunenburg will see who it is. I might say for the information of my hon. friend that that hon. gentleman up to last year, was as highly favored probably as any member of the Senate in that respect. He not only received a half fare pass, but received an annual free pass over all the roads owned and run by this particular company, but it has endeavored to single him out and boycott him this year. This has all been done in consequence of that hon. gentleman having taken the liberty of criticizing some of the particular actions of that company. I have two objects in bringing this matter before the notice of the House. The first and most important is to prevent or discourage this vicious system of issuing passes to favored members, or rather to supporters of the Government, without making it general.

HON. MR. READ—Because you did not get one yourself.

HON. MR. MCINNES—I did not catch the hon. gentleman's remarks.

HON. MR. MACDONALD—It is only an "Oh!"—an Irish objection.

HON. MR. MCINNES—Some hon. gentlemen cannot be convinced. I do not think any reason, any logic, or any evidence in the world would convince them, because their minds are fully made up to support one course—right or wrong—and that runs in a very narrow channel.

HON. MR. OGILVIE—It is not true.

HON. MR. MCINNES—I would state for the information of the hon. gentleman who last interrupted me that the understanding was entered into at the request of the Canadian Pacific Railway and the Grand Trunk Railway companies of this country at the beginning of this year, that no free passes should be issued to any member of this House or of the House of Commons; that they were to receive half-fare tickets which would be good only during the Session and not during the year. That was done at the special request of the manager of the Canadian Pacific Railway. At that time

the President of the Company and another very important director, as well as the Premier of this country, were absent from the Dominion; but after they returned a very suspicious occurrence took place, that is—instead of adhering to the agreement entered into between themselves and the Grand Trunk Railway Company, the Canadian Pacific Railway Company went to work and issued passes wholesale to members of this House and members of the Commons who support the Government. I have heard it stated by several reliable men who know a good deal about the internal working of these companies that the Canadian Pacific Railway Company did not intend to issue any free passes until they found out that they had to come to the Government of Canada to seek aid. That is the reason, I am told, why they departed from their own arrangement of only granting half-fare tickets during the Session.

HON. MR. KAULBACH—Who told you so?

HON. MR. MCINNES—If the hon. gentleman is so anxious to find out who told me, I have only to say that if this House grants me a private commission, I will prove all I have stated on the floor of this Chamber, and a great deal more. I am stating what I know to be correct, and I challenge the Government to gainsay it; if they do, I only ask for the machinery by which I can prove it under oath from the mouths of those individuals themselves.

HON. MR. KAULBACH—What individuals?

HON. MR. MCINNES—Persons connected with the Grand Trunk Railway and the Canadian Pacific Railway, if the hon. gentleman is anxious to find out. They do not give free passes to members on the Opposition side of the House?

HON. MR. McMILLAN—They did not grant me a half-fare pass.

HON. MR. MCINNES—They have granted not only free passes but more valuable considerations in some instances.

Now I ask hon. gentlemen why do the Canadian Pacific Railway Company or other Railway Companies distribute their favors in the shape of free passes to Government supporters in Parliament?

HON. MR. BOTSFORD—To Government supporters only?

HON. MR. MCINNES—Almost exclusively. There are a few exceptions, but very few.

HON. MR. ALMON—There is the senior member for Halifax.

HON. MR. MCINNES—We will find out when the list comes down. Are the members of this House who support the Government all such sweet, dear creatures that the Canadian Pacific Railway Company cannot resist their smiles, and must reward them in some way, and the cheapest, by giving them free passes? If it is not owing to their sweet smiles, and meeting the managers of the Canadian Pacific Railway hat in hand and bowing to them, and all that kind of thing, it must be that the Company think they are very poor—very hard up and have not funds enough to pay their way the same as ordinary people; what is more likely and the view that the taxpayers of this country will take of it, is that those passes are given for the most selfish and sordid purposes, in order to place the supporters of the Government in this House and in the other House under an obligation, and the motive, no doubt, is to bribe. I would not for a moment say of members of this House that such a trivial affair as this would bribe them; but I have no doubt that the rate-payers of this country will view it in that light—that that is the sole object of the Railway Company in issuing free passes to members of Parliament. I believe it is only right and proper that we should all meet here on the same level. I believe that it is wrong and vicious on the part of any Railway Company to approach private members of this House by giving them free passes—especially any Railway Company that is coming before us asking for further legislation—for new favors as the Canadian Pacific Railway Company is doing at the present time. It can-

not be looked upon without suspicion. I have heard it stated, on what I consider to be pretty good authority, that the Government are going to oppose this motion; that they are going to claim they have no power to demand such a statement; that this is a private matter wholly between the railway companies and individual members, and that this Government could not interfere with their internal arrangements. In order to satisfy myself on that point, I wrote some time ago to the solicitor of the Grand Trunk Railway, Mr. John Bell, of Belleville, a gentleman who has occupied that position for the last 35 years, and enclosed a copy of my notice asking him if the Government had the power to compel the Canadian Pacific Railway Company and the Company of which he was the solicitor to bring down a return. The reply was that, in his opinion, they had the power to do so. This letter is dated "Grand Trunk Railway of Canada, Solicitor's Office, Belleville, Ont., May 6th, 1886." If any hon. gentleman desires to see the letter he can have it.

HON. MR. KAULBACH—Why did you not write to the Canadian Pacific Railway Company for the same information?

HON. MR. MCINNES—The Solicitor of the Canadian Pacific Railway Company stands in such a position in relation to this matter that his opinion would be entirely useless.

HON. MR. McMILLAN—The other road is antagonistic.

HON. MR. MCINNES—I am not aware that there is any antagonism,—a return is asked from the Grand Trunk as well as from the Canadian Pacific Railway?

HON. MR. McMILLAN—The aim is at the Canadian Pacific Railway.

HON. MR. MCINNES—I think it is high time that in the interests of this House, and in the interests of the fair name of the Senate of Canada (which I am sorry does not stand as high in the estimation of the people of the country as it ought to) that they should stamp out this evil

which has done a great deal of mischief in the past and is likely to do a great deal more in the future, unless it is checked. If I live for another year it is my intention to introduce a bill, not for the purpose of preventing railway companies giving their pets in both Houses of Parliament free passes, because I am afraid that they would evade a law of that kind—but in defence of ourselves it is my intention to bring in a bill to compel every railway company in Canada to grant a free pass to every member of the Senate and of the Commons over their roads.

HON. MR. READ—And you will not get a seconder.

HON. MR. MCINNES—Hon. gentlemen may laugh; it may, perhaps, be a laughing matter to some hon. gentlemen, but I think it is a proper one, and a great many of the members of this House and of the other Chamber also would not be giving so many blind, foolish and I might say stupid votes as they are compelled to give by not having a better knowledge of the country that they represent.

HON. MR. VIDAL—It is a general insult to the House.

HON. MR. MCINNES—No it is not intended as a general insult to the House.

HON. MR. PLUMB—Then the hon. gentleman does not know what an insult is.

HON. MR. MCINNES—I say that it is impossible for a member of the Senate or of the other House to give an intelligent vote on a measure that affects the North-West Territory or British Columbia, places that they have never seen and in which the conditions of the matter under legislation might be totally different from anything we have here, thousands of miles away. I believe that it would be in the interests of the country were such a law passed. It would enable members of this House and of the House of Commons to travel and acquire that knowledge which they ought to possess to vote intelligently on matters affecting the different sections of this country.

HON. MR. OGILVIE—It is very gratifying indeed to find in this House such a very great purist as the hon. member from New Westminster, but it is not quite so pleasant to listen to the statements he makes indicating the very low estimate which he puts upon members of Parliament. He thinks that for a half-fare ticket or a free pass they are prepared to vote against what they believe to be right and for what they believe to be wrong. I think his estimate of the public men of this country is lower than that formed by the Canadian people.

HON. MR. MCINNES—I did not say that; I said it was quite evident—

HON. MR. PLUMB—The hon. gentleman should rise to a question of order.

THE SPEAKER—What is the question of order.

HON. MR. MCINNES—I do not rise to a point of order; I rise to make an explanation.

THE SPEAKER—The hon. gentleman cannot, without permission, interrupt another member even to make an explanation.

HON. MR. OGILVIE—The hon. gentleman said something about an agreement made between two railway companies on a certain subject. I have heard something about it, and think I am quite as good an authority on that matter as the hon. gentleman from New Westminster. I am not prepared to detail the statements which were made to me by those connected with the Grand Trunk Railway and the Canadian Pacific Railway, as I look upon what was said as private; at the same time I know that the hon. member is very far from being correct in the statements he has made. I know that positively, because I have seen the documents. The hon. member from New Westminster warns us of the terrible things that are going to happen to us if we continue to take these tickets, if we consent to be bribed—he stopped at that word because he thought it was going a little too far. It was rather funny, to say the least of it, that the hon. member had

nothing to say about these passes or half fare tickets or anything of the kind until the Company ceased to send them to him

HON. MR. MCINNES—I rise to a question of order. I did not say that they had not sent a ticket to me. The hon. gentleman is stating something that I did not say.

THE SPEAKER—That is not a question of order.

HON. MR. OGILVIE—I did not state that the hon. gentleman said so at all. I said myself that he did not raise any objection until they ceased sending him passes and I think most hon. gentlemen in this House understood me. Then he began to feel annoyed about it, and this motion is the result of it. Last year I heard a great many complaints from the hon. gentleman about the stupidity of the Canadian Pacific Railway Company in making their western terminus at any place but Port Moody. People say (I cannot tell you whether it is true or not) that the hon. gentleman owned a very large amount of land there. This year the hon. member from New Westminster, who had been a supporter of the Government, has been very much opposed to them on almost every question that has come up and wicked people like myself could not help feeling that it was simply because he could not sell his lands about Port Moody, and because Mr. Van Horne had found it was more convenient to establish the western terminus of the Canadian Pacific Railway at another place. I know it is very hard for a man who has calculated on making a half a million to a million of dollars on lands about Port Moody, to find that he has been engaged in a losing speculation.

HON. MR. MCINNES—I rise to a point of order. Is it the western terminus of the Canadian Pacific Railway that is under consideration, or the subject of granting free passes to members of Parliament?

THE SPEAKER—The hon. gentleman from Montreal is not speaking to the question, and besides he should not attribute motives.

HON. MR. OGILVIE—I have heard a great many members travelling further from the real subject before the House than I have been to-day, as the House I am sure will see. I think the hon. gentleman is incorrect in asserting that there has been a wholesale showering of passes among members of Parliament. Then, as to travelling on passes, I had passes over the Grand Trunk Railway before I became a member of the Senate, and I hope I may have them again. I had passes to go through the states of Michigan, Illinois, Missouri, Kansas and Nebraska last December, and back again; I do not think the companies I received them from expected me to vote for anything on the other side of the line because of issuing those passes. To show the House that I am not mistaken in saying that the hon. member from New Westminster did not object to these passes until he ceased to get them himself, I will read a letter from him to Mr. Van Horne, dated April 9th, 1886:—

“All the members of House of Commons and Senate, with the exception of the undersigned, received half fare passes from all the railway companies in Canada, and I understand, the majority of them have free passes over the Canadian Pacific Railway east of Port Arthur. As I am the only exception I would like to know the reason why.

I have the honor to be,

Your obedient servant,

THOS. R. MCINNES.

I think that will bear out what I was saying a few minutes ago. I do not doubt that the hon. member from New Westminster felt annoyed because they did not think enough of his letter to give it a reply. That I suppose has irritated him, and he feels now that if others are granted passes he will try to prevent it because he has not got one himself. He says all the railway companies send half fare tickets to members. He is wrong there. There are a great many railway companies in Canada that have not sent half fare tickets to me, and railways connected with the Canadian Pacific Railway too. If I cross the St. Lawrence to travel by the South-Eastern I do not get passes, though I can come up here by the Grand Trunk or Canadian Pacific Railway without paying fare. It is something new to have an hon. member stand up here



and give as his reason for moving this resolution, that he is afraid it may influence members to vote for the measures in which those railway companies are interested if they receive free passes. When I did have a pass over the Grand Trunk Railway on one occasion two or three years ago I voted dead against a bill in which they were interested. I would oppose anything that the Grand Trunk Railway or Canadian Pacific Railway Company might want to-morrow if I thought it was not in the public interest, and I am satisfied that a very large majority in both Houses would pursue the same course. I do think it is a great pity that a gentleman who has been respected so much as the hon. member from New Westminster has been should trouble himself about a small matter like this.

HON. MR. ALMON—We have all listened to the very sad, I might almost say moody—yes I will say moody, remarks which have fallen from the hon. gentleman opposite. He stated that passes had been given to hon. gentlemen because of their services as supporters of the Government. I am glad to hear that, because the senior member from Halifax, if that be true, is on our side: he has a pass over the Canadian Pacific Railway, as I have. In most cases, however, I have supported the Government, yet I have found myself differing very much from my colleague. But the hon. member from New Westminster says that is the test, and I must regard my colleague as a strong supporter of the Government. I am very glad of it: I think what we gain in that way will compensate for the three members we have lost. The hon. member from New Westminster says that these half-fare tickets and passes are given to us for either one of two reasons—either from sordid seasons, or because we are too poor to pay our fares. If I were the representative of New Westminster, residing in Toronto, and drawing an allowance every session for travelling from New Westminster to the Capital and return, I would no doubt be richer than I am. I do not know that the hon. gentleman does that, but I repeat if I was the member for New Westminster and had been living for a year and a half or two years in Toronto and intended to remain there for some time

longer, and was drawing a travelling allowance, as I have described, of a thousand and odd dollars—am I correct as to the amount?

HON. MR. MCINNES—Nearly everything you have stated is incorrect.

HON. MR. ALMON—If I were drawing an allowance of that kind I would not be seeking to travel on half fare tickets or in *forma pauperis*. Still I do not think I am at all bought by anything I have received from the Canadian Pacific Railway Company; and as for the Intercolonial Railway, though I do not claim free passes over that road for members of the Senate and House of Commons, I do think they ought to be given to members of the Civil Service, who are an under worked and under paid class. I think the Government should give them passes over all the roads they control, during the vacation. After all, I do not think there is any extraordinary privilege in granting half fare tickets. It gives me the same privilege I would have if I were to put on a white choker and pass as a minister of the Gospel. If I were travelling for a shoe manufacturing establishment in Montreal I would have half fare tickets over all the railroads. If I want to attend a Sunday school picnic, I can have the same privilege, and though the hon. gentleman may think that every man has his price, I should be sorry to suppose that it was so small an amount as a half fare pass.

HON. MR. MCINNES—Why make an invidious distinction? Why not treat all alike?

HON. MR. ALMON—The hon. gentleman divides those who take those tickets into two classes, sordid men, who are open to be bought, and paupers. Now I have proved that although we do not get travelling expenses for journeys that we do not make or intend to make, we still have money enough to pay our way. I am glad that this resolution has at last come up for discussion, because it is a disgraceful motion to appear on the order paper.

HON. MR. MCINNES—Yes; granting free passes to Government supporters only.

HON. MR. ALMON—Whether I have had tickets or not, I never wrote to Mr Drinkwater, or whatever his name is, asking for one.

HON. MR. MCINNES—Who asked for them?

HON. MR. OGILVIE—You asked why you did not get one.

HON. MR. MCINNES—I did, and had perfect right to do so.

HON. MR. ALMON—That question has already been answered by the letter that the hon. member from Montreal read. I am glad this motion is to be taken off the paper, because everybody, without exception, has looked upon it as a disgrace to the Senate.

HON. MR. READ—I would ask the hon. gentleman, who has made this motion, why make an invidious distinction of these two railways—why not say “all railways under the control of the Dominion of Canada?”

HON. MR. KAULBACH—And steamboats.

THE SPEAKER—He cannot do that without the consent of the House.

HON. MR. BELLEROSÉ—I may say that I am one of those members of parliament who have experienced the liberality of the Pacific Railway Company in the matter alluded to. I have been about 25 years in Parliament, and God knows, as well as man, whether I have been bribed at any time. I will not wait for the returns to come. I say at once that I received a free pass from the Canadian Pacific Railway Company this very year, and I cannot believe that their intention was to bribe me, because only last year and two years ago I opposed their Bills. Am I to suppose that they pay me in this way for having opposed them? I know there is a good deal of bribery, and that the affairs of this country are carried on largely on that principle, but it is not wise to be seeking for bribery in every act which the company or the Government may do. If you attempt to prove too much you will

prove nothing, and any man who wishes to impeach the Government successfully should think before he acts and see that he does so on such grounds as will meet with popular approval. In this instance I think the hon. gentleman is making a mistake. In my own case the House will recollect how decidedly I opposed measures of the Canadian Pacific Railway last year, and that even late at night I detained members of the House here while I was making observations to prove how incorrect it was on the part of the Government to allow the Canadian Pacific Railway to extend their lines to Portland rather than to Halifax, and how I denounced any scheme which would prevent us having a Canadian all rail route from ocean to ocean. I condemned the Government not only for having decided in favor of the extension to Portland, but I said they had done wrong in coupling in that same bill two public enterprises, one of which I could not vote against, though I was opposed to the other. As I stated on that occasion, I had to vote for the bill because it contained a measure favorable to my province, which I could not oppose. Now that was a strong argument against the Canadian Pacific Railway and against the Government, and yet I received a free pass this year. I am convinced therefore that the Pacific Railway Company never thought that by such means they could induce a member of Parliament to support them when he thought they were wrong.

HON. MR. MCINNES—Why do they not give passes to Opposition members as well as to others?

HON. MR. BELLEROSÉ—Because the company are working with the party in power. Have the Opposition at any time ever set aside party feeling and voted in favor of the Canadian Pacific Railway? Never. I thought in receiving that free pass from the Canadian Pacific Railway Company this year that they were doing nothing more or less than any hon. gentleman might do—that they said to me “You have stood by the Pacific Railway for ten years past; during that time we did not offer you a single cent; now that the work is over, now that the gigantic railway system of Canada has

been completed, we will offer you a reward." Is that bribery? Had I been offered a free pass at the beginning, I would have refused it; but how can I refuse it when I am offered the compliment after the work is completed. I am sure that any hon. gentleman who will look into the matter will see it in the same light.

HON. MR. MCINNES—What about the bill that they have before the House now?

HON. MR. BELLEROSE—If the hon. gentleman understands anything about logical argument he should see that my course in the past is evidence of the course I will pursue in the future. The Pacific Railway know that the party in power have stood by their enterprise for ten years. Last year when they asked for \$22,000,000 what did I say? I took a stand in advance of any member in either House. I not only approved of lending the money, but I said I was prepared to vote to give them the money, and I say so now, because we ought to be willing to give the same amount that we had offered to give ten years before. The Company have done their work so well that even Opposition members like Mr. Mackenzie are forced to say that the enterprise has been carried out more successfully than they had anticipated. If I criticise the Government every day, it is because I believe they are doing wrong and ought to do better, but when the Pacific Railway Company are doing their duty and rendering a great service to the country, I say it is not proper to represent them to the people as men who are lowering themselves so far as to be bribing members of Parliament for a trifle.

HON. MR. FLINT—I regret very much to have to make a few remarks in reference to this question which is now before us. In the first place, I think that the motion of my hon. friend is altogether wrong and I am very sorry that he has pressed it. I think he will come off the worst in the battle. So far as free passes are concerned, I can say this much—I have never asked of the Grand Trunk Railway, the Pacific Railway or any other company a free pass, half fare pass or any other pass over any

of their roads. I had something to do with the Grand Trunk at its inception. I have been in Parliament the greater part of the time since and had something to do with the Canadian Pacific Railway and am not sorry for any vote that I have given on that question. It was a wonderful undertaking and just what Canada needed to place it in a position to induce people to settle in our country, as they had been settling in the western states. And without this great line of railway we could not expect that our North-West Territories would become populated. It was impossible to expect it, because the experience of late years has been that immigration has followed the lines of railway. I regret very much that my hon. friend has placed such stress on this question; I do not think it is possible that any member of this House, or of the House of Commons, would be bribed to give a vote for the Canadian Pacific Railway because he got a free pass or a half-fare ticket over their road. So far as I am individually concerned, I can safely say that I have not been bribed; but it has looked to me a little as though my hon. friend would have been bribed if his wishes had been carried out as regards the purchase of land at the proposed terminus of the railway at Port Moody. I am sorry for my hon. friend, because I think he has taken a wrong course. He has given us a quotation from a letter written by Mr. Bell, the solicitor for the Grand Trunk Railway. I am well acquainted with Mr. Bell, and have known him for some fifty years. He is a gentleman of high standing in his profession, and a man much respected; but I may say this much for Mr. Bell's opinion: he is not always correct. It is not long since that gentleman gave an opinion on a matter connected with the County Council, and the judge at the last Assizes decided against that opinion and gave his judgment in favor of the opinion advanced by myself and others. Not being a member of the legal profession, it was not supposed that I should know as much about it as a lawyer, but I took the plain, common-sense view of it, and Mr. Bell's opinion has been pronounced wrong. If his opinion in that case was incorrect, his opinion in this case may be wrong also. I cannot see for the life of me how it is

HON. MR. BELLEROSE.

Possible that the Government can dictate to the Grand Trunk Railway or the Canadian Pacific Railway as to whom they may give passes and to whom they shall not.

HON. MR. MCINNES—The Government propose to make the Canadian Pacific Railway a present of \$15,000,000 this year.

HON. MR. FLINT—Supposing they do? If I give you \$20,000,000 that is no reason why I should give you more or that you should control me in anything. The fact is, the Government are not giving it to them; they are giving it to the country, and the country has the benefit of it, and the hon. gentleman voted for it himself.

HON. MR. MCINNES—Not all of it.

HON. MR. FLINT—The hon. gentleman did vote for the greater part of it; he voted until he found he could not make money out of it.

HON. MR. MCINNES—I am sorry that I am obliged to call my venerable friend to order. It is a sad state of affairs when an hon. gentleman cannot rise in this Chamber to discuss any public question without bringing in personalities. It is monstrous!

HON. MR. FLINT—I stand corrected.

THE SPEAKER—I think the hon. gentleman is wandering from the question and also that he is wrong in attributing motives to the hon. gentleman from New Westminster.

HON. MR. FLINT—I beg the hon. gentleman's pardon. I do not like to be personal, but it does strike me as strange that the hon. gentleman can rise here and impugn the motives of every gentleman in this House in accepting free passes.

HON. MR. MCINNES—I did not impugn the motives of hon. gentlemen here; I impugned the motives of the Company in issuing free passes to Government supporters and Government supporters only.

HON. MR. FLINT—It is the same thing.

THE SPEAKER—It is in that way I understood the remarks of the hon. gentleman from New Westminster—as not imputing motives to members of this House but to the Company.

HON. MR. FLINT—If that be the case then the Company, from what the hon. gentleman said, was issuing tickets to members of this House and to members of the Commons for the purpose of bribing them.

HON. MR. MCINNES—No doubt that was their object.

HON. MR. FLINT—It is suggested as being a kind of sop thrown out to members. I travel for half fare over that road, and is it to be supposed that I am, on that account, bribed to come here and vote any amount of money that the company see fit to ask? The thing is perfectly ridiculous. I happen to hold not only the Grand Trunk Railway pass at half-fare up to the last of May, but also a free pass on the Canadian Pacific Railway. I never sought for these advantages. I hold one for the Canada Atlantic, and also one for the Intercolonial Railway. I never sought for these; I never asked for them; and if they had not been sent to me I should never have grumbled about it; and if I had been placed in the position that the hon. gentleman occupies, and if all the members of both Houses except myself had received free passes, I would not have complained. I should never have written a letter asking the reasons for an oversight of that kind; I would have quietly submitted to it and said I was as able to pay my fare now as I had been before free passes were issued. I do not know whether the Government will give the hon. gentleman what he asks for or not; I am an independent man and not in the secrets of the Government; but I cannot see any good reason why the Government should be asked to bring down such a return as is asked for in this motion. I do not believe that any hon. gentleman here or in the other House who has got a free pass or a half-fare ticket would object to showing

them to the hon. gentleman if he asked to see them.

HON. MR. BELLEROSE—I will read from the journals of the House the names of those gentlemen who voted with the hon. member from New Westminster last year in opposition to the extension of the terminus of the Canadian Pacific Railway from Port Moody to Coal Harbor. I may say that a number of those gentlemen to my knowledge have received free passes. Was it a bribe to them or was it a reward for having opposed and voted against the company that free passes were given to those gentlemen? Amongst those who voted with the hon. gentleman from New Westminster are Mr. Armand, Mr. Bellerose, Mr. Guévermont, Mr. Kaulbach, Mr. Dever, Mr. Haythorne, and others—twelve in one of those divisions. There are some other divisions in which the same names appear, and I know that some of them have received free passes and half fare tickets. Is it because they opposed the Canadian Pacific Railway Company last session that they have received those passes?

HON. MR. LEONARD—This is a matter which I am sure interests the whole country. We are having a net work of railways all over the Dominion, and of course it affects the affairs of Parliament, and I feel that we are indebted to the hon. gentleman for bringing up this question, because it is only the beginning of a long contest that is looming up before us. My opinion about the whole thing is that the railways have a perfect right, and they exercise that right under the charters, to issue free passes or half fare tickets as they please. The railway companies of this country, like all other companies are seeking their own interest at the expense of the public, and I think that sooner or later Parliament will have to step in and regulate this whole system. I feel that these railway companies have made a great mistake in issuing free passes and half rate passages to certain parties. What is the object of it? We must conclude that it is in order to carry out their own designs, which is perfectly natural. This question is now before us and we ought to consider it and see how they are

working their schemes in order to carry out their own ends. I think the hon. gentleman is entitled to our gratitude for directing attention to this matter, which is an important one that we have got to investigate and will have eventually to regulate, because in our own little city I find that our Grand Trunk Railway are in the habit of giving drawbacks on freight to certain men who ship certain quantities of freight to different localities. It is very unfair: the honest man who is compelled to pay full rates is thus subjected to unfair competition. Hon. gentlemen rise here and say that the Grand Trunk Railway and the Canadian Pacific Railway are perfectly fair and perfectly right in what they have done, and this is proof to me that they have all got passes: and although I have had half fare passes myself, I refused to use them until two years ago when I saw that other members went in for it, and I thought I would go in with the crowd. But the principle is all wrong; we will have to regulate this vicious system by legislation.

HON. MR. POWER—I was very much pleased indeed to hear the remarks of the hon. gentleman from London. I believe it is the first time this session that we have had the pleasure of hearing his voice in this House, and I regret we do not hear it oftener; because it is the voice of reason, common sense and fair play. I should not have said anything on this motion if my hon. colleague had not thought proper to inform the House that I was the holder of a free pass from the Canadian Pacific Railway Company this session. I did receive a free pass from the Company this year, and I was very much surprised at getting it. I have constantly voted against their measures since the session of 1880, and any measure of theirs that I think is not in the public interest I shall vote against in the future. I was not aware, when I received that pass, that other members of the same political faith as myself had not received the same favor. I presumed that the company had made the issuing of the passes a general thing. I think it is to be regretted that they have not. I think the present system of singling out certain members as objects of special favor is a very objectionable one, and I hope it will be

put an end to. There is no reason why a member of Parliament should receive at any rate more than a half fare ticket. That is a usual favor I believe to other persons besides members of Parliament. We receive a very liberal allowance from the country for our mileage, and I think the least we may expect to do is to pay half fare rates. The system of issuing free passes is an objectionable one; or if they are to be issued they should be given to all members indiscriminately—adopt either one system or the other. Some hon. gentlemen have spoken of this privilege as being too small to influence the votes of members. It is not easy to tell how small a matter may influence the vote of a member sometimes; and I notice that in the United States this subject of railway passes has been thought worthy of special legislation in some of the States: and if I am not mistaken, the hon. gentleman from London indicates what is coming when he says that in the not distant future we shall have to deal with the matter here. There is this to be said about the Canadian Pacific Railway Company also, they have received very large sums from the public treasury. These funds are drawn from all classes of the population. The strongest Reformer has to pay his share as well the strongest Conservative; and as, in a certain way, it is public money that is being spent in giving these free passes, one party is quite as much entitled to them as the other. I repeat that the system is an objectionable one, and that it ought to be put an end to. There ought to be no free passes: but if there are free passes they ought to be free to both sides of the House. With respect to the letter of the hon. gentleman from New Westminster, which has been read by the hon. gentleman from Alma, I happen to know something about it, because the hon. gentleman spoke to me about this matter some time ago. I said to him that possibly he was under a misapprehension—that his pass might have been sent to British Columbia, or that it had missed him in some other way; that I hardly thought the company would have singled him out as an exception to the general rule; and he concluded then, in order to be sure that he had been so singled out, that he had better write to the Vice-President of the

company and ascertain whether his not receiving the pass was an oversight or accident, or whether it was the result of deliberation; consequently I think the letter does not tell for anything against the hon. gentleman.

HON. MR. KAULBACH—If this was a question with regard to Government railways I should support it, because we should have annually handed to us the statement of what is done on the Government lines; and if it were done it might disclose the existence of a system of which Parliament would not approve. From my own personal knowledge I believe such is the case: but my hon. friend asks for what I do not think the Government has any authority to grant. The hon. gentleman rather considered that the motive of the company in issuing free passes was to bribe, and he said it had a corrupt tendency, and if it were not for that there would not be so many blind, stupid, and foolish votes given by this House.

HON. MR. MCINNES—No I did not.

HON. MR. KAULBACH—The hon. gentleman said that, or words to that effect.

HON. MR. MCINNES—I did not say that in connection with the passes; but I said in reference to gentlemen in both Houses that they had not a sufficient knowledge of the country, and if all companies were compelled to give free passes to members of Parliament it would enable them to travel over the country and get a better idea of what legislation was required in order to benefit the country.

HON. MR. KAULBACH—I accept the hon. gentleman's explanation, but he stated the object of issuing these free passes, yet he complains that he is the only exception—the only gentleman who did not get one.

HON. MR. MCINNES—I did not say that.

HON. MR. KAULBACH—I do not think this has been made a matter of politics at all.

HON. MR. PELLETIER—I did not get a pass.

HON. MR. KAULBACH—The hon. gentleman stands just in the same position as I do. I have received no pass, and have paid my own fare over the railway. I received no passes within the time mentioned in this statement. It is strange that the hon. gentleman did not see the evil tendency of the granting of free passes until he was left without one. It had no evil effect on him when he was the possessor of a free pass; it did not prevent him from voting against the Pacific Railway,—neither had it that effect on me. Last year I went largely with my hon. friend on the Port Moody question, but I do not believe that it was in consequence of my independent vote in this House, that I did not receive a free pass. If I said anything about the company, or had called them robbers or plunderers, probably I would not consider myself entitled to a complimentary pass.

HON. MR. ALMON—You would not have accepted it from them if you had.

HON. MR. KAULBACH—No, I would not have accepted it from the company if I had as poor an opinion of them as my hon. friend from New Westminster seems to have. I do not think it becomes the hon. gentleman to bring this motion before the House, as it is only since he has failed to receive this favor himself that his eyes are opened to the corrupt tendency of the free pass system. I should not ask the company for a pass if I never got one. I never asked for a free pass from a railway or steamboat company in my life. If they think proper to send me one, I accept the compliment: nevertheless if I thought the company were not worthy of public confidence I should not accept a pass from them. I am sorry that this motion did not include free passes over Government roads, as I think it would show that improprieties exist there and that invidious distinctions are made in the issuing of passes.

HON. MR. VIDAL—I think we have wandered very far from the subject which is properly before us in the motion before the House. If the hon. gentleman had

really introduced the bill, which he has told us he contemplates introducing on a future occasion, then the discussion would have been in order, and pertinent to the subject; but what has the discussion been all about? All about the propriety or impropriety, the rectitude or the wrong in granting free passes. A very simple proposal is made to us that this House shall pass an address to His Excellency, asking for certain information. As to that information supposing it was in the power of the Governor in Council to give it to us, what object is to be gained by it? I cannot conceive any public interest that is to be advanced by the House being put in possession of the information asked for. It appears to me that it is a private concern between the railroad, and those to whom the railway company think proper to pay this compliment.

HON. MR. MCINNES—My hon. friend is afraid to give the true information to the public.

HON. MR. VIDAL—I do not think the public care one straw to know anything about the matter. It would be just the same thing to me to be told that every member in this House but myself got half fare or free passes as to be told that Mr. A, Mr. B or Mr. C, got free passes. But what position has this House to take? We ought to act deliberately and in a way consistent with our dignity and our intelligence. We ought not to approach the Governor in Council and ask him for that which we know he cannot give us. He is not in possession of the information which this address professes to ask from him. Those railway companies do not make these returns. The Government have no right to ask for such returns—I do not care for the opinion which has been advanced from Mr. Bell. In my opinion there is nothing in the law by which the Government can compel the companies to give this private information which we are asking for in this address, and by adopting it we are acting in a manner inconsistent with our position and seeing that the Government has no power to obtain this information, I think the hon. gentleman would best consult the dignity of this House and his own character and reputation by withdrawing the motion.

HON. MR. TRUDEL—When my hon. friend presented his motion he mentioned two different names as seconders. I think it has been questioned whether these gentlemen would second the motion or not. I told my hon. friend in such a case I would second the motion myself, though I would reserve my right to vote against it. I would have seconded it as a matter of courtesy, though I believe it is not necessary under the rules that there should be a seconder. Though I am ready to second the motion I may say that I do not believe we have the right to ask for such a return, and supposing the address were voted, I do not think His Excellency would have the power to order such a statement to be brought down to the House. It seems to me that this matter is about on the same footing as the private business of a bank. The fact of a man holding a free pass does not necessarily show that he has received a favor from a company. It may be, and it has happened very often that the accepting of a free pass and using it may be a favor conferred upon the company by the person receiving it. For instance, one of our colleagues here, who is well known to all of us as doing an immense business with the West; it is very well known that it is to the interest of the two railway companies to secure his trade, and this gentleman by accepting a free pass has an occasion to judge of the efficiency of the road, and whether it is in his interest to send his freight in that way. It does not necessarily follow that because a man has accepted a free pass that he has received a favor. It is a private matter into which we should not inquire. It does not follow that my hon. friend is altogether wrong in bringing this matter before the notice of the House. It might happen that bribery is done through free passes: at the same time the mode adopted by the hon. gentleman of bringing this matter forward is not the proper one. It would be first necessary to bring a case before the House: and the moment there is a special case where a member of this House is satisfied that there has been a case of bribery or an attempt to bribe, then it would certainly be judicious to move in the matter, either by asking for a committee, or by some other course.

HON. MR. CLEMOU—I intend to discuss this question from a different standpoint altogether. I intend to consider it from its financial aspect. I presume that the percentage of free passes issued is very small; therefore the advantage of half fares is in the company's favor. The company are naturally anxious to induce people to travel; they give this privilege not only to members of Parliament, but to all commercial travellers, to large associations, to Boards of Trade and others, to encourage travel and to increase the financial success of the road. I believe that if railway companies were to do more in the way of half fare rates that it would be a great advantage to the roads themselves by largely increasing their revenue, and by encouraging travel would be a benefit to the people. We know that in the United States the railway companies adopt every means in their power to encourage people to travel over their roads. I know that this session a great many gentlemen have taken advantage of the half fare rates to travel to their homes four or five times, who would, if they were obliged to pay full fares, have remained in the city the entire session. I look upon it as a sound financial policy well worthy of the consideration of all railway companies. As to the suggestion of corruption and bribery in the issuing of free passes, for my part I do not believe that any member of this House or the other House is in the slightest degree influenced by receiving the small consideration that is given to many other people in this country.

HON. MR. HAYTHORNE—I concur in the remarks which have fallen from the hon. gentleman who spoke last. It is a matter of dollars and cents in the case of the company and the members. The members of Parliament here are a numerous body of customers, and it is felt by the companies that if they place certain advantages at their disposal they are likely to spend a larger sum in travelling than they would do if they had to pay full fare. A statement of this kind is not of much value unless supported by facts. I will therefore place a few facts before the House that will substantiate the proposition put forward by the hon. gentleman from Ottawa. The distance from my own



place to Ottawa and back is a little over 2,000 miles. Last session I travelled backwards and forwards altogether over 6,000 miles. If I had to travel on a full fare ticket I should not have gone backwards and forwards more than necessary to bring me to Ottawa to my Parliamentary duties and return. That is to say, I should have only made two thousand miles of mileage; but, having the privilege of half-fare tickets I travelled three times that amount. That is to say, six thousand miles. Therefore, I pay to the Railway Company fully 1,000 miles of full fare more than I should have done if I had full fare tickets. It was some advantage to me, but it was a clear gain to the company who own the road. I pay into their treasury one thousand miles of full fare more than I should have expended if I had had no half-fare privilege.

HON. MR. DEVER—I fully agree with the hon. gentleman from Ottawa that we should look at this matter from a commercial standpoint; but I will go a little further. I should consider that giving advantages to travellers on our railways would certainly add much to the revenue of those companies. There is an item that has not been spoken of, and that is the sleeping cars. The Pullman cars are known now to be the property of the Intercolonial Railway and also of the Canadian Pacific Railway. On the Intercolonial Railway we get a half-fare pass—but we get no half-fare rate for our Pullman; consequently the Government receive the full benefit of the Pullman car fare as much as if the passenger had paid full rates for his tickets. Many gentlemen, in my opinion, would not travel so often backwards and forwards as they now do were it not for the inducement of the half-fare ticket on that road. During the adjournment it has been a question with me whether I could go home or stay in Ottawa. On investigation of the expense here I have found that I could go home on a half-fare ticket for the same amount it would cost me to stop at the hotel, and the consequence was the railway company gained some \$35. As for the Canadian Pacific Railway, I have been the recipient of a pass from that company, but until this year I never embraced the

opportunity of taking a trip over their road. I was induced to come by it this year simply because I found that I could not go at mid-day by the other line and that I could go in the afternoon by the Canadian Pacific Railway: consequently I travelled that way on the free pass: but I had to pay for my meals and for the Pullman car. There is always some gain to the company. In my opinion it adds to the trade and traffic of the road incidentally, and therefore, from a commercial standpoint, the case is not as black as the hon. gentleman from New Westminster would try to present it to us. If there is anything wrong in the matter I have no objection that it should be known: but I think the question has been thoroughly discussed, and I would propose in amendment that this motion be voted on this day six months.

HON. MR. PLUMB—After all that has been said here, and after the wide range the debate has taken, I shall intrude but briefly upon the time of the Senate to make a few observations. Whatever my personal feeling towards the mover of this motion may be, I certainly do not wish to add to the humiliation which has been put upon him by the disclosure that has been made during this debate.

HON. MR. MCINNES—Hear! hear!

HON. MR. PLUMB—I do not envy the hon. gentleman the position which he holds, or the idea that he entertains that members of this House or of the other House can be influenced by so small a consideration as that of holding a free pass or half-fare ticket over the Canadian Pacific Railway. That hon. gentleman knows his own value best, and is best qualified to judge how far that would affect him; and we can imagine what influence—

HON. MR. MCINNES—I rise to a question of order. Here is the reputed leader of the Government imputing motives in almost the very first sentence in reply to my motion. It shows what a capable gentleman he is to lead this House. He has brought more disgrace upon the Senate than any member in it.

HON. MR. HAYTHORNE

HON. GENTLEMEN—Order, order!

THE SPEAKER—I think the remarks of the hon. gentleman from Niagara are rather of a taxing character, according to the rules of this House.

HON. MR. PLUMB—I have only to say that the Pacific Railway Company spoken of here is not at the present time, so far as I know, a suitor for favours at the hands of this House or of the other House. The Canadian Pacific Railway Company is asking the privilege of paying back the large loan advanced last Session. It is now proposing to square off this loan account, as to which predictions were made that it would never be paid. With regard to what the hon. gentleman has insinuated as to the passes over any of these roads, I think it is derogatory to this House and discreditable to its members to insinuate that such a courtesy could affect their votes. I do not think that any hon. member has fallen so low that a free pass will influence his vote in one way or the other. In order to close this discussion I am instructed to say that the Government has nothing to do with the matter contained in the resolution and the list in question cannot be laid before the House.

THE SPEAKER—The motion of the hon. gentleman from St. John is not in order.

HON. MR. MCINNES—In rising to reply to remarks which have fallen from hon. gentlemen on this motion, I would first refer to the position taken by the hon. member from Montreal who, I regret to observe, is not in his place. I never like to say anything against a man when he is present to hear what I have to say. However, he referred to a letter and sought to create the impression that I wrote to the Canadian Pacific Railway Company on the 9th April asking for a pass. I never did anything of the kind. After having given notice of this motion for about a week or ten days, in talking with hon. members of this House I came to the conclusion that it was just possible that an invidious distinction was not made in my case by not giving me a half fare ticket the same as I got—and

every member in this House got—from all the other railway companies of Canada. I thought it just possible they had sent one and that the letter miscarried. I did not wish to do the company any injustice and, as has been explained to the House, I wrote to the Vice-president of the Canadian Pacific Railway Company simply asking why it was that I had not received a half fare ticket such as was issued to every member of the House of Commons and the Senate irrespective of political considerations. That was what I wrote and I was perfectly justified in doing so, notwithstanding the fact that the hon. gentleman from Montreal, who appears to be the advocate of the Canadian Pacific Railway here to-day, has endeavored to place me in a false position. The fact is established that they themselves made a bargain with the Grand Trunk Railway Company by which no passes should be issued by either company, and that when they decided to come to Parliament and ask for a grant of a few million dollars more, then and not until then did they see fit to issue passes to members of both Houses supporting the Government. Hon. gentlemen think this is a trivial matter and one with which this House has no concern, but I can assure them that every taxpayer in the Dominion has an interest in knowing how the millions of dollars granted in aid of that enterprise are expended. It all has to come of the pockets of the taxpayers of the country.

HON. MR. OGILVIE—No, it is not true.

HON. MR. MCINNES—It is true, and not only that, the members of that company will have on completion of the road millions of dollars to their credit more than when they entered into the enterprise; and if there ever was a company that was bound, or ought to be bound, to disclose their workings to the ratepayers, it is the Canadian Pacific Railway. It is only another evidence that the Canadian Pacific Railway Company and the Government are one, and that the company, as it has been stated, has the Government by the throat. It is another evidence that the Government dare not move, and that its only hope in the future is in supporting the Canadian Pacific

Railway Company. I would like to ask who has conducted the Railway Department of this country for the last two years. Is it Mr. Pope the present acting Minister? No, the real ministers are Sir George Stephen and Van Horne.

HON. MR. BOTSFORD—I call the hon. gentleman to order. I think the hon. gentleman is certainly wandering from the subject.

THE SPEAKER—I think so too.

HON. MR. MCINNES—The very fact of that railway company singling out a member of this House and denying him what is his privilege, his due and his right—a right that is recognized and conceded by every other railway company in Canada—that is, the right to have a half fare pass—when that invidious distinction is made I say it is sufficient evidence of the arbitrary and despotic disposition of the Company to condemn it. It is boycotting that member. It is a declaration to those who have received free passes and half fare tickets that they had better look out how they criticize the policy or conduct of the company—that if they do not study the interests of the company they will receive the same treatment. I believe the gentleman who manages that company exposes himself sufficiently when he fails to answer the letter sent to him by a member of this House.

HON. MR. CARVELL—I rise to a point of order. The hon. gentleman has a right to reply certainly, but to rise here and attack individual officers of the Company in the way he is doing is out of order. The motion, if I read it right, is for papers, and he is transgressing the rules of debate and if we are to stay here until six o'clock debating this matter I think we are simply losing time.

THE SPEAKER—It is altogether a matter of taste. The hon. gentleman can use his parliamentary privilege as long as he keeps within the rules of Parliament. I cannot see that the hon. gentleman is infringing the rule.

HON. MR. MCINNES—I would not perhaps have spoken as strongly as I did

HON. MR. MCINNES.

on that point, but after addressing as respectful a letter as I could to an officer of the company, he did not think it proper to reply. I think common courtesy demanded that he should at least have acknowledged the receipt of it, even if he withheld the information that was asked for. The Canadian Pacific Railway, in trying to punish a humble member of this House by making this invidious distinction which I have described, are guilty of an action which is unworthy of them. It is such an action as would be expected from a lot of school boys and not from a Company with a capital of over \$100,000,000. It is really childish; but so far as that hon. gentleman against whom it is directed is concerned, I can tell the House and that company that if they were worth ten times as much money and possessed ten times the influence that they exercise here to-day—an influence that they are using I am afraid, not in the true interests of the company or the country—it would not affect in the slightest the course he is pursuing. He has never, thank goodness, been in the position that he could not pay his own fare over any railway that he has travelled by, and I think he is in just as good a position to-day as he ever was to pay his own fare. Last year that hon. gentleman was a whiteheaded boy and patted on the back; he supported the railway as long as he could—until its policy became intolerable; and so long as he did that there was no favor too great for him. In conclusion I wish to say to the leader of the government, or one of the leaders of the government, the person who occupies the position of a gentleman that I sincerely regret is not here to conduct the affairs of this House—if he was here we would not have witnessed the scenes that have been enacted of late, or the scene that the hon. gentleman provoked a little while ago—I can tell the hon. member from Niagara now that if he is entrusted by the government to lead this House, I will not submit to any of his interruptions or irrelevant remarks. I will not brook any longer those vile insinuations that he has often thrown out. He interrupts me with out the slightest provocation when I am endeavoring to discharge my duty in this House, and I give him warning now that I will not tolerate it

longer—that I will not permit him to attack and interrupt me in future as he has done in the past. It is only in keeping with his past history in the other House and in the Senate; but no amount of impertinence will prevent or deter me discharging my duty as a member of the Senate. I have constitutional rights and privileges as a member of this House and will exercise them despite the hostility of that hon. gentleman who has so long acted as a government lackey.

HON. MR. BOSTFORD—I rise to a question of order; the hon. gentleman has no right to use such language.

THE SPEAKER—The hon. gentleman from New Westminster concluded his remarks with an observation which was certainly most parliamentary and it does not diminish the discredit of his conduct that he did it when he was resuming his seat and when he thought he was free from the censure of the chair.

HON. MR. OGILVIE—I should like to say a few words.

HON. GENTLEMEN—Spoke! spoke!

THE SPEAKER—The hon. gentleman has already spoken and cannot speak again without the consent of the House.

HON. MR. ALEXANDER—It was not my purpose to have made one observation on the motion now before the House, and I would have carried out that purpose had not one remark fallen from the hon. gentleman (Mr. Plumb) who, I suppose, now acts as the leader of the House. We must assume this, from his name appearing in charge of Government Bills, and that he has been appointed by Sir John Macdonald to represent the Government in this House. The remark which the hon. gentleman from Niagara made was that painful disclosures had been made since the debate commenced affecting the hon. gentleman on my right. Now, I conceive it to be my duty as a humble member of this House to say that we all have the honor of this House as well as our leaders and of the Government in our hands, and from that standpoint I am impelled by a sense of duty to put a simple

question before Parliament and the country. I put the question to the hon. gentleman from Niagara (Mr. Plumb) and call upon him now for an explanation with regard to certain rumours which have been current for many years respecting him and affecting his honor. I call upon him now to place us in the position to deny those rumours if he can. Those rumours are to the effect that he left Albany—

HON. GENTLEMEN—Order! Order!

THE SPEAKER—The hon. gentleman is certainly out of order and cannot proceed without the leave of the Senate.

HON. MR. ALEXANDER—I dissent from the Speaker's ruling, and I wish to take the sense of the House upon it.

THE SPEAKER—The hon. gentleman appeals from the ruling of the chair and wishes to have the sense of the House taken. I therefore ask that the hon. gentlemen's appeal be taken into consideration by the House. Shall the hon. gentleman be heard?

HON. MR. DEVER—Yes, he shall.

THE SPEAKER—Those in favor of his being allowed to proceed will please rise.

HON. MR. DE BOUCHERVILLE—There ought to be a motion before the House.

THE SPEAKER—The hon. gentleman appealed to the House, and the House alone can decide upon it.

HON. MR. BELLEROSE—I believe it would be better to enter into the matter with a little more coolness and patience. Sometimes members of this House have gone even further than the hon. gentleman has gone to-day. I do not approve of it, but justice should be rendered in every case, and though I disapprove of the course of the hon. gentleman, I believe the House should not go too far. When the hon. gentleman is wrong he ought to be let alone and a motion made that his speech be not published. I believe that would be the best way to punish those

who have not sufficient self-respect ; but it is not wise to have these unseemly quarrels and let reports of them go to the country. The public will look upon this House as a body that has little sense of self-respect or dignity.

HON. MR. VIDAL—I do not know any more serious question that could be submitted to us than the one that is really before us—that is, whether the Speaker's decision is to be sustained by the House. An appeal from the decision of the Speaker is not very common, and it involves very serious consequences. I think we should at once endeavor to have the authority of the Speaker sustained.

HON. MR. DEVER—The hon. gentleman who is supposed to have transgressed the rules of this House was called to order. The Speaker ruled that he was out of order, but he left it to the House to deal with the decision. I do not think we should shut off any member, especially when he is attacking a member who is well able to defend himself. The hon. member from Niagara is one who is not very easily put down himself, and he is willing and anxious at all times to attack others. This House is not going to be ruled by a party. It has been ruled long enough by a party. We must have fair play in this House and free discussion. It would be a shame to allow hon. gentlemen to be bulldozed in this manner.

HON. MR. BELLEROSE—I do not wish to be understood as saying that the ruling of the Speaker was wrong. I say it was right, but I think it would be better for the hon. gentleman from Woodstock not to appeal to the House but to ask leave to go on and then, if permitted, proceed with his remarks.

THE SPEAKER—The question of order was raised and I decided it in my humble judgment as I thought right. The hon. gentleman thought proper to appeal from that decision, and that meant, of course appeal to the House. I asked the House for its opinion as I think I was perfectly right in doing. I do not think I would have been doing right if I had not submitted it to the House after the hon.

gentleman had asked that it should be so submitted. According to the rules of the Senate when a member is called to order he must sit down and must not proceed until he is permitted to do so.

HON. MR. ALEXANDER—If I said anything on the floor of this House—(order, order) I only wish to make an explanation.

HON. MR. SMITH—The question is before the House.

HON. MR. ALEXANDER—I desire to say that if I used any language disrespectful to the Speaker, or in any way infringed the rules of this House, I now make an apology.

THE SPEAKER—Does the House wish the hon. gentleman to proceed.

HON. GENTLEMEN — Question ! question !

THE SPEAKER—The question is on the motion of the hon. member from New Westminster.

The motion was declared lost on a division.

#### BILLS INTRODUCED.

Bill (130) "An Act respecting certain works constructed in and over navigable waters." (Mr. Plumb.)

Bill (22) "An Act respecting interest in the Province of British Columbia." (Mr. Plumb.)

Bill (65) "An Act respecting the Northern and North-Western Junction Railway Company." (Mr. Vidal.)

Bill (106) "An Act to amend and consolidate as amended the statutory provisions respecting Chinese immigration." (Mr. Plumb.)

Bill (94) "An Act further to amend the Dominion Lands Act, 1883." (Mr. Plumb.)

## ST. VINCENT DE PAUL PENITENTIARY.

## MOTION.

HON. MR. BELLEROSE 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 copy of a letter or memorandum addressed by F. G. Baillargé, Esquire, one of the members of the Commission appointed to make an investigation into the management of St. Vincent de Paul Penitentiary in 1884, to Godfroi Laviolette, Esquire, Warden of that Penitentiary, requesting the latter to withdraw from his reply to the defence of Mr. Telesphore Ouimet all that might be considered an attack upon, or complaint against, the Inspector, the other member of the Commission of Enquiry; also a copy of Mr. Laviolette's answer to this demand; also a copy of the report upon the state of that building made by the Warden of the aforesaid Penitentiary to the Inspector, after the customary visit of the latter at the beginning of the present year 1886, probably in February last, if such report has been made; also a copy of the judgment or decision of the Honorable Minister of Justice following the report by Messrs. Moylan and Baillargé, upon the Enquiry held by them in 1884, into the management of the aforesaid Penitentiary.

HON. MR. PLUMB—The Government has no objection to furnishing the papers asked for.

The motion was agreed to.

## LAW OF EVIDENCE AMENDMENT BILL.

## MOTION.

HON. MR. KAULBACH moved

That this House resolve itself into a Committee of the Whole to consider further of the Bill from the House of Commons (No. 3) intitled: "An Act for the further amendment of the Law of Evidence in Certain Cases."

He said:—It will be remembered that this Bill was dropped in Committee, and I ask to restore it to the same position that it occupied before. I have a precedent for it in the House of Commons.

THE SPEAKER—There is no doubt about that: it is quite in order.

HON. MR. SCOTT—The proposition if adopted will, of course, bind the House

to go into Committee on this Bill. If it is the feeling of the House that this measure should be taken up, it would be much better to have a direct vote now as to whether the House should go into committee or not, because if the House should order as my hon. friend proposes, then the House must go into committee, and the Bill will be debated there with a result similar, perhaps, to what occurred on a previous occasion. It might be desirable—the House having committed itself to a particular line when in Committee—to have a decision now whether they propose to re-open the question or whether they would re-affirm the conclusion of that Committee. I did not take part in the discussion in committee. A good part of the time when the Bill was before the House I was unavoidably absent, and therefore I did not express an opinion or vote upon the measure; but it seemed to me that a very considerable number of gentlemen were in doubt as to whether, at the present time, this Bill was necessary or not, feeling that no very serious danger or injury would accrue. Seeing that it was a novel feature in our legislation, they thought that it might, at all events, be wisely and prudently postponed for some future day. If that is still the opinion of the House, then I have only to suggest that it would be better to negative this motion rather than to affirm it; otherwise, after an idle debate in committee of the whole, some gentleman will probably move that the committee rise and we will be in the same position we occupied before. If those who voted that the committee rise are prepared to reverse their votes and consider this Bill on its merits, then it will be proper for them to support the hon. member from Lunenburg and place the Bill on the order paper. For myself, not having spoken the other day, perhaps I might be permitted to say that I share to a very large extent the sentiments expressed by the hon. Senator from Toronto (Mr. Allan) who felt that it was a recognition of something that was repulsive and antagonistic to the best feelings of our nature; and that until it was established that there was an absolute necessity for this legislation to permit a class of persons who are now excluded from taking oaths and enabling them to give testimony in the way pointed out by

this Bill—until a case of that kind was made out, that we really required a change in the law, a very considerable number preferred that the measure should not pass. I sympathise largely with the very proper view that he expressed. I myself entertain very much the same feelings, but I am bound to say that I consider in the present condition of society that that Bill is a necessity. I cannot, when called upon to express my opinion in this Chamber, ignore the sentiment that prevails abroad—that there is a very considerable number of people in this country, as well as in other countries, for whom this Bill is a necessity. Hon. gentlemen have given their experience—we can only speak of subjects of this kind from the standpoint of our experience. I have myself, in forty years, had considerable experience in courts of law, and have felt year by year that the necessity for this legislation was growing. It may do no very great injury to still further postpone it; but, if called upon to express an opinion on this subject, and to say now whether I think it ought to be put on the Statute book, then to my very great regret, I say in humiliation and sorrow, that it is a necessity. I will give hon. gentleman, without going into the whys and wherefores of it, an illustration. There appear in our courts from time to time people whose testimony it is most important to obtain pro or con. Those people are excluded from giving testimony, as the law at present stands. Many of them, rather than be excluded, take the oath. My hon. friend opposite (Mr. Bellerose), who said that this class of people ought to be forced to take the oath, has expressed an opinion that shocks one even more than the affirmation proposed in this Bill. To compel a man to do as Bradlaugh has done—to go up to the desk and put his lips to the Bible when all men knew well that he paid no respect to the oath he was taking—I say is more shocking than the statement of a man who says “No: I believe in the uplifted hand, the moral statement, having more force than putting my hand on a book that I do not believe in.” I would rather, from my experience in Courts of law, take the moral affirmation of many a man than his oath. When one considers the reckless way in which the oath is administered on

the Holy Bible one is shocked, and is far more disposed to believe the testimony of one who says “I am going to speak the truth; I feel the responsibility of the statement I make.” I would put far more weight in the testimony of such a witness than I would in that of the man who glibly swallows the oath and thinks nothing more about it. The man who makes a false statement on affirmation can under this Bill be indicted for perjury just the same as the man who takes an oath and breaks it. There is no difference on that point. We consider that the crime of perjury is one that should be punished, that it is largely for the protection of the people who have to rely upon the oaths of others. If it is to be regarded in that light, then why not go further and say that the affirmation of the man who has no faith in the oath shall also be regarded in the same light, and if he makes the affirmation and tells an untruth, he may be indicted for perjury? A case recently came under my own observation—a very singular case, in connection with this subject. It was the case of an indictment found against a criminal. The party was charged with a crime and a true bill was found by the Grand Jury. After the bill had been returned to the court, and after the jury had been discharged, an affidavit was put in by the counsel for the accused that there was on the Grand Jury panel a man known as an Agnostic, who did not believe in the oath. I was acting as Crown Counsel, and I was rather astonished at the turn affairs had taken. The case was suspended, and on examining the juror I found that the affidavit was true—that he had taken the oath, though having no belief in it. His explanation was that he did not want to be excluded from the Grand Jury, and he could not remain without taking the oath, and he took it, in order to go on the panel. The panel ranges from sixteen to twenty-four jurors. At the moment I did not think that the fact that an Agnostic having been one of the jurors on this panel was a sufficient ground on which to quash the indictment. The court held, however, that the proceedings of the Grand Jury room could not be disclosed, and therefore the indictment fell to the ground. There was a miscarriage of justice which, under this Bill, would have been avoided.

That man would have made his application, he would have served on the Grand Jury, and no disadvantage would have resulted from it. I need not go on and illustrate the necessity that exists for a law of this kind. I am free to confess that it is repugnant to myself, and I was not sorry the other day to see it thrown out. It is one of those things that I dislike to entertain—one of those things that is unpleasant for us to look upon, as a necessity; but there is a growing demand for it, and we have to put it on the Statute Book sooner or later. Whether we do it this session or next may not be important, but it is one of these inevitable things that we cannot withstand.

HON. MR. BOTSFORD—The observations made by the hon. gentleman from Ottawa only confirm me more strongly in the view I took when this Bill was under discussion. This instance he has given is a very peculiar one, but it is strong evidence in favor of passing the Bill which the motion now refers to. It is just as well to state that this motion brings in the Bill and places it in the same position that it occupied previous to the vote which was taken in the Committee, on the motion that the Committee do rise. If it is passed in the affirmative, the measure will come before the House and be settled. If, on the contrary, the motion is not concurred in—if hon. gentlemen who opposed the Bill when in Committee before, are still of the same opinion, they will of course vote against this motion. If this motion is carried, then the Bill will come up for discussion, and any objectionable features in it may be eliminated and the clauses to which there is no objection can be adopted.

HON. MR. POWER—I think hon. members should bear in mind that this Bill is not a measure of one clause; it is a Bill of four clauses. As I understood it, the objection of members of this House, who voted that the Committee should rise was solely to the first clause, the clause which allowed Agnostics and Atheists to give the testimony upon affirmation. The second clause was to allow persons who had conscientious scruples against the taking of an oath to give evidence; and perhaps a more important clause than that

was the fourth, which provided that the laws of the different Provinces might be given in evidence in criminal cases—that the Courts should take judicial notice of them, and it was intended to remedy a great inconvenience that now exists in the matter of proving the statutes of the different Provinces. The occasion which gave rise to this particular clause arose in the Maritime Provinces where there was a necessity in a criminal proceeding in Prince Edward Island to prove a statute of Nova Scotia, which could not be done because, under the existing law, the Queen's Printer's copies could not be accepted as proof. The fourth clause is a most laudable one and should be adopted. If the House decides that this Bill shall go to Committee, and it goes to Committee, it will not be necessary to kill the Bill, even though the majority of the House desire to expunge the first clause. The Committee can strike out the first clause, and leave in the Bill those provisions to which there is no objection. For that reason I think the proper course now is to let the Bill go to Committee, and to there strike out the first clause if the majority of the House think it expedient to do so.

HON. MR. KAULBACH—I do not wish to consider this a test of the principle of the Bill; but what my hon. friend says is very important. The fourth clause is a necessary amendment to our law. In our practice in the courts, when we want to prove a statute of another province, we are obliged either to send for an expert or to get a commission taken to prove what the law is in the other province. It certainly is very desirable that the law should be altered in that regard. In the Committee we could not call in the members in order to take the sense of the House on the principle of the Bill; and in order to test the matter now I would ask that the members be called in.

HON. MR. TRUDEL—As being one of those who voted against the Bill on the previous occasion, I think it necessary to say a few words, as the opinion I entertain has not been expressed on this motion. I think there is no great inconvenience likely to arise if this matter was allowed to stand over



for another session. We have been 6,000 years at least without this law, and I do not see why we should not wait a few months longer for it. It seems to me that this is a measure of such an important character that it should be dealt with by the Government, and be brought in under the responsibility of the Minister of Justice. When the subject was before the House the other day the opinion of the Minister of Justice was quoted here as being in favor of the measure. Since then I have received reliable information to the contrary—that the Minister of Justice had very great doubt as to the necessity for this Bill. His first opinion was against the Bill. I may say also that many members of the other House have told me personally that they had not understood the full meaning of it; that they had been misled by the title "An Act further to amend the law of evidence," and that if they had known that this measure was of such a character as it really is, they would have given it more serious consideration. For these reasons, at this late period of the session, we should allow the Bill to remain as it is, so that proper care should be taken to bring in a better bill next session. I have listened with the greatest attention to the arguments of the leader of the Opposition—the more so as he is a gentleman who has had large experience in such matters. But because some legislation in this direction is required, it does not follow that this Bill is necessary. I have examined the measure, and I do not think such legislation should be amended—it should be changed altogether; there should not be a single clause of this Bill passed in its present shape—so that I hope the House will persist in its former decision.

HON. MR. BELLEROSE—The majority of this House voted against the Bill the other day. Are we now to say that we repent of what we then did? What have we heard to-day? The hon. member from Ottawa, who is rather favorably disposed to this Bill, says he has grave doubts whether it would not be better to let it stand for another year. If the legislation is so important it is our duty to take time and to consider it thoroughly. I do not say that this legislation ought not to be

HON. MR. TRUDEL.

adopted, but if it is to be adopted, and we do not now know what is the best legislation to enact, we had better wait for another session. As the hon. gentleman from DeSalaberry says we have done without legislation of this kind for 6000 years, and we can not suffer much if it is postponed for another year.

THE SPEAKER—I presume that if the House takes a vote upon this motion now, it is desirous that it should be a conclusive one. As the matter now stands, the hon. gentleman may to-morrow put a similar motion, because it does not finally dispose of the Bill, and some other gentleman may wish to introduce another Bill with most of those clauses in it, and until there is a final decision on this Bill it is a question whether another of the same nature can be introduced. Therefore I think it is desirable that some gentleman who is opposed to this measure should move that the Bill be referred to a Committee of the Whole House this day three months.

HON. MR. PELLETIER—That is just what I was about to move when His Honor the Speaker arose. The hon. gentleman from Halifax has introduced a Bill somewhat in the same terms as this one which could not be carried through this session unless this matter is decided at once; I therefore move in amendment that this House resolve itself into a Committee of the Whole on this Bill this day three months.

HON. MR. POWER—I wish to call the attention of hon. gentlemen to this fact: The Bill which is now before us has gone through the House of Commons. There are some commendable features in it, and if we go into committee on it here and strike out the first clause, it will go back as amended to the Commons, and our amendment will probably be accepted at once. If the other Bill which I took the liberty of introducing the other day should pass this House, it will have only a chance of going through the Commons at this period of the Session: consequently the wisest course is to dispose of this one by sending it to the committee and there amending it.

The Senate divided on the amendment, which was carried on the following division:—

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STEAMBOAT INSPECTION BILL.

THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (103) "An Act further to amend the Steamboat Inspection Act, 1882."

HON. MR. POWER—The clause as to which I ask for some information when the Bill was in committee was the fifteenth clause. Under the existing law the engineer has to renew his license every year. This clause repeals that provision, and I simply ask the hon. gentleman from Niagara if he would be kind enough to tell us what is the reason for that change?

HON. MR. PLUMB—I can only say that in the working of the Act it has been found necessary not to keep the clause as it was. It has been changed in order to make it work more easily.

HON. MR. KAULBACH—Is the certificate subject to the same regulations as the one granted under the Imperial Act.

HON. MR. PLUMB—Yes, I think it is.

HON. MR. POWER—I cannot say that the hon. gentleman's explanation has thrown much light on the Bill.

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

THE SPEAKER—It being six o'clock I now leave the chair.

AFTER RECESS.

INLAND REVENUE ACT AMENDMENT BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (101) "An Act in amendment of 'The Consolidated Inland Revenue Act, 1883,' and the Act amending the same."

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

SALARIES OF ONTARIO JUDGES BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (125) "An Act to amend the law relating to the salaries of certain judges of the Supreme Court of Judicature for Ontario." He said: It is provided in section 3 of 48 Vic., of the statutes of Ontario, that there shall be an additional judge of the Chancery Division of the High Court of Justice. Previous to that it was provided that the salary of the additional judge should be \$5,000 a year, but the same section which provided that salary is now re-enacted. That is repealed in order to embody the reference to the Ontario Act by which the said judge has been appointed. It is only in order to make the statute more clear that the first Act is repealed, which is precisely the same in language. It is merely a question of bringing the statute in harmony with the Ontario Act.

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

PUBLIC LANDS IN BRITISH COLUMBIA BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (120) "An Act to make

further provision respecting the administration of Public Lands in British Columbia." He said: Under the Dominion Lands Act of 1883 jurisdiction was given to the Dominion Lands Board over all the public lands of Manitoba and the North-West. By this Bill it is intended to extend that jurisdiction to the lands which have been placed in the possession of the Dominion in British Columbia and which have heretofore been under the charge of the agent for the Dominion in that province. I may say that this Bill has been received with approval by the leading members on both sides in another place.

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

### TOWN OF COBOURG RELIEF BILL.

#### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (122) "An Act for the relief of the corporation of the Town of Cobourg."

In the Committee,

HON. MR. POWER—I think that we ought to be informed in a more satisfactory way than we have been yet why this town should receive this relief. I presume if we forgive the town of Cobourg, when the City of Montreal comes to us and asks to be recouped the money which the Harbor Commissioners have expended on the harbor of Montreal, they will be in a position to say "You have done this thing for Cobourg, and why not for us?" I hope the member in charge will be able to give us some reason that we can present to those who will advocate the relieving of Montreal from the harbor debt consistent with our passing this Bill.

HON. MR. PLUMB—The town of Cobourg expended some \$44,798.24 in the purchase of the Cobourg harbour and the Port Hope and Rice Lake Road. They have contributed \$25,507.49 towards defraying the cost of constructing the harbour.

HON. MR. POWER—That all appears from the preamble.

HON. MR. PLUMB.

HON. MR. PLUMB—It is necessary to state it to show the position of affairs. The harbour was not created by the town of Cobourg, but it was established by the Government as a Harbour of Refuge and upon that, as a Government work, the town of Cobourg expended some \$25,507.49. There is no interest calculated in it, although it was done eight or ten years ago. No revenue comes into the town of Cobourg from that work. It has been objected that this is not a Harbour of Refuge: but the North shore of Lake Ontario is very deficient in harbours. This is one of the very few in which a vessel can take refuge: and if it has saved, in the meantime, one life or one vessel it has done good service. My hon. friend on my right (Mr. Smith) knows that it is an important work and the town of Cobourg, owing a debt to the Government, think they have a fair claim to ask that a part of it, equal to the amount that has been expended on the harbor by the corporation, should be remitted. They owe the Government for that harbor and a small road connected with it. It seems to me that it is a matter in which they are fairly entitled to relief. I am not aware that any objection was made to the Bill in another place. We are asked to provide that if the corporation, which owes the Government \$44,789.24, shall pay that sum, with the interest, deducting from it \$25,507.49, they shall be discharged from their debt. It seems a reasonable matter. I am not personally acquainted with the facts, but from what I can gather it is a measure which will not establish a precedent. I do not know that it has anything to do with the Montreal harbor or the expenditure upon it; and I do not know that the city of Montreal has claimed this kind of relief.

HON. MR. POWER—Oh, yes.

HON. MR. PLUMB—Not the kind of relief which is asked for here; this is simply a harbor of refuge on a stormy lake. I do not know that my hon. friend is aware of the fact that throughout the whole of that seaboard there are not half a dozen places where a vessel can take shelter. Very often a vessel that misses this port has to run to Kingston for

refuge. Above Cobourg there is hardly a place where a considerable vessel can take shelter until you come to Toronto; between Toronto and Hamilton there is none; and between Hamilton and the Niagara river the only place is Port Dalhousie, on which the Government have expended large sums, but it is unavailable for the purpose of a harbor of refuge, and vessels have to run to Niagara river, where there is a heavy current and a bad shoal on the Canadian side.

HON. MR. ALEXANDER—The hon. gentleman who has just taken his seat of course knows that he is addressing a large body of gentleman who have never seen the north shore of Lake Ontario, and he is presuming upon their not having travelled there, upon their not knowing that part of the country, to make the most extravagant statements. I never knew in the course of my life a gentleman occupying the position of a political leader go so far in his statements. He says there is no other place where vessels can run into along that shore, which is quite true. The hon. gentleman must have studied the arts of the ancient Sophists, who lived simultaneously with the Epicureans and other schools of philosophy in ancient Greece. He does not tell you that the piers of this harbour are so placed that no vessel can enter in a storm. I asked the hon. gentleman from Belleville with regard to that yesterday. He used to trade there and he said he once came there during a storm with one of his vessels, could not enter, and had to go on to Kingston.

HON. MR. FLINT—I did not say that.

HON. MR. ALEXANDER—I beg the hon. gentleman's pardon; I understood him to say so. Several members of this House know that in a storm a vessel cannot enter between those piers. It only shows the recklessness of the hon. gentleman, and his conduct will bring discredit on Sir John who has assigned to him his present duties.

HON. MR. FLINT—The hon. gentleman who has just spoken knows as little

about the shore of Lake Ontario as the hon. member for Niagara.

HON. MR. ALEXANDER—I have been there a hundred times.

HON. MR. FLINT—That may be and yet the hon. gentleman may know nothing about it. He speaks of vessels of mine not being able to enter the harbour of Cobourg. I never had one to run to Cobourg. What I did say was that coming from Toronto on a steamboat the wind was so high and the swell so heavy that we could not enter that harbour: but if I had been in a bark canoe I would have ventured to enter. I would have to go to Kingston for refuge if that harbour had not been there and come up next day from Kingston to Belleville, and have a team to meet me to take me home. The harbour of Cobourg is not what we might call a harbour of refuge, such as Presqu'île. On the way down from Toronto there is Frenchman's Bay, which is a sort of harbour; then Port Hope, and then Cobourg. Both Port Hope and Cobourg harbours have been the means—notwithstanding the hon. gentleman's remarks—of saving a great many vessels, and no doubt a great many lives. I think it is no more than right, under all the circumstances of the case, that they should have this relief. For a long time they have been paying to keep up this harbour. As they are not asking the Government for money we can well afford to allow this Bill to pass and give them what they are asking. They are not demanding much. The senior member for Halifax has brought up the subject of Montreal harbour; there is a vast difference between the two cases. During the season of open navigation you can get into Montreal harbour at all times. Cobourg harbour you can only get into on certain occasions. Often vessels run there when a storm is approaching and remain until it is over, when they would otherwise have to run down the Lake and make Presqu'île harbour. If they can get into Cobourg they are safe and can remain until they can cross the lake to Rochester. When they can run in there it saves a vast amount of time. I have been in Cobourg several times when vessels have undertaken to enter and

could not; and I have been there when vessels have run in and been secure when they could not venture out with safety for two or three days. This harbour must be a great benefit to the navigation of the lake so far as sailing vessels are concerned. There are times when steamers cannot enter the harbour, and times when they can. Under all the circumstances of the case, although I have nothing to do with the people of Cobourg further than to express my desire that justice should be done, I think that they ought to be granted this relief. I know something about Lake Ontario. I have been up and down it perhaps not quite as often as the hon. gentleman from Woodstock, but I am a man of observation, and when I travel I take note of what I see and I say that the harbour of Cobourg has been a great benefit particularly to schooners on the lake, and I think this Bill under all the circumstances ought to pass.

HON. MR. POWER—I do not myself yet see clearly why this Bill is being passed.

HON. MR. FLINT—The hon. gentleman does not see anything clearly.

HON. MR. POWER—I have not the perspicacity of the hon. gentleman from Belleville.

HON. MR. FLINT—You will perhaps if you live long enough.

HON. MR. POWER—The preamble states that the indebtedness of the town of Cobourg arose from the purchase of the harbour and Rice Lake Road. The hon. gentleman from Niagara has given us no history of the transaction. It would seem that at some time the town of Cobourg thought it would be to its advantage to own this harbour, as they thought proper to purchase the harbour and road. The meaning of this Bill, I presume, is that, having purchased the harbour and road, they come now and ask to be relieved of a large proportion of the price that they had agreed to pay. I presume that is the way. We have not been informed to the contrary. No reason has been given why they should not pay the amount they

agreed to give. However, an election is not far off, and this is a cheap and easy way of getting support in that district, as was done in the case of the town of Pembroke before. Perhaps the hon. gentleman in charge of the Bill would tell us how the town of Cobourg came to own this harbour?

HON. MR. PLUMB—I do not know it is necessary to go into any further explanation.

HON. MR. FLINT—If my memory is right the harbour was bought by the Corporation of the town of Cobourg from the Government before Confederation, in the same way as Port Hope purchased its harbour. They have been keeping it up at a considerable expense ever since. With regard to the road which has been spoken of here, it was only a gravel road some four or five miles long, and it does not amount to much anyway. It would be better to make it a free road by abolishing the tolls. In the county of Hastings, from which I come, we have 200 miles of gravel roads, and there is not a single toll gate on them. We abolished the toll gates and we maintain our roads by direct taxation.

HON. MR. POWER—This Bill does not say any thing about the toll gates.

HON. MR. FLINT—It does not, but I do. As to the time when the harbour was purchased, I cannot say exactly, but I remember that it was when Upper and Lower Canada were united, before Confederation. This harbour was bought then, and not since Confederation.

HON. MR. POWER—They have waited a long time to get justice.

HON. MR. ALEXANDER—What has the Dominion Government to do with buying gravel roads? There is not a county in Ontario that has not incurred indebtedness in making gravel roads. The idea of asking Parliament to remit the debt incurred for a gravel road! The real object is to buy up voters in the next general election. There could not be a more corrupt measure than this.

HON. MR. FLINT.

HON. MR. HOWLAN—Last October I walked all over the piers at Cobourg and Port Hope, and I was quite surprised, as well as pleased, to find those harbours were so well conceived for the relief of shipping on that particular lake. I thought the harbours were well prepared and I had an opportunity of seeing three ships enter between the breakwaters.

HON. MR. GIRARD, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

PAWNBROKER'S BILL.

WITHDRAWN.

The Order of the Day having been called for the second reading of Bill (B) "An Act to make further provision respecting Pawnbrokers,"

HON. MR. ALLAN said:—When I asked the permission of the House to postpone the second reading of this Bill I did it at the request of the Minister of Justice, and since then I have had a note from him saying that a Pawnbroker's Bill would be embodied in the revised statutes so as to meet the object of this measure. Therefore, with the permission of the House, I would ask leave to withdraw this Bill.

The motion was agreed to and the Bill was withdrawn.

LAW OF EVIDENCE AMENDMENT BILL.

SECOND READING.

HON. MR. POWER moved the second reading of Bill (P) "An Act to amend the law of evidence in certain cases." He said: I was under the impression when I introduced this Bill that there was no means in the old Province of Canada of getting the evidence of Quakers and others having conscientious objections to taking an oath, in criminal cases. Since then I have found that I was under an erroneous impression, and that one of the

criminal acts or 1869 provides for such cases, consequently the first clause of this Bill will not be necessary. Then the only clause of the Bill which I propose that the House should proceed with is the clause which provides for the giving in evidence of the statutes of one province in another province—obliging the courts to take judicial notice of the Queen's Printer's copies of the Statutes.

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

EXPERIMENTAL FARMS BILL.

REPORTED FROM COMMITTEE.

The order of the day having been called that the House go into a committee of the whole on Bill (124) "An Act respecting experimental farm stations,"

HON. MR. ALEXANDER said: I beg to move in amendment that the Speaker do not leave the chair, but that the House go into a committee of the whole on this Bill this day three months. I again appeal to the House that the Provinces of Ontario and Quebec, to my knowledge, have their Boards of Agriculture organized, and receive large amounts from the Government to attend to all questions connected with agriculture. Under the Union Act it is the duty of those Provinces to attend to this special industry; and if an experimental farm is required in the North-West there is nothing to prevent the Government from establishing it there, but why the Government should bring in a measure like this, simply to increase their patronage, I cannot see. The Province of Ontario has its experimental farms at Mimico and Guelph, and how can the Legislature, knowing the position of Ontario and Quebec on this question—I know nothing of what Nova Scotia and New Brunswick have done, but if they have not attended to this matter it was their duty to have done so—I cannot understand why the Government have brought in this Bill. They step in now, as they did on the license question, and introduce a measure that is sure to bring about a collision between the Dominion and the Provinces, involving the country in so much trouble and expense. One would suppose that

the first Minister of the Crown had lost his head—that he had softening of the brain to bring in such legislation as this.

The amendment was declared lost on a division.

The House resolved itself into a committee of the whole on the Bill.

In the Committee,

HON. MR. ALLAN—I do not know that it is necessary for me to go into any further explanation on the Bill, as I did so at considerable length when moving the second reading; but I shall be very glad to answer any question, so far as I am informed, with regard to the subject matter of the Bill, that the House may desire to put.

On the fourth clause :

HON. MR. TRUDEL—Would the hon. gentleman allow me to ask him if it would not be better to have two of those experimental farm stations for the older provinces—one in Quebec and one in Ontario?

HON. MR. ALLAN—The Government think they have gone far enough in establishing one central station for Ontario and Quebec to begin with. If found necessary hereafter, it is always easy to increase the number.

HON. MR. GIRARD—For my part, I think there are too many experimental stations provided for; I would prefer to see practical farms established in different parts of the North-West. There should be two experimental farms established in the Dominion—one in the East and one in the West; but there are some parts of the North-West where practical farms are absolutely necessary. We have industrial schools now for the instruction of the Indians, and if practical farms were established in connection with those industrial schools they would do a great deal of good. It is well known that Ontario has advanced nearly as far as it can go in agricultural knowledge, and the same may be said of Quebec—at all events a good deal has been done in that direction, and

in many districts agriculture is carried on with great perfection. It is not the same in Manitoba and the North-West, where the agriculturists are all strangers, and where it is important for the Government to introduce another system instead of this by which to feed the Indians. We cannot continue to feed the Indians as we are doing now: we must teach them to earn their own living. We can arrive at the solution of that problem best by teaching them how to cultivate the soil, and to feed and clothe themselves as the white people do. They cannot be taught it in this generation: but the rising generation who attend those industrial schools, if they had the advantage of being taught practical farming, would take more interest in it, and such institutions would be of great benefit to the people. While the Bill is certainly a step in the right direction, and I am quite ready to support it, there is a very large expenditure connected with it which would be better devoted in the North-West to establishing practical farms rather than institutions of the kind provided for in this measure.

HON. MR. READ—It applies to the North-West also.

HON. MR. GIRARD—No doubt it applies to the North-West, but we want something more practical. It is not experimental farms that we require in the North-West; we need something more elementary and practical, which will produce more immediate good. Experimental farm stations will suit Ontario and Quebec, and other provinces which are well advanced in the art of agriculture: but they will not do for a new country, like the North-West, that is not in a position to take advantage of the results attained by such institutions, and will not be for some years to come.

HON. MR. ALLAN—I hope that in Manitoba and the North-West we shall see agricultural colleges established in the early future. The hon. gentleman admits that this Bill is a step in the right direction. The Government will proceed safely and prudently, and he must see that it is absolutely necessary for the North-West that such experiments should be made. Nothing will conduce more to the pros-

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perity of that country than the finding out as early as possible the best description of seeds to be sown, the best cattle to be bred, and the best system of agriculture to adopt for that soil and climate.

HON. MR. GIRARD—In my opinion two experimental farm stations for the whole Dominion would be sufficient at present—one for the west and one for the east, and that the rest should be practical farms.

The clause was adopted.

On clause ten,

HON. MR. POWER—As was stated at the second reading of this Bill, the success of these experimental farms depends largely upon the men in whose charge they are placed. If they are men who are interested in agriculture, and familiar with the subjects that they have to deal with, the farms may do a great deal of good; if, however, the men are not qualified in that way—but qualified possibly by services in another field altogether, these farm stations will simply involve a waste of money, and I think that the hon. gentleman who has charge of the Bill will not have any objection to adding a clause to this effect.

“No person shall be appointed to take charge of any farm station until he shall have passed an examination satisfactorily showing his familiarity with all the duties mentioned in section 7; such examination to be conducted under regulations to be made by the Governor in Council.”

That will be some guarantee that the officer who is appointed to take charge of one of those farms shall know something of the business with which he is entrusted: and it leaves the regulations as to the examinations to the Governor in Council.

HON. MR. PLUMB—It must be seen that the Government, in taking up a measure of this kind, will be open to censure and it will be very much to their disadvantage if they fail to carry it out efficiently. With them is the responsibility; they should not be relieved of it, and it ought to be understood in the House and elsewhere that the safest way

will be to leave it entirely in the hands of those who will suffer most if it prove to be a failure.

HON. MR. POWER—I wish to protest against the doctrine laid down by the hon. gentleman from Niagara. The Postmaster-General, who has had much experience in the way of leading a House, did not hesitate to accept amendments even to Government measures if he thought they were calculated to improve them. If the House is prepared to accept the theory laid down by the hon. gentleman that no Government bill is to be amended in this House, why go through the useless form of submitting measures to us for our consideration? We find that year after year the Government come in with amendments to measures which have been for years on the Statute book, and which have been revised over and over again; and it is not to be supposed that this measure, which is in itself an experimental measure, is perfect when it first comes before us. The fair way is to appeal to the common sense and the sound judgment of the members of this House. Is the provision which I propose calculated to ensure to a larger extent than the bill now does a satisfactory result from these experimental farms? I contend that it is, and I think that any member of this House who is not wedded to the Government or to the Opposition, but simply looks at the question as a mere matter of business, must be of the same opinion.

HON. MR. PLUMB—I regret that the hon. gentleman should have misconstrued or misinterpreted what I said. I did not intend to convey in any sense the idea that no bill brought in by the Government should be amended or interfered with. The hon. gentleman must know, or will know if he looks at it, that my language is not capable of that construction at all. I appeal to the common sense of the House as the hon. gentleman propose to do. I merely stated that it is obvious, in a matter of this kind, which is an experiment altogether, that it would be better in the hands of the Government, upon whom all the responsibility would fall if it fails. Otherwise they would say that the appointment of those who were put in charge of the es-



tablishments was taken out of their hands by an amendment which gave the appointment to a board, and therefore they would not be so responsible for the failures as they would be if they had appointed the managers themselves. I appeal to the House to say if any other possible interpretation could be put upon the remarks I made, to warrant the observations made in some little temper by the hon. gentleman from Halifax.

HON. MR. HOWLAN—The fair presumption is that the Government will not appoint parties who are not fit to occupy these positions. The Governor in Council, in the first place, and the Minister of Agriculture especially, are responsible for the fair working of the farm.

HON. MR. ALLAN—The purport of the amendment of the hon. gentleman from Halifax is that before a manager is appointed for these farms, he shall undergo an examination. He suggested also that it is not an unfrequent practice of the leader of the House that when an amendment is proposed to a Government Bill to acquiesce in it if he thought it a proper one. But my position is very different from that of the Postmaster General: not being leader of the House and a member of the Government, I cannot use exactly the same discretion as I would otherwise do as to accepting the hon. gentleman's amendment. I must tell him frankly that in my judgment the amendment does not commend itself, because as it has just been stated by hon gentlemen opposite, there are certain regulations which are to be laid down by the Governor in Council for the appointment of those officers. The experiment is a very important one, and one which will be productive of a great deal of good to the country if honestly and faithfully carried out. The Government are as much concerned in its success as it is possible to be, because returns have to be made to Parliament as to the results of the working of those stations; and if it is found they are not efficient, and the parties in charge are not capable men, it will soon be known, and the Legislature will interfere. I do not think it is a necessary addition to the Bill, and I would suggest to the hon. gentleman to withdraw his amendment now, and, if he

desires to do so, move it at the third reading.

HON. MR. DEBOUCHERVILLE—By the amendment proposed by the hon. gentleman, the Government will not be at liberty to appoint any person to those farms unless he passes an examination. Supposing a highly qualified gentleman from Europe, who has been at the head of some experimental farm there, should be chosen to manage one of these farms established under this Bill, he would have to pass an examination, and if he declined to submit to it, he could not be appointed.

HON. MR. READ—Is the candidate for the position obliged to understand all those subjects included in section seven?

HON. MR. POWER—Certainly.

HON. MR. READ—Then I should like to find the man who thoroughly understands all those subjects.

HON. MR. POWER—Unless the man in charge thoroughly understands all those subjects, the experiment is likely not to turn out very satisfactorily; and my amendment provides that the examination is to be conducted under regulations to be made by the Governor in Council.

HON. MR. HAYTHORNE—I should suggest to my hon. friend from Halifax, whose intention with regard to this amendment I approve, that he should withdraw it for the present, and move an amendment embodying the principle of his amendment on the third reading of the Bill. It occurs to me, however, that any manager of an experimental farm who fully comprehends the ten subjects comprised in the sub-sections of section 7 will be an abnormal individual. If we cast our eyes over the headings of these subjects we will find they are various and of a very complex character. Moreover, some of them demand the closest attention and will occupy pretty nearly all a man's time; and if he succeeds in two or three of them it is quite as much as can be expected from one man. I think the qualification will be quite sufficient if the man shows his capacity to pass an examination in half of those subjects. To require that he shall

pass examinations in them all would very likely shut the door upon the appointment of some useful and competent individuals.

HON. MR. POWER—With the permission of the committee I shall withdraw the amendment for the present.

HON. MR. BELLEROSE, from the committee, reported the Bill with several amendments.

### CATHOLIC REPRESENTATION IN THE CABINET.

DEBATE CONCLUDED.

The Order of the Day having been called—

Resuming adjourned debate on the Hon. Mr. O'Donohoe's motion, viz:—"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 patent of appointment, or copy thereof, of John O'Donohoe to the Privy Council, a copy of letters of the Right Hon. Sir John Macdonald to their Lordships certain Bishops of the Province of Ontario, and all other letters and papers, a copy of all Orders in Council in reference to said appointment or the cancellation thereof."

HON. MR. HOWLAN said: I moved the adjournment of the debate at the request of the hon. member from Kingston. I merely rise to mention that fact, reserving to myself the right to speak on this motion at any future stage of the debate.

HON. MR. SULLIVAN—I thank the hon. gentleman for the favor he has conferred on me in moving the adjournment of the debate in my absence. Having had an appointment which took me away from here I was glad to have his assistance. I regret that I should have on this, my first occasion, to address the House on such a subject. If there is any question which I should like to avoid discussing it is this, and had the hon. gentleman from Toronto confined his remarks to the personal explanations which were necessary, I should have considered it an impertinence on my part to interfere; but the language which he used in his speech last Friday was so out of harmony with the dignity of this Senate, and so calculated to stir up religious animosities, that I consider it my

duty as a Catholic Conservative from Ontario, cognizant of his misstatements and perversion of facts, to address the House on the subject. The hon. gentleman gave us a pretty long historical review. He mentioned the Hon. George Brown as leading a wing of the Reform party and driving the Catholics, by his intolerance and bigotry, from him. It was the first time I have heard that the late Mr. Brown was an assistant or one of the generals, in any party. I consider, and I am sure his biographer will claim the distinction for him, that he was rather the founder of the present Reform party. The former Liberal party, whose traditions the hon. member so much esteems and for which I also entertain so much respect, united with the Conservative party in 1854, at the time of the formation of McNab-Morin Ministry, when such gentlemen as the Hon. J. A. Macdonald, now Sir John Macdonald, united with such distinguished and honest Liberals as Spence, Drummond and Hon. John Rose. That I always considered to be the foundation of the Liberal-Conservative party, and if there is any political organization which possesses the traditions and holds the principles and has the succession of that party, which the present Reformers seem to look back upon with so much pride, and to which we all look back with respect, it is certainly the present Liberal-Conservative party. As he has said, it is impossible that anyone professing the Catholic faith could have any respect for, or could be found in the ranks of the party which was led by the hon. George Brown and, of necessity, they were compelled to have recourse to the party which has always treated them with the utmost fairness and which has never neglected their interests. Matters went on, the hon. gentleman said, until 1871 when, as I understood from his remarks, the Catholics not being treated with that consideration which they should receive, the Catholic League was formed. I am well aware, having taken an active part in the political movements of that time, of the treatment they received. I have again and again seen Sir John Macdonald appear on the hustings of a town which, certainly, in the intensity of its Protestantism, is not inferior to any in this country—namely the old city of Kingston—and

refuse to accede to the wishes of his friends who threatened that his election would be lost if he would not vote against the Separate School Bill and for representation by population. He obstinately refused to do so, and on all occasions he succeeded in securing the respect and the confidence of the Roman Catholic people. Every Bishop in succession who has held that See has entertained for him not only respect and confidence, but even a personal affection. Amongst his most intimate friends will be found men who have been held in the highest repute by the Catholic Church—men such as the Very Rev. Angus Macdonald, nephew of the great Bishop Macdonald, Father McDowell, and others who have had a provincial reputation. These men, as I have said, were not only supporters of Sir John Macdonald, but his intimate friends and held him in the highest esteem. Not only that, but we find the same body obtaining support for their schools and colleges: by his efforts they were enabled to secure grants which kept their institutions going and promoted their prosperity. Their hospitals also received the same aid, and the Catholic people evinced their gratitude, when the city was contested by the present Attorney-General of Ontario, Hon. Oliver Mowat, on which occasion only one Catholic of all in that city voted for that gentleman. Then came, as the hon. gentleman says, the Catholic League. Why this organization was attempted I do not know, but a good deal has been said about it. It is one of those organizations that I think exercised more influence than probably it was entitled to. I do not remember any gentleman from Eastern Ontario attending that; I certainly do not remember that any of the guardians of the Catholic people, those to whom they look for advice, the Bishops and the clergy, gave it any countenance or encouragement, or stated that it was in any way necessary; but it was held, and its objects were good enough if the gentlemen by whom it was led studied to elevate themselves and to secure more favorable positions in the country. They had a perfect right to do that, but in seeking to attain those objects I contend that they secured more from the Conservative party than they did from any other. The most astounding and unfounded charge which

the hon. gentleman from Toronto has made is that which he has uttered against the Hon. Mr. Bowell. I am not going to touch on this question of Orangeism—there are others who can defend the organization if it be necessary; but I am bound to mention a circumstance which occurred in 1882. I recollect in the Conservative convention which was called in Toronto on the very day on which Sir Garnet Wolseley was scattering the forces of Arabi at Tel el Kebir, a scene which occurred: the Hon. Mr. Bowell and the Hon. Mr. O'Donohoe met on the same platform and shook hands in the most cordial manner. They agreed to bury the past—at least Mr. O'Donohoe did, and Mr. Bowell agreed to do likewise—and we considered that a political millenium was at hand, that we had heard the last of Orange and Green, of Orangemen and Catholics; but such has not been the case, unfortunately. The friendship that was then cemented in so remarkable a manner was neither lasting nor enduring, as is shown by the action of the hon. gentleman from Toronto. I have a distinct recollection of the way in which the customs houses are managed in our neighborhood, and I certainly cannot find any ground whatever for the hon. gentleman's charge that they are being converted into Orange lodges, or that undue favoritism is shown to anyone holding official positions in those offices. On the contrary, I am very proud to have occasion to state, and I do so without pandering in any way or stooping to flattery—I only state what I have heard on all sides from fair-minded, impartial men—that nobody could have shown more impartiality, or conducted his department with more tolerance and liberality, or a greater desire to reward honesty and fidelity than the gentleman who so successfully manages the Department at the present time. The hon. gentleman from Toronto made an attempt to cast obloquy on the Conservative party by allusions to the late Mr. James O'Reilly, barrister, of Kingston. I happen to know all about that case, and I am aware that it is not as the hon. gentleman has stated it. Mr. O'Reilly had the good fortune to be offered a judgeship by Sir John Macdonald. At that time the leader of the Senate, Sir Alex. Campbell, was running for the Upper House. He felt

somewhat timid about the result of the election and it being noised abroad, during the excitement, that Mr. O'Reilly had secured this judgeship, some gentlemen—I do not know that they were Orangemen, it was not said that they were, and certainly the Orangemen, as a body, made no particular demonstration on that occasion—but the supporters of Sir Alex. Campbell told him they were afraid that his election would be lost if Mr. O'Reilly secured the judgeship. It was said then, I do not know with how much truth, of Sir Alex. Campbell that he refused to contest the constituency. Sir John Macdonald showed Mr. O'Reilly the critical position in which matter stood: he did not request Mr. O'Reilly to give up the office; he merely showed him the position of affairs. Mr. O'Reilly consulted the Bishop of Kingston and several other of his friends. They advised him, at first, to hold the position, but in a few days, when the excitement began to wear off, he agreed to surrender the position rather than that Sir John Macdonald should be injured through his generosity. He agreed to give up the position, and did so of his own accord. No one urged him to take the step and he was rewarded for it. He was made a Queen's Counsel and given the recordership at Kingston, and subsequently, after the election, his partner was made a judge. That is the only case of which a great flourish was made to prove bigotry, etc. You can understand from that what grounds there are for such assertions as have been made in other cases. These are the principal ones which the hon. gentleman brought forward to convince you of the bigotry of the Orange party. I am sure that his words would not have any effect on this House, nor would it be necessary for me to make any appeal to the Senate, but I make this explanation in refutation of these remarks that when they go forth to the public they may possibly have some effect on those who are not posted in political matters or who may be easily misled. As to the gentleman himself, no one regrets more than I do the course which he has taken. Up to October last he acted in unison and harmony with the Conservative party; until October last he solicited a position in the Cabinet. He should have reflected that the announcement that

he was to be given a position in the Cabinet was received with amazement by those who had borne the brunt of the fight, the Catholics who had for years given their adhesion to and worked for the party—who had labored faithfully and zealously to maintain it in power. It was not wonderful, therefore, that they were astonished at the rumored appointment of Mr. O'Donohoe to such a position, and I am quite sure that the Conservatives of other denominations did not favor it, so that it was, I contend, a great honor for him to receive even a call to this hon. House. I have no doubt that Sir John Macdonald acted in good faith and did really intend to take Mr. O'Donohoe into the Cabinet, but when he found that it was distasteful to his Catholic supporters and decidedly objected to by his Protestant friends, there was no alternative but to refuse to appoint him. He could not injure or damage his party by making such an appointment, and what politician would expect him to do so? Is there any one who would expect that a statesman—one with even much less devotion to his party than the right hon. gentleman has displayed—would for any individual expose that party to danger and risk its vitality by making such an appointment? Therefore, I contend, it comes with a very bad grace from the hon. gentleman to be so persistent, so determined to exact the pound of flesh. That it will be to his credit I am sure no one will say. As to his being the nominee of the Catholic people of Ontario, such an idea is out of the question. As you are aware there is no organization of a political character among the Catholic body; there is no way of arriving at their opinions collectively. The only way in which we can find that they suffer from any grievances or that their interests require to be attended to, is from their guardians who are qualified to speak for them—that is, the bishops and priests of the church. These are the only ones who can give any authoritative opinion, and while they may hold Mr. O'Donohoe in great esteem, still they have not ventured to express any opinion as to his merits or qualifications for the position. But I will call Mr. O'Donohoe as a witness against himself. I will appeal from Mr. O'Donohoe, inflamed with passion and smarting under what he feels to be a rebuff,

to Mr. O'Donohoe expressing his thoughts and feelings in the calmness of the closet, when conviction was forced on him and he could take a calm and thoughtful retrospect of the past. What does the hon. gentleman write in this famous manifesto which was published over his signature? I do not know what possible effect that document might have had on the Protestant electors, but I know, in the interests of the Catholic candidates, it were better it had never been published. As soon as any Catholic who was contesting a constituency received these manifestos—and there was a bundle of them sent to all, I presume, as there was a bundle sent to me—they were hidden away in the most careful manner and destroyed as rapidly as possible for fear that they would fall into the hands of the people, for they would only wound the feelings of their Catholic supporters and irritate Reformers, and I know, consequently, that it was a matter of extreme care on my part to prevent anyone other than myself and my friends seeing that manifesto. That was the effect of it, so far as the Catholic Conservatives are concerned. I take a page and a half of this manifesto, written by Mr. O'Donohoe and signed by himself, Mr. Costigan and Mr. Smith, and I find the following:—

The undersigned, in common with a large number of their Catholic fellow-countrymen, are in alliance with the Conservative or Liberal-Conservative party. They recognize in that party and in its policy the strongest claim on their support as citizens; and as Catholics they declare that the history of the country will show that it is from this party only that the Catholic people have received fair representation in the Cabinet and in the Senate, a fair distribution of the public patronage, and a fair support at all times for Catholic candidates at the polls.

On the other hand, they assert with confidence that the relations between the Liberal or Reform party and the Catholic people have been most unsatisfactory to the latter. When the Reform party had power to use, and patronage to bestow, the Catholic people, even that portion of the Catholic people in direct alliance with them, remained without representation of a proper character in the Government and the Senate; Catholic candidates were openly abandoned by the Liberals at the polls; and the public patronage was distributed without regard to their interests under a system of administration which practically recognized such interests as regarded the rest of the population. And for several years at an

earlier period than this, the Catholic Church, its doctrines, ceremonies, religious orders, bishops, priests, and people, were the victims of the incessant and blasphemous vituperation of the recognized organs of the Liberal party; while in the press, in the Legislature, and at the polls the Conservative party acted in friendly accord with, and support of, the Catholic Church and people.

HON. MR. BOTSFORD—What is the date of that?

HON. MR. SULLIVAN—This is an extract from a letter in the *Mail* of November 1st, 1882, and signed by Mr. O'Donohoe. That is evidence sufficient, I should think, to show what the real sentiments of Mr. O'Donohoe were and what they should be. I do not think it is necessary for me to enter into any defence of the Conservative party. I regret exceedingly that this question should have come forward. If there is anything which I have tried, as an individual, to repress, any feeling which I have striven to keep down, it is this of religious prejudice. I have always advocated and asserted that fidelity, zeal and works were what should be recognized in a party, and on these principles I have ever acted. It is, therefore, with the most extreme regret that I find myself called on, as a Conservative Senator from Ontario, to reply in this House to the tirade from the hon. gentleman from Toronto. He has spoken, also, in most unmeasured terms—in what he would call vituperative terms—of the Government, describing it as being sanguinary, corrupt &c.; yet, after all, he was willing to be one of the principal men in this same Government and to help to carry on this reign of corruption and bloodshed. He was perfectly willing, up to last October, to take a seat in the Cabinet: what change has taken place in his mind since then I do not know, but he has become completely converted. If the hon. gentleman wishes to find out whether the Catholics were suffering from any want of patronage, or from disabilities, or that they were being treated with intolerance, he could readily have moved for an inquiry and the matter could have been discussed fairly. But the violent speech which he made here last Friday was not intended, I presume, for the Senate but for the country. He wishes

to show his bravery and determination, how reckless he is of every other consideration except the interests of the Catholics. Well, I am perfectly satisfied if they will only take the whole matter into consideration and then give their verdict accordingly. I do not intend to occupy your time any further. I have gone over most of the points on which the hon. gentleman touched: but there is one to which I should make some reference, and that is his eulogy of his friend, Mr. Blake. I have heard it stated—I do not know whether it is true or not, but the hon. gentleman can contradict the assertion if it be incorrect—that Mr. Blake refused to attend his meeting or give him that assistance which any member of a party, let alone such an important man as its leader, should give to the humblest of its supporters. I am satisfied, if the hon. member will put one leader against the other, what the verdict of the people will be. The sentiments which the Conservative party have professed, the policy which they have pursued, have led to prosperity in the country and to all sharing the benefits alike. The policy of the Government has been such as I think will make it the ground on which their administration will be tested by the electorate, and I am satisfied that an impartial verdict will be given when these bigoted appeals to class shall have subsided. I trust that we shall see, ere long, the termination of such a course as the hon. member from Toronto has pursued to-day—that now we have heard, for the last time in Canada, mention of such a thing as a Catholic vote, and appeals to sectional and sectarian prejudices. I presume that Catholics may sometimes, on account of want of organization, not be able to receive as much consideration as others, but a good deal of that is their own fault. If they will give the matter proper consideration and take their stand as citizens having, as they have, an interest in this country, as men who have given their sweat and labor to build it up, who will feel that they have something at stake and that all their interests are bound up in its future—if they will act in that spirit, and act with the rest of the people, I am satisfied that the most designing politician and the craftiest knave will be forced to retire and

not again bring this matter to their notice.

HON. MR. POWER—If no other member wishes to address the House on this subject, I should like to say a few words before the motion is put. It may be said that this is an Ontario question, but still it is one which interests other people beside those who dwell in Ontario. I may say at the outset that I have been very much gratified indeed at the tone of the speech of the hon. gentleman who has just sat down. His closing sentiments I most cordially concur in. I hope that the time is coming, and is very near at hand, when we in this country shall be able to forget that we are of English, Irish, Scotch, or French descent, and shall remember that we are all Canadians; and when we shall forget that we are Catholics, Presbyterians, Episcopalians or members of any other religious denomination, and shall remember only that we are simply citizens of Canada. I think the sooner that day comes the better for this country and for its people. I look forward with hope to the day—I trust it is not far distant—when gentlemen will be appointed to the Cabinet, when judges will be put on the bench, when officers will be appointed to the Civil Service, not on account of their race or creed or anything of that sort, but for their merits and fitness for the positions to which they aspire. I am glad to be able to say that these sentiments I do not express now for the first time. This question of the political rights of Catholics or rather of the neglect of their proper and just claims to political appointments was brought before this Senate in the year 1878, and at that time the complaint was made that the Catholics in the Lower Provinces were not getting the fair play which they should receive from the administration of that day. At that time I made a few observations in the course of the debate, and made them without any previous reflection or preparation, but I am glad to be able to say that they express the views which I hold still. I said I thought that

“ Religion should be kept out of politics as much as possible, and that before a charge of the exclusion of any body from any position in consequence of their religious belief should be brought before the Legislature, very convincing proof should be produced that that

denomination were being dealt with in an unfair manner."

I went on then to show that the Catholics were not so dealt with at that time. That was the way I began; and in conclusion I said, speaking of Catholics generally:—

"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 other denominations, for a seat in the Government, I 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."

Those sentiments expressed in 1878 by a Liberal representative from the Province of Nova Scotia I am glad to observe appear to be about the same as those which have been expressed this evening by a Conservative from the Province of Ontario, and I hope before long that the sentiments which the hon. gentleman from Kingston and myself agree in now may be the general sentiment of our people throughout the country. I say, as I said at that time, that no race or creed should be proscribed; that is perfectly true, but I do not think, and it has never been shown, that any race or creed has been proscribed during the past ten or twelve years. I do not think that it can be shown that in any Province of this Dominion the Roman Catholics have been proscribed since 1874. I think one can go back to that date safely. I cannot understand the theory which some gentlemen appear to entertain, that people of any race or creed, the Irish Catholics, the French Catholics or the Scotch Presbyterians should be expected to condone corruption, incapacity or tyranny, on the part of a Government, simply because some prominent member of that particular race or creed holds an office in that Government. I have never been able to understand that; but there is I regret to say a good deal of that feeling in the country. Now, speaking of the two hon. gentlemen who began this debate, there is just one point which has suggested itself with regard to them, and I am glad to find that the hon.

gentleman who has just spoken confirms the view which I entertain. I think with all deference to those hon. gentlemen, neither of them holds any commission to represent the Catholic body of Ontario, or the Catholic body outside of that Province. The hon. gentleman who has just sat down has given us to understand that as to both of them. They are here on their merits, and in virtue of the favor of Sir John Macdonald, but they are not in any way the official representatives of the Irish Catholics. The history that we have had in the last three speeches that have been made has been valuable and interesting. It appears from what we have heard that the two hon. gentlemen who began the debate, that it suited the purposes of the Premier to make use of them to carry the election of 1882, as it had suited that right hon. gentleman to make use of the Orange association for the purpose of carrying a great many previous elections, as well as the election of 1882. I have not perhaps had the intimate acquaintance with the Premier that a good many other hon. gentlemen have had, but I have had an opportunity of observing his career to some extent, and I think that anyone who knows him well will not deny that the great cardinal point of his creed is that the essential thing is that Sir John Macdonald shall be at the head of the administration.

HON. MR. ALEXANDER — At any cost.

HON. MR. POWER—That is the essential thing.

HON. MR. BOTSFORD — Somebody must be.

HON. MR. POWER—The hon. gentleman thinks that is the one desirable thing.

HON. MR. PLUMB — His followers think so too.

HON. MR. POWER—The right hon. gentleman thinks more than that—that any means are justifiable to obtain that most desirable end.

HON. MR. OGILIVIE—Any legitimate means.

HON. MR. POWER—Means which would not be legitimate for any other end he thinks would be justifiable for that.

HON. MR. OGILVIE—No.

HON. MR. POWER—The hon. gentlemen can have his opinion; I shall have mine. I must say that the Premier has shown a most wonderful capacity for keeping himself in power, for so arranging, managing and manipulating people and things as to keep himself in office; but I shall tell my hon. friends opposite what the Premier has never done to my knowledge—he has never yet gone to the country on his record. He has never appealed, as a statesman should appeal to the electors, on his record—never once. He has never gone to the people and presented an administrative record of his Government and asked them for a renewal of their confidence on that record.

HON. MR. READ—He did at the last election.

HON. MR. POWER—I propose to review very briefly the manner in which the Premier has supplemented that record in former cases. I shall not talk of the election of 1867, because that was the beginning of a new era; such changes had taken place that parties had become commingled, and old party lines were obliterated; but in 1872 the Premier went to the country. At that time Canada was prosperous; and he had had a large majority in the House from 1867 to 1872. Did he go to the country then on the merits of his administration? Not at all. The Premier secured the assistance of some \$300,000 from Sir Hugh Allan. That was one supplement to his record. Then the Premier took with him to the elections the unanimous or nearly unanimous support of the Orangemen of Ontario; and he took with him, of course, the support of the Conservatives of Quebec. The right hon. gentleman came to grief shortly after the election of 1872. He had a chance to go to the country in 1878.

HON. MR. McMILLAN—On the National Policy.

HON. MR. POWER—Yes; and he did

more than that, he appealed to the people of the Maritime Provinces, not on the National Policy, but on the ground that he was going to get a reciprocity of trade by a reciprocity of tariffs. He took the Orangemen with him then, and the French Conservatives, and with the assistance of the hon. gentleman who opened this discussion he took with him a large portion of the Irish Catholic vote in Ontario as well as in the other Provinces. In 1882, the Premier had been in power for a term of four years; the country had been comparatively prosperous: the great National Policy had been operating for some time, and it had not begun to work out its legitimate results when we went to the country. But the Premier was not satisfied to go the country on his four years' record. Before going to the people, he perpetrated the Gerrymander Act. He did not appeal to the constituency which had elected him before; but gerrymandered the constituencies in such a way as to give himself a very considerable advantage. That was one of the elements which supplemented his record. Then the Premier had with him the large body of wealthy men who had embarked their money in manufactures, and who were anxious that the tariff should be continued. It will be remembered perhaps by some hon. gentlemen that the Premier told the people that there were \$10,000,000 of foreign capital ready to be poured into this country as soon as those capitalists found that National Policy was a permanent thing. We have not seen the capital yet but the promise served the purpose it was intended to serve—to carry the right hon. gentleman over the election.

HON. MR. McMILLAN—It is in the country.

HON. MR. POWER—Not at all. The hon. gentleman cannot persuade me or persuade any sensible man that any appreciable amount of this \$10,000,000 has come into the country to be invested in manufactures since 1882. He further supplemented his record by the aid of the contractors who had been engaged on the Canadian Pacific Railway; and we know that some of those gentlemen rendered yeoman service. Then the Premier went to the Orange body; and this time he



had something more than a mere friendly word to give; he proposed to give them an Act of incorporation. He then went to our Irish Catholic friends in Ontario, and he proposed to give them representation in the Cabinet; and he still retained his Conservative friends from Quebec.

HON. MR. ALMON—What was the policy that Mr. Blake opposed him with?

HON. MR. POWER—We are not now discussing Mr. Blake's policy. One thing at a time. Hon. gentlemen will see that the Premier contrived by his wonderful skill to perform the unprecedented feat of riding at the same time on several horses, each one running in a different direction. He combined the most Catholic people in the Province of Quebec, the enthusiastic Irish Catholics, and the enthusiastic Orangemen. We know how he did this; we know how he appealed to the prejudices and feelings of those different classes. While I quite agree with the hon. gentleman from Kingston in thinking that this system of selecting men for public positions simply because they belong to certain religions or certain races, and not because of their qualifications or their merits—while I think that this is exceedingly objectionable; still while a gentleman occupying the position of a Premier of Canada, resorts to a system of that kind—when he recognises it and practices it, the system should be operated as fairly and honestly as such a system can. For this reason, I think it is worth our while to consider whether the system was fairly and honestly carried out in the case which is before this House. The hon. gentleman from Toronto (Mr. O'Donohoe) had grown up to a certain extent under this system; it had been in operation around him; he found that people were pushed forward because they were representative Catholics or because they were representative Orangemen; and he felt, that having been recognized for some time as a representative in a certain sense of the Irish Catholics, he was entitled to a seat in the Cabinet. Sir John Macdonald recognized the claim of the hon. gentleman, and in order that there shall be no doubt on that matter, I shall quote the Premier's language on that subject. On the 8th of

March last, in answer to a question asked by the leader of the Opposition, Sir John Macdonald used the following language:—

"In 1882 negotiations were opened with Mr. O'Donohoe with the view of his entering the Ministry, and the assent of the Governor General was obtained to his being asked to enter the Government. It was, however, found that Mr. O'Donohoe could not at that time, from various causes, bring the expected strength to the Administration, either generally or from his co-religionists; and, after consultation between Mr. O'Donohoe and the Hon. Frank Smith, Senator, the former was appointed Senator, and Mr. Smith was appointed to the Privy Council, without, according to my recollection, any office being assigned to him."

There you have the admission of the Premier, that he had undertaken to place Mr. O'Donohoe in the Cabinet, and the admission that he had not kept his promise. But lest there should be any doubt on that, it may be well to refer again to a letter which was quoted by the hon. gentleman from Toronto, in his speech on Friday last. I propose to quote the circular letter which Sir John Macdonald wrote to the Catholic Bishops of Ontario.

"TORONTO, June 5th, 1882.

"(Private and confidential.)

"My Dear Lord,—

"Mr. O'Donohoe will tell you of the tempest that has been raised here in Toronto, on account of the supposition that his views are extreme as to the Irish question. This might destroy his future."

One can see how tender at that time—before the elections of 1882—Sir John was, as to the fate of Mr. O'Donohoe. He continues:—

"And it has therefore been arranged between the Hon. Frank Smith and Mr. O'Donohoe that the former is to represent the Irish Catholics in the Cabinet, while Mr. O'Donohoe will get a seat in the Senate. Hon. Frank Smith is to make way for O'Donohoe in the Ministry, when they think the time is opportune."

HON. MR. SMITH—To whom was that letter written?

HON. MR. POWER—It is signed "John A. Macdonald."

HON. MR. MACDONALD (B. C.)—There is no promise in that.

HON. MR. READ—The time has not come yet.

HON. MR. POWER—The letter continues :—

“These two gentlemen are acting in perfect accord, and desire that I should explain to your Lordship the nature of their arrangements, which, of course, must be kept a profound secret for the present. Believe me, my dear Lord, faithfully yours”

HON. MR. SMITH—To whom was that letter written ?

HON. MR. POWER—It is a circular letter addressed by Sir John Macdonald to the Roman Catholic Bishops of Ontario, on the 5th of June 1882. The elections took place that year on the 20th of June.

HON. MR. SMITH—Does it give the name of any person to whom it is addressed ?

HON. MR. POWER—I presume that, although the hon. gentleman said some very severe things of his fellow townsman on Friday last, he will not go so far as to accuse him of forgery.

HON. MR. SMITH—No, but I want the names.

HON. MR. POWER—I have produced the letter, which the hon. gentleman from Toronto states was written by Sir John Macdonald, and was received by more than one Catholic Bishop of Ontario.

HON. MR. SMITH—Name one of them.

HON. MR. POWER—The hon. gentleman can get the information from his hon. friend (Mr. O'Donohoe) on his own side of the House.

HON. MR. PLUMB—The hon. gentleman from Halifax is making use of the letter, and I want him to name any Bishop who received it.

HON. MR. POWER—I take it to be granted that the letter was not written without being sent.

HON. MR. O'DONOHOE—I will tell my hon. friends that I delivered the original of that letter myself into the

hands of three Bishops, at the request of Sir John Macdonald, and with the knowledge and consent of Mr. Smith.

HON. MR. SMITH—I deny any such thing. I say positively that I never knew of Mr. O'Donohoe delivering that letter to any Bishop or clergyman in the Dominion.

HON. MR. O'DONOHOE—Did you ever hear it read ?

HON. MR. SMITH—And I never heard it read until it was read in this House by the hon. gentleman himself on Friday last ; and I say that when he reads a letter here he should state to whom it is directed, and not bring in anything under a disguise. I say that the hon. gentleman ought to be ashamed to bring it in here. I dare him to name the Bishop to whom that letter was addressed.

HON. MR. POWER—The hon. gentleman is out of order. I think the House has a right to be protected from such interruptions. There is no reason why the discussion on this subject should not be conducted in the same orderly way as discussions on other questions. When I read Sir John Macdonald's statement in the House of Commons, and when I read that circular letter which the hon. gentleman opposite states he delivered personally to three of the Catholic Bishops of Ontario, I cannot help feeling that Sir John Macdonald's statement, and that circular harmonize remarkably well. Taking those two things together, there is no doubt whatever that the Hon. Mr. O'Donohoe was promised this seat in the Cabinet, and that when Sir John Macdonald found that there was a tempest raised over his appointment, he thought he had better let the matter stand over for a while, and that he gave the Bishops to understand that the arrangement would be carried out, after the tempest that he spoke of, had passed away. I happened to be in the House of Commons the evening Sir John made that statement ; not by any previous arrangement with the Premier ; my being there was purely accidental, and I think that after that statement was made in the House of Commons with

respect to a member of this House, Mr. O'Donohoe owed it to himself and to the Senate to bring the matter up in this Chamber. It may be said that the hon. gentleman did not take this step early enough. There was a very good reason why he did not bring it up until now. Up to the time of the Easter holidays the Premier was not well enough to attend in his place in the House of Commons, and I think the hon. gentleman from Toronto showed good taste in letting the matter stand over until Sir John Macdonald was again able to attend to his Parliamentary duties. The hon. gentleman who represents the Government in the House now, (Mr. Smith) made use of some language on Friday last which was calculated to create the impression that Mr. O'Donohoe was acting in some sense on behalf of the Reform party, or was induced to bring in this resolution by some member of the Reform party. As far as I am aware, that statement has no foundation whatever. As far as I know, the hon. gentleman has brought the matter up entirely on his own motion, and there is no Reformer concealed about the premises at all.

HON. MR. PLUMB—There is no Reformer "in the fence."

HON. MR. POWER—No. I think Mr. O'Donohoe has established his case in such a way as to satisfy any reasonable and unprejudiced man. When we take all the circumstances—the fact that my hon. friend worked very hard for the Conservative party in 1878; that he then did ycoman service, as the member of the Government admitted; when we find that he was dissatisfied in 1882; that his dissatisfaction was removed, and that he worked energetically and vigorously during that campaign, and amongst other things produced the manifesto which the hon. gentleman from Kingston remarked did more harm to the Conservative cause than good; (I can understand that among some of his Orange friends in Kingston it might do some mischief, but I do not see how it could amongst Catholic voters); looking at Sir John's letter to the Bishops, and his statement in the other House, it is perfect clear that the Premier did enter into the arrangement that Mr. O'Donohoe

has described; and when the elections were over, Mr. O'Donohoe, having served the purposes of the Premier, was thrown over to the Orange wolf. That is a way the Premier has of disposing of people when they cease to be of use to him.

HON. MR. DEVER—It serves him right; it was a fool's bargain.

HON. MR. SMITH—He had a right to keep away from him.

HON. MR. POWER—I hope the hon. gentleman will apply that moral to himself. He has done a good deal of work for the Premier, and certainly has made nothing out of it himself. The hon. gentleman must have lost a great deal, and gained nothing financially by his action with the Government.

HON. MR. KAULBACH—We are told by the hon. gentleman who has introduced this question that he (Mr. Smith) took advantage of the knowledge he got in the Cabinet, of the change in the tariff.

HON. MR. POWER—I think the hon. gentleman may regret before long, the losses sustained for the sake of his party.

HON. MR. SMITH—I will report when that day comes.

HON. MR. POWER—I have just stated that the Premier, when Mr. O'Donohoe had served his purpose, had thrown him over to the Orange wolf. But another thing happened: the Orange body who had reposed their faith in the Premier's promise that they were to have an Act of Incorporation when the next sitting of Parliament came around, were disappointed; the Premier threw the Orange body overboard to the Bleu wolf, which was a more formidable animal then, and the poor Orange bill was made the victim.

HON. MR. PLUMB—What a terrible fellow he is.

HON. MR. SMITH—It was not brought in as a Government measure.

HON. MR. POWER—No, the Premier was a little too shrewd to bring it in as a

Government measure: but he gave the Orangemen to understand that the bill would be passed, and the bill was not passed.

HON. MR. OGILVIE—Imputing motives again.

HON. MR. SMITH—Did the Bill never come up in the Ontario Legislature?

HON. MR. POWER—I think it did in 1871.

HON. MR. PLUMB—Under Mowat's administration?

HON. MR. POWER—I have not said that the House of Commons was wrong in rejecting that measure, or right. That has nothing to do with the question. I am simply illustrating the way in which my co-religionists as well as the Orangemen, have been manipulated and utilized by the gentleman whom it would not be wrong to call the political Barnum—he is the prince of political humbugs. I do not make the statement which I am about to make, as positively as I have made some others; but I say that, looking at what we know of the character of the Premier and at all the circumstances of the case, it is perhaps not uncharitable to say, that the Premier in 1885, as he had previously sacrificed Irish Catholics to the Orangemen, and had sacrificed the Orangemen to the overwhelming Catholic vote, chiefly French—sacrificed the French to the overwhelming English vote.

HON. MR. BOTSFORD—In what way?

HON. MR. POWER—My hon. friend has I think paid a fair amount of attention to the recent proceedings in the Province of Quebec and elsewhere, and he must know.

HON. MR. PLUMB—According to the hon. gentleman he has sacrificed them all, and where is he now?

HON. MR. POWER—The conclusion I draw is simply this: we are not to be surprised at what has been made known in the case before the House. I take it

that the leader of the Government is prepared to sacrifice any principle or any friend for the purpose of gaining or retaining office; and this history illustrates the way in which he uses the prejudices and feelings of races and creeds just as pawns on a political chess-board.

HON. MR. MACDONALD—And you would do the same thing if you were in power.

HON. MR. POWER—I do not care to make individual references but there are times when one is really almost tempted, and I think the hon. gentleman behind me might point a moral as well as anybody else. I referred before to the Premier's wonderful capacity for combining classes that no other man could combine. He has had in his Cabinet for a very long time a member of the Orange body, and the Orangemen of Canada, or at least the Orangemen of Ontario—it is not true of the Orangemen of the lower Provinces—but the Orangemen of Ontario are so influenced, chiefly by that fact, that the Conservative Government can go on and misgovern the country—they can be as extravagant and corrupt as they please, and the Orangemen of Ontario will support Sir John as long as he has an Orangeman with him in the Cabinet. Then he has an Irish Catholic in the Cabinet—my hon. friend opposite. I think the impression that will be left upon one's mind is that, in the opinion of that hon. gentleman and of the hon. gentleman from Kingston, and of a good many others of that party in the Province of Ontario, the Premier is at liberty to misgovern in every way that he pleases, and it is expected that because there is an Irish Catholic in the Cabinet it will be all condoned and forgiven. The Premier has been able to combine the French element with the Irish Catholic and the Orange elements. The Premier has obeyed one of the injunctions of St. Paul to "be all things to all men." I was rather struck a while ago by the reference of the hon. gentleman from Kingston to the millennium which is coming. I think Sir John's Cabinet approaches as nearly to the millennium as anything one knows of. The millennium is described as being the time when the lion and the lamb shall lie down together, and

a little child shall lead them. I can imagine the Cabinet being described as a case of the Bleu Lion and the Orange Lamb lying down together, and the Irish Catholic little boy leading them.

HON. MR. ALMON—No, Sir John is the little boy.

HON. MR. POWER—Or one might if he were a little more poetically inclined, fancy the Cabinet a concert company from which could be heard the strains of the “Boyne Water” mingled with those of “Patrick’s Day” and “Un Canadien Errant” in an unique and wondrous harmony.

HON. MR. SMITH—Is not that the way he should be?

HON. MR. POWER—I do not propose to say anything more on what I may call the general subject; but I shall refer to one or two things that the member of the Government spoke of. He referred to some resolutions with respect to Home Rule which were adopted by this Parliament in 1882. Mr. O’Donohue suggested that they had been drawn by me. I wish to say that they were not drawn by me alone. I was a member of the sub-committee appointed to draw them up; and the resolutions were drafted by Mr. Patterson, the Conservative member for Essex in the House of Commons and myself; and the hon. gentleman (Mr. Smith) was incorrect in saying that they were Mr. Costigan’s resolutions in the sense that Mr. Costigan had drawn them. Mr. Costigan took the resolutions and submitted them to the Premier.

HON. MR. ALMON—May I ask the hon. gentleman what answer Mr. Gladstone gave to that address?

HON. MR. POWER—This matter has really nothing to do with the subject before the House; but the hon. gentleman opposite referred to it, and I think it desirable to correct the statement that he has made. Mr. Costigan submitted those resolutions to the Premier, and the Premier made such alterations in them as to take the force out of them to a very considerable extent, just as the Government

did with the resolutions introduced the other day by the leader of the Opposition in the other House.

HON. MR. SMITH—Did the hon. gentleman not find fault with me for not accepting the resolutions which he had drawn in that committee on that occasion: and did he draw any of those resolutions he speaks of now? His resolutions were cast aside, and the Hon. John Costigan and Mr. Patterson, Essex, and some other gentlemen I could name framed those resolutions, and the hon. gentleman from Halifax had nothing to do with them. The hon. gentleman found fault with me at the table in the committee room, and said that everything that he brought up there was objected to by me. This was at the second meeting of the committee, and I ask him is not that the case?

HON. MR. POWER—No.

HON. MR. SMITH—Did the hon. gentleman not find fault with me at the table?

HON. MR. POWER—Whatever doubt, I might have had as to the relative merits of the statements made by the hon. gentleman who has just sat down, and the hon. gentleman opposite (Mr. O’Donohue) have been removed by the statement now made. I did not care to trouble the House with the details of that old story, if the hon. gentleman had not challenged my statement.

HON. MR. SMITH—Tell it all.

HON. MR. POWER—I prepared the first draft of the resolutions, if I remember rightly. Mr. Patterson prepared another draft; and I remember that the resolutions ultimately adopted were made up partly of those which I had drawn, and partly of those drawn by Mr. Patterson. I had occasion to speak to Mr. Patterson myself within the last three days on this subject, and his recollection of it is the same as mine.

HON. MR. HOWLAN—Who were the committee.

HON. MR. POWER—The point is that

HON. MR. POWER.

the Hon. John Costigan did not write a line of those resolutions.

HON. MR. HOWLAN—Name the sub-committee?

HON. MR. POWER—The Hon. G. W. Howlan, Mr. Patterson, of Essex, and your humble servant.

HON. MR. DEVER—Good men.

HON. MR. POWER—There is another remark bearing on the case. I think really the Senator from Kingston owes an explanation to the leader of this House and to the Government for his statement. There was a manifesto which he says was signed by Mr. O'Donohue, at that time not a member of the Senate, by the Hon. Mr. Smith and the Hon. Mr. Costigan; and the hon. gentleman from Kingston says that that was so *mal à propos* an address that he suppressed it as far as was in his power.

HON. MR. SULLIVAN—Certainly I did.

HON. MR. POWER—Surely that is paying a very poor compliment to the hon. gentleman's friends in the Government.

HON. MR. ALEXANDER—I only propose to claim the indulgence of the House for one or two moments after the very long speech which has just fallen from the senior member for Halifax. We all regretted, of course, the differences which have arisen between the leader of the House (Mr. Smith) and my hon. friend from Toronto (Mr. O'Donohue)—differences between two gentlemen who have been much respected by all who know them—members of one church, and the more to regretted because they are members of a church in which unity generally prevails. As regarding the statement of the hon. gentleman from Toronto, (Mr. O'Donohue,) I say that speech, which was delivered by him, was characterized by its simplicity, its honesty and its truth: and it is not very seemly for the leader of the House to belittle the Senator or to challenge his motives, or the honesty of his purpose. I say that a man who is honest and does

his duty to his country and to his fellow men is as much to be respected as a man who possesses wealth, and it ill became the hon. gentleman to employ such terms to my hon. friend, simply because he has not as much wealth as he has, and I am sure he will regret his utterances when he sees them appear in the public journals. It was very proper that my hon. friend should bring this matter before the House. Is it seemly or honest that a Minister of the Crown of a country such as this Dominion should practice such artifices as are daily brought to light? Is it proper that the First Minister of the Crown should go to bishops of the Church of Rome and to clergymen of the Church of Rome and make solemn statements and solemn promises, which are all to be broken like pie-crust simply to suit his own convenience, and that he may retain the rein of power? His purpose is to secure his object by intrigue, and every sort of artifice. Can we expect the blessing of God to rest upon the country when its First Minister practices such artifices as are daily brought to light in the press and in the Parliament of the Dominion? What is the result of all this demoralization? The standards of honor, which ought to govern society, appear to be impaired. Have we not seen a member of this Senate guilty of taking upwards of \$600 of the public money for simply 11 days' attendance, and on signing a false declaration which in my judgment is an act of perjury? Could you find any man of respectable position in England, in France or in Germany, do so dishonoring an act? The higher classes of society in England recognize truth and honor in their private and public life, and they do not have recourse to dishonourable means to obtain money. If a man is once convicted of anything dishonourable in England, he is excluded from society. You will not find even a mechanic or an artisan associate with a man who has taken other people's money fraudulently, and who could sign a false declaration for the sake of a paltry \$600.

HON. MR. BOTSFORD—I call the hon. gentleman to order.

HON. MR. ALEXANDER—The hon. gentleman is afraid that I will call atten-

tion to the bad conduct of some of the members.

HON. MR. BOTSFORD—The hon. gentleman is making use of language which is perfectly unjustifiable. No one who hears him can mistake his insinuation against a member of this House.

THE SPEAKER—I certainly think the hon. member is not in order. I would request him to confine himself strictly to the motion before the House.

HON. MR. ALEXANDER—I am sure my hon. friend, Senator O'Donohoe, may congratulate himself that he was not taken into the Government. Who would desire to become a member of a Government which waste millions of dollars to keep themselves in power? Who would care to become a member of a Government that have introduced bills such as those which have been passed in this House lately? When we see responsible men in this House trying to justify such measures by special pleadings, we can well suppose that they were brought up in the old Grecian schools of sophistry. That is the way such members purchase their way to Speakerships, to Portfolios, to Government offices, by sophistry and fraud.

HON. MR. BOTSFORD—I call the hon. gentleman to order.

THE SPEAKER—The hon. gentleman is out of order, and grossly out of order. The language he has used is as unparliamentary as any I have heard used in this Chamber, and he seems determined to defy the authority of the House, and the decency and decorum that ought to prevail in debate. I leave the hon. gentleman in the hands of the House.

HON. MR. ALEXANDER—If the House—

HON. MR. BOTSFORD—The hon. gentleman cannot rise to speak again without the permission of the House.

HON. MR. ALEXANDER—If the House will not permit me to rise, of course I cannot continue.

HON. MR. ALEXANDER.

THE SPEAKER—The hon. gentleman having been called to order can only speak again with the consent of the House.

HON. MR. ALEXANDER—I ask the House to permit me to go on for a few minutes.

HON. GENTLEMEN—No! No!!

HON. MR. BELLEROSE—I had no intention to speak on this subject, but some remarks which have fallen from the hon. members from Kingston and Halifax force me to make a few observations. I was surprised to hear them take a position similar to that which others have assumed in this House on other occasions—that those questions of religion and nationality ought not to be brought before Parliament. In principle I approve of that; I am always astonished to see a community like ours, composed of people of so many different origins, unable to live in harmony, and to find from time to time that it is necessary for minorities to call upon their fellow men for justice. In the Province of Quebec, during the last forty years, since the union of Upper and Lower Canada, peace and harmony have prevailed; there is no trouble there; you never hear of any difficulties in the Legislature of that province about religion or nationality. Why? Because the majority, being French, take a pride in seeing that the minority are treated with liberality. The French are in the minority here. Let the representatives of all other races unite and give the minority that to which they are entitled, and they may be sure that the minority will never ask for special privileges and favors. They ask simply for their rights and nothing more, and the majority should, without having to be appealed to, grant them that to which they are entitled. The hon. member from Kingston says that the Catholics receive ample justice. If his heart tells him so, I say it does not inform him correctly. How have the Catholics of New Brunswick been treated on the subject of education by the Government of the day? As to Quebec, how was the question of marriage settled in 1867? Was it not settled in such a way that Sir Alexander Campbell acknowledged in this House that Sir John Macdonald and himself, when in England,

had done the reverse of what they had promised to do before they left Canada in 1866. Is that something which should make the minority happy? Yet the result of the course pursued by the majority on that occasion has been that the portion of the civil code of Lower Canada relating to marriage, which have been left to that Province has been set aside by the interpretation put upon the British North America Act of 1867. Is that proper conduct on the part of the Government of the day, and have I not a right to come here and say that, however much I may dislike it, I am obliged to speak of my church and nationality, because the majority have been unjust to us? Was the hon. member from Kingston, who acknowledges himself to be a Catholic, so well pleased in 1872 when he saw the Catholics of New Brunswick suffering under an unjust law, because it pleased Sir John Macdonald to prove a traitor to his friends and violate his word of honor that the rights of the minority should be protected under the Confederation Act? However the hon. gentleman from Kingston thinks it all right and advocates the principle that we ought not in Parliament to speak of religious differences; but is he satisfied with the position which his countrymen and my countrymen occupy in this Dominion? Does he not know that in this country the minority have only half of what is due to them, and notwithstanding that fact, they do not complain much. They suffer patiently; but why should we not in this House state their grievances? What is our proportion of representation in this very Chamber? Have the nationality to which the hon. gentleman himself belongs the proportion of representation here to which they are entitled? I say they have not. Let him look round the Senate and state upon his honor whether he believes that his nationality has its fair proportion of representation. His party feeling tells him that the representation is sufficient, but it will not satisfy me. I am as good a Conservative and as good a Catholic as the hon. member for Kingston, and I am not satisfied when I am denied my rights.

HON. MR. SMITH—I thought this was an Irish fight.

HON. MR. BELLEROSE—Yes, it is an Irish fight; but when principles are laid down in such a way that others who have been fighting the battle of their country are accused, it is time to point out what is right. To this very day the French minority in this House are denied their rights. The Government of the day, three or four years ago, through the then Minister of Justice, Sir Alex. Campbell, from his place in the Senate, acknowledged that the minority are entitled to a French Minister on the Treasury Benches in the Senate, who should reply to questions put by French members in their own language. We are without such representation still, and yet the hon. member says that minorities ought not to complain, and ought not to introduce questions of religion and nationality. I say we should not be obliged to speak on those questions. The true remedy, and the only remedy, is for every man to do his duty, and when that is done all will be satisfied. *Justitia et pax osculate sunt.* Without justice to all we cannot have peace and happiness in the country: we must have trouble and complaints. I desire, as much as any member of this House, to see the government of this country conducted in a peaceful and harmonious way; but we are all representatives of the people, and it is our duty to protect the rights of those who have placed us in the position which we hold here. If we fail to do so, we are derelict in our duty. I could state a number of facts to prove that the minority in this House are unjustly treated, and show that the Irish, as well as the French, are interested in having the present condition of affairs remedied. I wish to state to those gentlemen who have advised us against introducing questions of religion or nationality here, that every time such doctrines are advocated in the Senate I will be ready to admit their correctness in principle: but I am not ready practically to submit to it except another principle is recognized—that is, of doing justice to everyone, and giving to everyone that to which he has a right. I do not like this sort of discussion; but it is a necessity until the majority understand what their duties are, and until the minority have reason to place confidence in the majority.

HON. MR. DEVER—If there is any-



thing on earth that I despise it is talking about religion. I think if possible all religious questions, especially when mingled with politics, should be kept out of this Senate: unfortunately a question has arisen here into which a good deal of religious controversy has been introduced. It is no concern of mine: I have no part or parcel in it. I did not introduce it: I did not know it was coming up: but I feel it my duty, as a Catholic Senator from the city and county of St. John, to speak on my own behalf and on behalf of those voters and citizens who may take the same view that I do with reference to this question. During this debate quotations have been made from a document prepared by the Hon. John O'Donohoe, Hon. John Costigan, and the Hon. Frank Smith, in the house of the Hon. David Macpherson, at Toronto.

HON. MR. SMITH—Mr. Costigan was not there.

HON. MR. DEVER—We are told that he signed the proclamation.

HON. MR. SMITH—He did not: he was not there at all.

HON. MR. DEVER—He signed the proclamation.

HON. MR. SMITH—That was not the time.

HON. MR. DEVER—I quote the words of one who has spoken in this Senate as follows: "As a result of the bargain at Mr. Macpherson's house in Toronto an address to the Irish Catholics of Canada was issued and the support of the administration was assured. Sir John Macdonald then wrote to the bishops acquainting them with the position of affairs." The address bears the signature of Hon. Mr. Smith, Hon. Mr. Costigan, and the Hon. Mr. O'Donohoe.

HON. MR. SMITH—I beg the hon. gentleman's pardon. The address had nothing at all to do with the time that the meeting was held at Sir David Macpherson's. It is a different affair altogether. The hon. gentleman who brought up the question will explain it.

HON. MR. DEVER—He has explained it. It is a matter between the hon. gentlemen who presumed to speak for the Catholics of Canada. To this I take exception, and I do so because the Irish Roman Catholics—a large portion of them—feel aggrieved that they have no representation in the Cabinet—that, on the contrary, two gentlemen are in it who are looked on as catspaws—in other words, decoy ducks, for the purpose of catching the votes of confiding Catholics of Canada.

HON. MR. SMITH—You need not find fault, for they would say you are not one.

HON. MR. DEVER—My position is this. I feel it my duty to protest against the presumption of those three gentlemen assuming, on behalf of the Catholics of the Dominion, to sell, bargain and traffic in our political rights. They have a perfect right to speak and act for themselves, and to secure all the honors and emoluments they can by their own exertions: but to speak for the Catholics of this country is a presumption that I cannot tolerate, as far as I am concerned. I submit to the Catholics of this country to say whether they will sustain it or not. In fact, to me this conduct looks so ridiculous that I can compare it to nothing only to the meeting of the three tailors of Tooley street, who presumed to speak on behalf of the people of England—"We (3) the Catholic, representatives of this country speak on behalf of the Catholics of the Dominion of Canada." I feel that the Catholics, as a body, will repudiate such conduct: they will not stand it. When they want representatives they will feel that they have a right to select them, and that those representatives will be made by them—not for them. Another point came under my notice in this debate—and it is this: the Hon. Mr. Smith, in the most ungenerous way I thought, alluding to his associate from Toronto, Mr. O'Donohoe, taunted him with being unable to get a constituency—that he should appeal to the people, or that he appealed and could not be elected. Mr. O'Donohoe might have retorted that Mr. Smith could not get elected either, though he is a very re-

spectable man ; but is it not a notorious fact that the Catholics of the Province of Ontario are so scattered and in such a minority that there is hardly a county in the province in which a Catholic can be returned without Protestant support ; and I am sorry to say it is frequently the fact that in the counties where the Protestants predominate they are not so liberal as they ought to be if they want to have peace, comfort and true loyalty in this country. There is another thing which struck me as a very surprising matter. He said "The only thing that would induce him to resign would be to receive an intimation from the hierarchy of this country." An intimation from the hierarchy of this country ! I do not believe the hierarchy would trouble themselves to intimate to him that he should resign.

HON. MR. SMITH—I do not think they will ; I do not think there is the slightest danger of it.

HON. MR. DEVER—I think it is bringing them down to a very low level to assume for a moment that they would bother themselves about the Hon. Mr. Smith. He also said he would not retire from the Government until a proper Catholic representative was selected. The Hon. Mr. Smith must be a great man. Certainly a very important man ! Why, he must have wings ! He must think himself floating in the air when it is necessary to consult him before making a place for a Catholic Irishman in the Government of Canada. He also said that the Catholic interest was now well represented by himself and Mr. Costigan. I deny it !

HON. MR. SMITH—I say still that the Catholic interest is well represented by Mr. Costigan—very much better than you or I could represent it.

HON. MR. DEVER—That is a question. The hon. gentleman took great care to explain that the Catholics of this country had six representatives in the Government—a thing never heard of before. Would the hon. gentleman state how many Catholics were in the Government in 1879, 1880 and 1881—when New Brunswick was left unrepresented, except

by Sir Leonard Tilley. Where was Mr. Costigan then ? Where was Mr. Smith then ? They were nowhere. They were round the butcher's block picking up the scraps. The hon. gentleman also said that the Hon. Mr. Scott was not an Irishman. He is a good authority, probably, about the biography of members of this House, but I prefer the "Parliamentary Companion," and I find stated therein that Mr. Scott was born of Irish parents.

HON. MR. SMITH—I say so ; he is a first-class Canadian.

HON. MR. McMILLAN—He is not descended from Irish parents. His mother was a Scotchwoman.

HON. MR. DEVER—Scotch or Irish, he is of Celtic origin.

HON. MR. McMILLAN—So much the better.

HON. MR. DEVER—I would ask the hon. gentleman, since he is so particular about the nationality of Mr. Scott, what he has to say about the origin of Mr. Costigan ? The "Parliamentary Companion" tells us that Mr. Costigan was born at Quebec, so that he has no advantage over Mr. Scott on that score.

HON. MR. ALMON—Then he must be a French Catholic.

HON. MR. DEVER—The fact is, that there are two Irish Catholics in this Government at present, the result of accident ; the intention was that there should be only one—that Mr. Costigan should be used to kill two birds with one stone—that he should do duty in Upper Canada first as the representative of the Irish resolutions, as the representative of the New Brunswick school resolutions, as the humbug of the country, to impose upon the Catholics ; but the people of Upper Canada would not receive him. That is the hitch ; and the consequence was that Mr. O'Donohoe had to be referred to, and failing in that the hon. Mr. Smith had to be appointed. The result is that two Irish Catholics are by accident in the Cabinet.

HON. MR. SMITH—Are you not jealous?

HON. MR. DEVER—Mr. Costigan was then sent down to New Brunswick a second time, when he could not do any good in Upper Canada. He was expected to overwhelm the Catholics and bring them to the standard; and to show that there is truth permeating all those documents that came up, I will quote from one I have here. There has been some talk about a manifesto in Upper Canada. With that I have nothing to do. I am perfectly satisfied that Ontario shall take care of itself, and choose just such representatives as it may think proper: but when gentlemen come down to the Province of New Brunswick, I have a word or two to say about their utterances, and there are others in New Brunswick who should be consulted on public affairs. They do not want to be driven to the polls because Mr. Smith and Mr. Costigan, and even Mr. O'Donohoe, should go into a private room in Sir David Macpherson's house and bargain and traffic and transfer the support of the Catholics of Canada for their own aggrandizement.

HON. MR. SMITH—Mr. Costigan was not there at all.

HON. MR. DEVER—He signed the proclamation, I have a document here which was placed in my hands by a Rev. priest. I am not one to seek the protection or assistance of priests in elections for political purposes. I have due respect for them, such respect as one entertains who has from a boy been brought up in that Church that has braved the battle and the breeze for 1800 years, and I trust will continue for all time to inculcate morality, purity and true philosophy in the minds of the sons and daughters of men. The manifesto is an imposing document, and worthy of the gentleman from whom it emanated. It is dated St. John, June 19th, 1882, and addressed "To the Irish voters of Charlotte County."

"Charles Curliss,

Care of the Mayor of St. Stephen.

State to the priests and all the Catholic people that I trust they will lend all their aid to return Stevenson in

support of a Government that has done and will do the fullest justice to them, and support a National Policy that is a blessing to us all. You have my fullest authority."

Napoléon Bonaparte could not say more than that.

HON. MR. MACDONALD (B. C.)—Who said that?

HON. MR. DEVER—I will tell you bye-and-bye. He continues—

"You have my fullest authority to represent me in Charlotte County, which I hope, like the rest of the Province and the Dominion, will do its duty, and support a policy that has raised us."

He should have said "Me": it would have been more appropriate and what he must have really meant.

"Support a policy that has raised us from poverty to prosperity. Surely the political party that voted one hundred thousand dollars to relieve the distress in Ireland, that carried resolutions of sympathy with Ireland triumphantly throughout Parliament, and that now comes before this country with two representatives of our people."

Oh, what a gift! He continues—

"Has a strong claim on the cordial support of Irishmen all over Canada. Ask our Irish friends in my name to support us, that I may be so strengthened as to be of use to them.

JOHN COSTIGAN."

This manifesto went forth, but did not do the duty that was intended, for the gentleman against whom it was directed was triumphantly returned, in spite of it, and the Catholics and clergy of the place laughed at the impudence of Mr. Smith, Mr. Costigan and Mr. Anybody else issuing proclamations calling upon them to support them for their own personal aggrandizement, and I believe I have authority for stating that they repudiate such an impertinence. I know, I do repudiate and resent it.

HON. MR. KAULBACH—I am very glad my hon. friend from Halifax has told us that since 1871 no race has been proscribed in this country. He has also told us that Sir John Macdonald has a happy faculty for combining and harmonizing all creeds. I am sure this, coming from my hon. friend, is a eulogy of the leader of the Government which I, for one, am glad to accept at his hands. It seems to me, in this matter in 1882,

there must have been some arrangement by which the hon. gentleman who now leads the Senate (Mr. Smith) desired that the mover of this resolution should have a seat in the Cabinet, in preference to himself; but subsequently it was ascertained that the hon. member opposite (O'Donohoe) was not as popular with his party, his co-religionists, or his race, or with any other party, as had been supposed, and it was thought unwise to appoint him to the Cabinet; and therefore the hon. gentleman, who was then in the Cabinet and is still a member of it, was retained in his position. There is another fact which cannot be doubted, that it was agreed that the hon. gentleman who has moved this resolution was to take a seat in the Senate. That agreement was carried out; and from what I can learn from the whole of this controversy there is no ground for complaint. It is very strange that the hon. gentleman who has moved this resolution should at this time censure the party for not appointing him to the Cabinet, and I wish particularly to draw the attention of the House to this fact—the hon. member admits that up to last October and even up, I believe, to the opening of the present Session, he solicited the Premier to carry out certain terms which he says were agreed upon—that Hon. Mr. Smith should retire from the Cabinet, and that he, Mr. O'Donohoe should take his place. It seems to me that that is not denied by my hon. friend—that certainly up to the 29th October (and I think he will admit up to the opening of Parliament) he had interviews personally and by letter with Sir John to that effect. I think my hon. friend will not deny it. If he does deny it I would like to hear him say so. He denounced the Government here by saying that my hon. friend (Mr. Smith) does not represent the Irish Catholic party properly; that he only got into the Cabinet to serve his own purposes; and that he got information as a member of the Government with regard to changes of tariffs and profited by it. I am sure my hon. friend cannot convince this House or the country of that. I believe a more sincere, generous, patriotic, right-thinking man than the present leader of the Government in this House is not to be found inside or outside of Parliament, and he is a gentleman who

would scorn to use information that he received in the Cabinet for his own personal advantage. But the hon. gentleman says that this Government is an old hulk drifting on the sands, and that at any moment it may be in such a position that the first storm will break it to pieces. He says also that it is an effete, corrupt Government, a charter-selling Government whose hands are imbrued in blood. If so how is it that the hon. gentleman was so solicitous that my hon. friend opposite (Mr. Smith) should retire from the Cabinet, and that he (Mr. O'Donohoe) should up to a few weeks ago, take his place? If the Government is so effete and corrupt, and so likely to go to pieces, surely the hon. gentleman could not be influenced to go into such a Cabinet? It seems to me that some change has come over the hon. gentleman, and when he found that his last hope was gone, and there was no chance of Mr. Smith retiring—that the "opportune time had not arrived"—he therefore put himself in antagonism to the Government. I cannot understand after all my hon. friend has said about the corruption of the Government, how a man of unblemished reputation and integrity, as he claims to be, should attempt to enter a Cabinet that he now stigmatizes in the way he has done.

HON. MR. O'DONOHUE—My hon. friend from Lunenburg seems not to understand the question very well. In reply I shall only refer to a few points that have been advanced. The hon. Senator from Toronto, now leading the Government, would impress this House with a false notion as to my character. As to my popularity, there can be none of that. As to support from any portion of the people I could not get that: accord to him I could not be elected for any part of the Province of Ontario—not even to a town council. I have lived in Toronto for 45 years, and notwithstanding all that my hon. friend has stated, I have the regard of the people of Toronto, of the people of Canada, of those more immediately connected with myself—such a regard as my hon. friend never had. There is nothing that has been in the gift of the Catholic people that has not been conferred upon me. I was elected for the City of Toronto, and I was elected against all

the force and power and money of my hon. friend. He told this House on Friday that he wanted to carry me on; he wanted to make me a Senator; he wanted to make me this and that: he would lead the House to believe that he was absolutely a friend of mine. I will tell the House the sort of friend he was: he was a pretended friend, but a treacherous friend; that is what he has been. He says that Conservative Catholics would not accept me. I know the sort of Conservative Catholics. They are my hon. friend and his son-in-law, and the brother of the son-in-law, these are the people that did not want me, on the surface pretending to like me: but behind my back writing against me—writing to the Premier against me. I know that I am speaking by the book. I am speaking by the documents I have read. I have asked him to name the persons who indicated that they would not support the Government if I were a member of it. Did he tell you? Did he give you the name of anyone? He could not do it. In 1871 to which I referred when I spoke on Friday, the Catholics of Ontario met, lay and clerical. They formed an association and whom did they appoint as president of it? They appointed me the man who has no popularity with the Catholics. My hon. friend from Kingston, probably not paying a great deal of attention to the agitation in favour of Catholic rights, and my hon. friend from Halifax, say there has been no proscription. I may be permitted to read for the information of my hon. friend what the Catholics did at that time. I will quote from the constitution and bylaws of the Ontario Catholic league adopted 27th April 1871. It commences—

In order to understand the origin of the organization which it is intended to put in operation under the constitution of the Ontario Catholic League, it is only necessary to mention that, in the month of January of the present year, a number of Catholic gentlemen who take a deep interest in the political and welfare of their co-religionists in this Province, met in private conference to consider what, if anything could be done towards securing to the Catholics of Ontario a just representation in the management of public affairs. What resulted from that conference will be gathered from a perusal of what follows.

The following address was adopted and presented to His Grace the Archbishop and

their Lordships the Bishops of Ottawa, Kingston, Hamilton and London:

*To His Grace the Archbishop and their Lordships the Bishops of Ontario:*

MAY IT PLEASE YOUR LORDSHIPS—

The Catholics of this Province, notwithstanding that they are called upon, in common with their fellow-subjects of every denomination, to bear their due proportion of the expenses of the government of the country, and are in every way affected by the laws from time to time enacted, have felt that they are almost totally unrepresented in the halls of the Legislature.

They attribute this humiliating position partly to the prejudices existing in the minds of the Protestant majority against them on account of the religious belief, and partly, if not principally, to the want of harmony and unity of political action among themselves.

Before taking any step affecting the political interests of the Catholic body as a whole, they deem it as a matter of duty and of the utmost importance that they should first have the counsel and advice of their ecclesiastical superiors, as to the best means of securing due representation to Catholics in the Legislatures of this Province and the Dominion of Canada.

With a view, then, to securing an object so just and so important to all Catholics, the undersigned, on behalf of the Catholics of this Province, humbly and most respectfully pray that your Lordships will consult one another, at as early a day as possible, and appoint such time and place, as will meet the convenience of your Lordships, to confer with a committee of Catholic gentlemen on this subject.

Your Lordships may be assured that political antecedents are, in a step, entirely eschewed, and that its promoters are actuated by the sole desire to secure to Catholics what they consider to be their just rights—a full and fair representation in the Legislatures of this Province and the Dominion of Canada.

To consider the reply of His Grace the Archbishop, embodying the views of himself and the Bishops of Ottawa, Hamilton and London, a meeting was convened by the following circular:—

TORONTO, 23rd February, 1871.

DEAR SIR,

The question of the due representation of the Catholics of this Province in the Local Legislature, as well as in the House of Commons, having engaged the serious attention of Catholic gentlemen in all parts of the Province, a meeting of several of them took place at the residence of the Hon. Frank Smith, in this city, on the 8th December last, with a view to mutual consultation as to what means (if any) should be adopted to secure such representation as the Catholics are entitled to, from their numbers, wealth and intelligence.

Among those present were:

Hon. Frank Smith, Toronto.  
 John O'Donohoe, barrister, Toronto  
 J. D. Merrick, merchant, Toronto.  
 James Stock, merchant, Toronto.  
 Patrick Hynes, alderman, Toronto.  
 John Carroll, contractor, Toronto.  
 Thomas McCrosson, merchant, Toronto.  
 Thomas Wilson, merchant, Toronto.  
 Patrick Hughes, merchant, Toronto.  
 John O'Connor, M. P., Windsor.  
 Richard W. Scott, M. P. P., Ottawa.  
 John McKeown, barrister, Hamilton.  
 James Dawson, merchant, Sombra.  
 John B. William, Chatham.  
 Christopher Fraser, barrister, Brockville.  
 P. McCurry, barrister, Guelph.

These gentlemen, although acting on different sides in past political contests, were unanimously agreed that the Catholics should unite and make a determined effort to secure such just representation.

To accomplish this important object they deemed it their duty, as Catholics, to take the counsel and advice of the Bishops of the Province, and ask their sanction and approval of the movement which was about to be set on foot.

This plan having been adopted, a Committee consisting of the Hon. Frank Smith, John O'Connor, M. P., and John O'Donohoe, presented an Address, embodying these views, to His Grace the Archbishop, in this city, and a copy thereof was sent to their Lordships, the other Bishops of Ontario.

On the 10th instant, His Grace was good enough, by letter, to communicate to the Committee the result of the deliberations of their Lordships, which was the effect that they approved of the course proposed, and would support the united action of the Catholic body.

It was also agreed that, upon receiving the decision of their lordships, the Chairman should again call these gentlemen together and a number of other Catholic gentlemen to meet them at Toronto, to take into consideration the decision of their Lordships, and adopt some general plan of organization to secure the desired object.

You are therefore, invited to attend a meeting to be held in this city, on Thursday, the Ninth day of March next, at 7.30 p.m., at the residence of J. D. Merrick, Esq., No. 154 Mutual street to appoint a "Provisional Executive Committee", and to discuss such a plan of organization as will best insure uniformity of action by Catholics throughout the Province.

As it is understood that the elections for the next Parliament of Ontario, will be held at an early day, there is no time to be lost; and it is hoped you will see the importance of the proposed movement, and that you will feel it to be your imperative duty, to meet your fellow-Catholics, at the time and place above indicated to aid them by your hearty co-operation and advice, in pushing forward the good work in hand.

Yours respectfully,  
 JOHN O'CONNOR, Chairman.  
 P. MCCURRY, Secretary.

Over 500 copies of the above circular were addressed to prominent Catholic gentlemen throughout the Province of Ontario. In pursuance thereof, the meeting therein referred to was held on the 9th of March, 1871. At that meeting a Provisional Executive Committee was appointed.

A subsequent meeting was held of such Executive and others, April 3rd, 1871, and the following gentlemen were unanimously elected officers of the Provisional Organization, to hold office until a permanent Catholic Organization, representing fully and fairly the Catholic body of Ontario was formed, viz: John O'Donohoe, Esq., Chairman; M. Lawlor, M. D., Secretary; John Shea, Esq., Vice-Chairman; J. D. Merrick, Esq., Treasurer; Wm. A. Lee, Esq., Assistant-Secretary.

Of the association composed in that way the man who, the hon. gentleman tells you, could not get elected for anything, was the choice of that body as their president. He forgot to tell the House that when running for Parliament—when I was running as a candidate for Toronto my hon. friend placed \$5,000 in the hands of his bookkeeper to defeat me. He was then at Niagara Falls, on his return home from abroad, and the election was going on. Hearing that I was at the head of the poll he sent his telegram ordering that \$2,000 more should be expended if necessary to defeat me. That is the friend, Does he deny that? I ask you now, do you deny that?

HON. MR. SMITH—I do not want to interrupt you: go on!

HON. MR. O'DONOHUE—I made some enquiries on this subject the other day, and I will read a note that I received in reply—

Toronto, 15th May, 1886.

Hon. John O'Donohoe, City.

Sir,—In reply to your enquiry relative to certain remarks made by the Hon. Frank Smith at a public meeting at Dixie, I beg to say that the following is about as correct an account as can be furnished you:—"A meeting was called at Dixie, Peel County, in the interest of Mr. Fleming, the Liberal candidate, on the Saturday before the general election of 1882—Captain W. J. McMaster and myself representing Mr. Fleming, and Senator Smith representing Mr. Barber the Conservative candidate. Mr. Smith made an appeal to the Roman Catholics to support the Government candidate on the ground of Sir John Macdonald having appointed him (Mr. Smith) a member of the Government and you to the Senate, and thus manifesting the friendship of the Government for the Catholic people.

He dwelt very strongly on the eminent services you had rendered to your co-religionists and he declared it to be the duty of every Catholic regardless of party politics to support the Government that had so honored him and yourself.

I replied to Mr. Smith, and as an evidence of his insincerity in appealing to the Catholics to give the Government candidate support in return for his appointment to the Government and your elevation to the Senate, that he had previously boasted to me that when he left Toronto prior to the election of 1872 that he left \$5,000 with his bookkeeper to help to defeat you, and that on his journey home at Niagara Falls he telegraphed instructions to his office on the day of polling that an additional \$2,000 was to be spent from his office in defeating you. His reason for sending the telegram was that he had accounts that you were leading at the polls, and that more money was absolutely necessary to defeat you by bribing the unpolled electors. I said you were just as much an Irish Catholic in 1872 as you were in 1882, and it ill became him to make an appeal to the electors of his own faith to support you on religious grounds when he had ten years before spent his money in bribing and politically prostituting the electorate of East Toronto to defeat you, though you were then as much as ever a Catholic.

Mr. Smith got up in a state of great excitement and declared that he would have spent as much more to defeat you. The truth of the above statement, if denied by Mr. Smith, can be proven by scores of reliable witnesses who were present on that occasion."

HON. MR. SMITH—From whom is letter?

HON. MR. O'DONOHUE—It is from Peter Ryan.

HON. MR. SMITH—Oh! it is!

HON. MR. O'DONOHUE—Is it not true?

HON. MR. SMITH—I will answer the hon. gentleman by and by.

HON. MR. O'DONOHUE—An effort is made not only by some hon. gentlemen here but by the party press to make it appear that this is altogether a personal matter of mine; that I am fighting to put Mr. Smith out of his position in the Cabinet and put myself into it. That is the line that is taken. The true origin of this discussion is this: Long before 1871—long before this Catholic combination and association—I was active in working to

obtain some measure of representation for Catholics. We succeeded in our province. We were as badly off in the province as we were in the Dominion; but by united effort and by making known in every part of Canada the condition of things, the general elections brought about a fair share of representation in the Provincial Legislature and the taking in of a Roman Catholic gentleman of distinguished abilities as a member of the Government of Ontario. That was the result of our labors. We desired to produce a like result here, and, as I explained on Friday last, when Sir John Macdonald, Sir David Macpherson and the Hon. Mr. Smith—when all three said "Here is representation for you! We give you representation," I considered it a fair recognition of our people. John O'Donohoe never asked them for a place in the Senate or out of the Senate directly or indirectly, and if he had known that the Hon. Mr. Smith had attempted to use his name for anything in that way, he should have at once repudiated the agency. I am here, and Sir John Macdonald is living. I defy him or any man else to say that in all my life I went to him or to his Government for a favor for John O'Donohoe! I may have written him letters as a public man in my position would do to the Premier, for other people, but for nothing in which I had any personal interest. My hon. friend renders it necessary for me to be very tedious to-night in winding up this debate, because he has stated to this honorable House, and he emphasized it with a blow of his hand; that he will call a meeting in the City of Toronto. Now, I want that to be a pledge given by him to this House! I will avail myself of that pledge, and I will gladly meet him there and do the talking there that I can dispense with before the hon. gentleman here to-night.

HON. MR. SMITH—I did not say I would call a meeting. I said a meeting might be called.

HON. MR. O'DONOHUE—You said you would call a meeting.

HON. MR. SMITH—No, I did not. I never called a meeting in Toronto in my life nor do I intend to. It is a very

HON. MR. O'DONOHUE.

tedious business for this House to have to sit and listen to all this nonsense.

HON. MR. O'DONOHUE—I know you do not like it; anyone who does not like it is not constrained to stay and listen. It is perfectly free to anyone to leave if he thinks proper. I quote from the report of the hon. gentleman's remarks in the press:—

“Mr. Smith said he would call a meeting in Toronto and prove his statements.”

HON. MR. SMITH—I did not say that I would call a meeting.

HON. MR. O'DONOHUE—The hon. gentleman is so reported, and I hope he will call a meeting.

HON. MR. SMITH—You are the convenor of all the meetings—all the secret meetings—yourself.

HON. MR. O'DONOHUE—My hon. friend indulges in a little bit of gratuitous advice, that if I went into the Cabinet I would have to look for a constituency, a thing I could not get. My hon. friend is in the Cabinet, and he has no constituency. He does not see himself as others see him. He has no constituency, and I think I may truly say that he would have great difficulty in getting one in any part of Ontario, at all events under present circumstances. In reply to a question that I put to him on Friday the hon. gentleman said that I was not, in the first place qualified. He turned round rudely and said, “this man can make a good speech to an Irish crowd.” What does my hon. friend mean by that? Surely he knows that is not a proper way to address any member of this House! “This man can make a good speech to an Irish crowd!” What does he mean here by an Irish crowd? I have often addressed “an Irish crowd”: I hope I shall have the pleasure of doing it again, and I have no doubt the “Irish crowd” will appreciate the flattering manner in which they are referred to in the oratory of the hon. gentleman. He stated that it was not correct that he ever said that he had 80 Orangemen amongst his men. I got the report of the meeting in order to justify the truth of my statement.

HON. MR. SMITH—80 per cent. of Protestants is what I said.

HON. MR. O'DONOHUE—He is reported as saying that 80 per cent. of his men were Orangemen, and he had the greatest confidence in them acting in harmony with the interests of the public and the company.

HON. MR. SMITH—What paper is it in?

HON. MR. O'DONOHUE—In the Toronto *Mail*.

HON. MR. SMITH—I say it is not true; if it is in the *Mail* it is at your dictation.

HON. MR. O'DONOHUE—It is your own dictation.

HON. MR. SMITH—I deny it.

HON. MR. O'DONOHUE—What I wonder at is that the hon. gentleman will sit and listen calmly to men honored by Her Majesty—the Premier and Sir David Macpherson—agreeing that the Irish Catholics should have a representative in the Cabinet, and then allow that pledge to be broken without protest. They write a letter to that effect; the letter is read by every man present and understood by everybody. They write to the Bishops of Ontario and say, “There is representation for you in the Cabinet; O'Donohoe will take those letters to you and explain the tempest that prevents that arrangement being carried out for the present; but let Mr. Smith take a position in the Cabinet, a nominal position until this tempest is over, and after that Smith will go out and you Catholics will have a representative in the Cabinet.” That is the arrangement which was made. That is the true arrangement. Yet hon. gentlemen sit still while the Premier of Canada repudiates that agreement, and say it is all right because he did it. That is a bad state of things. Supposing the Premier of England was found, after pledging his word of honor—without any writing at all—to be guilty of any perfidy of that kind, how would it be looked upon? How can any man of honor reconcile such conduct with propriety? It is impossible.



In a country of high morality a public man guilty of such conduct would be swept from power if for that and nothing more. What have men in such a position if not their word? If there be no honor, what? And here there has been none. Why, in all the long time since then, had not the hon. gentleman the courtesy to say, "O'Donohoe, something has occurred which renders it impossible to carry out the arrangement with you; but it will not do to leave the matter open, and you must go and explain it to the people to whom you delivered the letters. I gave you them in my difficulty in confidence; go and settle the matter." But he does nothing of the kind—all his letters are to the effect: "I will call a meeting," and all that sort of thing.

HON. MR. POWER—"To-morrow."

HON. MR. O'DONOHOE—But my hon. friend from Toronto has a weak disposition. There is nothing that he has ever touched or had anything to say about, more or less, that he did not feel he was the champion of, or that he did it. "I did this. I did that." Is it the building of a church? "I was there at the foundation stone—I built that church." He tells Sir John Macdonald and Sir D. L. Macpherson, "I will run you through the country! I guarantee I will carry you back successful with fifteen majority." Why, he would set afloat the British navy and undertake to run it, such is his overweening vanity.

HON. MR. SMITH—It is the first time I ever heard I was vain.

HON. MR. O'DONOHOE—You could not see yourself.

HON. MR. SMITH—Or treacherous either.

HON. MR. O'DONOHOE—It was said that I stood on the platform and shook hands with Mackenzie Bowell. I did so. I was glad to do it. I came out strong with the party, and I know men before me who did the same thing in the hope of succeeding in softening the asperities between the different orders of our countrymen. O'Connell wore the orange

ribbon in Dublin, but he found it was no use. Every leader in Ireland has tried to conciliate them and has found it is of no use. It is no use to-day. Any place—in Canada, out of Canada or anywhere in the world where Orangeism is planted their principles are opposition to Catholics. They have no other principle. Wherever they are that is their business and the enlightenment of free discussion never is before them. So it is we find that wherever one of us is spoken of the lodges meet, and immediately who ever has the power must be prevented from conferring any favor upon a Catholic. As to bringing up this matter before this House, why should it not be brought up here. If there is anything affecting a large portion of the people of Canada—one-sixth of the population of our province, where is there a more fitting place to bring it up than in a Chamber like this composed of leading men of all parties, of age and experience? I have no excuse to make for bringing it up. I am no more willing than the hon. gentleman from Kingston to occupy the time of the Senate very largely on a subject of this kind. I feel it myself embarrassing to deal with because I know whatever I feel personally about it that the feelings of those who listen must be anything but pleasant. I regret having to do it, but where a duty has to be performed I never shirk from performing it from fear or cowardice. My hon. friend from Kingston charged me with being guilty of some perversions of fact. He did not exactly point out the perversions of fact. If I am guilty of perversion of fact I do not know it. Whenever I stand before this hon. House, I mean to give them my honest judgment upon every subject with which I deal. I would not consider it deserving of the position I now occupy to do anything less than that. It seems to me that the proper course would be, when the papers that are now asked for are brought down, for this House to pass a resolution condemning conduct of this sort, no matter who would be affected by it. If we find when the papers are brought down that the case I have laid before the House cannot be contradicted, then I say that the Premier of a Government, who is guilty of such conduct deserves the condemnation of this House.

HON. MR. O'DONOHOE.

HON. MR. SMITH—I should like to say a few words by way of reply.

HON. MR. POWER—I rise to a question of order. The rule of this House is that on a resolution a member speaks only once.

HON. MR. MACDONALD (B. C.)—He can explain.

HON. MR. POWER—I think it would be more becoming if a gentleman in the position of the hon. member from British Columbia should have less to say when those who are not friends of the Government have the floor.

HON. MR. ALMON—It is not the question before the House.

HON. MR. POWER—I have a right to say what I want to say on a point of order. The rule allows the mover of the resolution the reply. Every other member has but one speech. Mr. O'Donohue moved his resolution and made his speech. The leader of the Government in this House had a right to reply to it at the time and he availed himself of that right most liberally; and now at twenty five minutes to twelve he proposes to rise and make a second reply. I contend that under the rules of the House the hon. gentleman has no right to do so.

HON. MR. SMITH—I only rise to an explanation of the charges that have been brought against me.

HON. MR. POWER—A member has a right to explain his own statements: but has no right to make a second reply to what has been said by somebody else.

THE SPEAKER—The hon. gentleman has no right to make a second speech: but he has the right to explain his own speech or statements made by another member of the House.

HON. MR. SMITH—If the hon. gentleman wants to continue this discussion, on a future occasion, when the papers come down, perhaps I will keep it up a little too long for him. In the first place he charges me with opposing him in 1872 in

Toronto. It is true I did then oppose him, and I opposed him for the reason that he got up a party by which on every occasion he tried to have the majority dragged in to follow him. I said I would not submit to that. He has charged me with acting treacherously: I will leave it to the public, wherever I am known, to say whether I ever acted treacherously with anybody in this country. He has acted so treacherously with me, that I would have nothing more to do with him.

HON. MR. POWER—I rise to a question of order. This is neither an explanation of what the hon. gentleman from Toronto said or what he (Mr. Smith) said himself.

THE SPEAKER—The hon. gentleman from Toronto has no right to make another speech, which he is doing now.

HON. MR. SMITH—If it is understood that I have the right to reply when the papers are brought down I will close the debate to-night: but I will take the opportunity of replying and will give the hon. gentleman the benefit of a little more than he has yet heard in connection with his character.

The motion was agreed to.

The Senate adjourned at 11.40 P.M.

## THE SENATE

*Ottawa, Tuesday, May 18th, 1886.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

The following Bills, reported from Standing Committees, were read the third time and passed:

Bill (48) "An Act to amend the Act to incorporate the Niagara Frontier Bridge Company." (Mr. Plumb.)

Bill (91) "An Act to incorporate the Yarmouth Steamship Company, Limited." (Mr. Power.)

Bill (75) "An Act to incorporate the Schools Savings Bank." (Mr. Girard.)

## MINISTERS OF THE CROWN IN THE SENATE.

### INQUIRY.

HON. MR. O'DONOHUE—Before the orders of the day are called, I desire to learn from the hon. the Minister whether it is the intention of the Government, during the present session, that the public business shall be carried on in the Senate without the presence of a responsible Minister of the Crown to take charge of it?

HON. MR. SMITH—If the hon. gentleman will make the inquiry in the proper manner he will get an answer in due course.

HON. MR. O'DONOHUE—It is not necessary to give notice of such a question.

HON. MR. SMITH—That is the only way the information can be obtained.

HON. MR. O'DONOHUE—Bourinot says, at page 321, that it is an established rule of parliamentary practice, and one which has long prevailed in Parliament, and is now established in the Senate and House of Commons, to put questions to Ministers of the Crown concerning any measure pending in Parliament or other public matter and receiving answers from persons so interrogated.

HON. MR. ALEXANDER—The hon. member from Niagara will reply—he is the leader of the House.

HON. MR. PLUMB—Of course it is perfectly proper to put these questions: but there should be a notice given of them. It cannot be expected that any interrogations will be answered by the Government without proper notice of the inquiry. The hon. gentleman will see that there is no rule which applies to a question which

demands an immediate answer. I refer the matter to His Honor the Speaker.

HON. MR. SCOTT—Certainly questions relating to the *personnel* of the Government are invariably answered at once. A question of this kind does not require notice. It is the first time I have heard the Government demand notice in order to answer so simple and straightforward a question. It is a simple question and ought to be answered forthwith I should think.

HON. MR. ALMON—The present leader of this House is laboring under sickness, from which we all hope he will soon recover. He still holds the portfolio of the Post Office, and therefore I think it would be very indelicate to make any permanent arrangement until we know what the result of his sickness will be.

HON. MR. ALEXANDER—I feel the great weight of the question put by the member from Toronto. I think it is important that some member of this body should have the responsibility thrown on him of being the leader of this House.

THE SPEAKER—I do not think the authority cited by the hon. member from Toronto quite bears out the case, because the authority does not show that such question can be put without notice. In fact all questions, under that authority, are put after notice. There is no reason why the general practice of the House, that notice should be given of questions, should not be followed here. There can be no doubt that in asking questions regarding the *personnel* of the Government, or respecting Ministerial changes, no notice is required. I think it would be quite proper to ask the Government whether they expect to have the Postmaster-General back again or not, without notice. And if the information is in the possession of any member of the House it should be given. But the question asked is one to which it is almost unreasonable to expect an answer without notice.

HON. MR. O'DONOHUE—Of course I expected if the hon. Minister was not prepared to answer my question he would

say so, and that to-morrow or some other day he would give the information. That would be only reasonable. I think any member of this House is entitled to that.

HON. MR. ALEXANDER—You had better give notice for to-morrow.

HON. MR. O'DONOHUE—No.

HON. MR. ALEXANDER—The hon. gentleman must give regular notice.

THE SPEAKER—The Minister can accept it without further notice.

HON. MR. O'DONOHUE—I desire to know if the Minister does accept it. I wish to get an answer of some sort from the Minister.

HON. MR. SMITH—I am not prepared to give an answer to the hon. gentleman at present. I will make the inquiry.

HON. MR. PLUMB—The Minister should have the exact terms of the question which has been asked verbally. I do not suppose the hon. gentleman wants to create any embarrassment.

HON. MR. O'DONOHUE—I really am not putting this question to any one but the Minister; from him I want an answer and it is for him to say whether I will get an answer to the question or not. If he says no, then I will know what course to adopt. It is not necessary for any other gentleman to undertake to answer for the Government when he can do nothing more than state something which he knows nothing about.

THE SPEAKER—Perhaps it would be as well for the hon. gentleman to put a notice on the paper and save further trouble. The question is not one of the usual kind to be put without notice. I do not think the Minister could be expected to answer it without notice. I am not so sure whether a written notice is necessary, and the Minister might say he would answer the question without notice.

HON. MR. SMITH—I have already said that I would make the inquiry and give the information.

HON. MR. ALEXANDER—Be prepared to give an answer to-morrow.

HON. MR. SMITH—I will not say whether I will give an answer to-morrow or not.

EXPERIMENTAL FARM STATIONS BILL.

THIRD READING.

HON. MR. ALLAN moved the third reading of Bill (124) "An Act respecting experimental farm stations."

HON. MR. POWER—I now move the amendment of which I gave notice in committee:—

That the said Bill be not now read a third time, but that it be amended by adding thereto the following clause:—

"No person shall be appointed to take charge of any farm station, until he shall have satisfactorily passed an examination showing his competency to discharge the duties of the office; such examination to embrace such subjects and to be conducted under such regulations as may be made by the Governor in Council."

Honorable gentlemen will see that that is perfectly reasonable. It simply provides that there shall be such an examination as will guarantee that any one appointed to take charge of one of those farm stations shall be competent to discharge the duties of the position. The nature of the examinations and the regulations under which they are to take place shall be in the discretion of the Governor-in Council.

HON. MR. ALLAN—I am very sorry that I cannot accept my hon. friend's amendment. In the first place, I think it is objectionable in this way, that it takes for granted, as a matter of course almost, that the Government in making those appointments would appoint unfit or improper persons. As I stated last night, it is certainly a matter of the utmost importance for the Government, and for the Department in which this Bill originated, that these experimental farms should be a success. If they are not, the failure can only recoil on the Government. The hon. gentleman's motion is perfectly useless, because section five prescribes that the whole thing shall be under the direc-

tion of the Governor-in-Council. The qualifications of those people, any examinations they may have to pass or anything connected with their appointment, must all be done subject to regulations under the Governor-in-Council. Supposing this amendment became law, what would it amount to? If the Government were inclined to appoint incompetent persons who were not thoroughly qualified for the positions they were about to fill, they would only have to make the examinations so light and trifling that they could appoint anybody. If that is the danger this amendment is intended to meet, I respectfully submit that it does not meet it at all, because if the Government were inclined to do wrong and to put in those positions men who have no scientific acquirements or who are incompetent either by lack of education or training to deal with the matters coming under their supervision, this amendment would be inoperative. I think it is unnecessary and I feel called upon to oppose it.

HON. MR. ALMON—I feel very much inclined to support the amendment proposed by my hon. colleague. I grant the hon. member from Toronto that the thing would be entirely unnecessary while the present Government are in power. But dark days may come; the other party may get into power, and then the dreadful things which the member for Halifax has predicted will take place, and to guard for the future I will vote for the amendment.

HON. MR. ALEXANDER — The amendment moved by the senior member for Halifax is a very proper one. We are indebted to that gentleman for many valuable services he renders to this House and to the country. No member of this House shows more assiduity.

HON. MR. ALLAN—Hear, hear.

HON. MR. ALEXANDER—The member for Toronto may laugh. He shows little self-respect in his ways and procedure. The hon. gentleman from York little values services rendered to the people. I say no member of this House shows more assiduity than the hon. member from Halifax. He is a practical man and will develop into one of the most valuable

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members of this House. The gentleman who has taken charge of this Bill appears to me to have been trained in that school of sophists during the old Grecian periods; his arguments breathe always of sophistry. Do they breathe of truth or are they the arguments of an honest man? I have a right to ask this. When members come to this Senate they do not come here to serve their own purposes, which is degrading—

HON. MR. BOTSFORD—I call the hon. gentleman to order.

HON. MR. ALEXANDER—I am not saying that the hon. gentleman does.

THE SPEAKER—The hon. member is clearly insinuating unparliamentary motives to the hon. member from Toronto. I do not know what to say to the House with regard to this persistent conduct. I think it is clear and evident to the House that something must be done to stop this system of defamation. If the House is to maintain its own self respect; if it is to occupy any position in the estimation of the country, surely one individual cannot be permitted to indulge in a systematic course of personal defamation against several members of this House. I am bound to say that on nearly every occasion when the hon. member from Woodstock rises to speak, he is seldom over one or two minutes on his feet before his remarks take the direction of personal defamation of three or four of the most respected members of this body. I submit to the House whether it can, consistently with its dignity and sense of justice, continue to allow the hon. gentleman to daily persist in such a course which I am unable to stop without the assistance of the House, a course tending to lower the Senate in the estimation of every right thinking man.

HON. MR. ALEXANDER—I had not the honor of hearing what the Speaker of the House has said.

THE SPEAKER—I have ruled the hon. gentleman out of order, and I leave him in the hands of the House.

HON. MR. ALEXANDER—I will put myself in order. I think the House will

allow that I have had grave provocation—

**THE SPEAKER**—The hon. gentleman has been ruled out of order. It is now for the Senate to decide whether they will allow the hon. gentleman to proceed or not.

**HON. GENTLEMEN**—No, no!

**HON. MR. McINNES**—Although I do not for one moment endorse the course pursued by the hon. gentleman from Woodstock in the personal remarks that he is in the habit of making, at the same time I think it is very unfair to make this a precedent.

**THE SPEAKER**—I cannot allow the hon. gentleman to criticize the ruling I have made from the Chair.

**HON. MR. McINNES**—I was not criticizing the ruling of the Speaker, but the action of the majority.

**HON. MR. KAULBACH**—In supporting this resolution I do not consider that I am reflecting on the honesty of the Government, or suggesting that they will appoint incompetent persons to discharge those duties; at the same time, I think it is a protection to the Government, as well as to the public, that such an amendment as this should be put in the Bill. It is simply that some investigation or examination should be had into the competency of the persons appointed to discharge this duty. I presume it will only apply to the directors of the farm. It is not asking that he shall be required to have a technical knowledge of all branches and all matters referred to in this clause, but that he shall have a general knowledge that shall fit him for the position. I am sure that in a matter of this kind in which we are staking so much money on an experiment the usefulness of which depends a great deal on the care and skill in the development of it, we ought to guard ourselves in the manner suggested. It is not unusual, in many branches of the service, to require examination as to competency of the applicant for the duties of the office to which he is to be appointed. It is necessary in the Civil Service, and in

many other branches, where experts are required, that they should pass an examination. I am deeply interested in this experiment, and desire to see it a success and I think we ask nothing more than is reasonable by this amendment.

**HON. MR. MACDONALD (B. C.)**—The hon. gentleman who has just taken his seat generally shows a great deal of discrimination in everything that is discussed in this House and I am surprised that he could see in this one of the bug-bears which the hon. gentleman from Halifax seems to find in every thing that the Government proposes to do—that every appointment they propose to make has something to do with the elections that are shortly to take place, and that they are going to appoint incompetent persons to office. It is a reflection on the Government, I think, after their going to this trouble to establish those experimental farm stations, to say that they will appoint incompetent men and put them in positions of responsibility. It is not reason or common sense to suppose that such will be the case, and I hope the House will vote down the amendment.

**HON. MR. POWER**—I wish to make a few remarks.

**HON. MR. BOSTFORD**—I think the hon. gentleman has already spoken.

**HON. MR. POWER**—I moved a substantive motion and I have a right to reply.

**HON. MR. BOTSFORD**—Yes, but other hon. gentlemen are desirous of speaking.

**THE SPEAKER**—It is not a usual thing to prevent a gentleman who has moved an amendment of this kind from offering remarks in reply. An hon. gentleman has no right to speak in reply in moving an order of the day, much less on an amendment to an order of the day.

**HON. MR. READ**—I do not think the objection of the hon. gentleman would amount to anything, because the Government can take advantage of the amend-

ment if it is carried, and can appoint just such persons as the Governor in Council may see fit, or can make an order-in-Council to suit the circumstances of the person they wish to appoint. The director of one of these farms is supposed to understand how to conduct researches and verify experiments, to test the relative value of different breeds of stock, their adaptability to the varying climatic or other conditions which prevail in the North-West: that is one subject. That is enough for any one man to be thoroughly conversant with. Then, he is to examine into the economic questions involved in the production of butter and cheese. Now I think that any man who is thoroughly versed in these experiments ought to possess as many qualifications as can be expected of him. Then he is supposed to know how to analyze fertilizers and to conduct experiments with them, in order to test their comparative value as applied to crops of different kinds; he has to test the merits of new and untried varieties of wheat or other cereals, of field crops, grasses and forage plants, fruits, vegetables, plants, trees, &c. Is not that enough for one man? One professor, if he filled that bill alone, would be sufficient; but here are ten different subjects provided for in this measure, any one of which, if he is fit to pass an examination on, would be sufficient. He has to conduct experiments in the planting of trees for timber and for shelter. He has to examine into the diseases to which cultivated plants and trees are subject, and also into the ravages of destructive insects, and to ascertain the most useful preventives and remedies to be used in each case. He has to investigate the diseases to which domestic animals are subject. If he is a thorough veterinary surgeon, I think it is quite sufficient qualification for that department, and so you go on with ten different subjects in this clause, and it is not possible that the director placed over one of those institutions can be expected to be thoroughly up in all those subjects.

HON. MR. KAULBACH—The amendment does not provide that he shall be.

HON. MR. READ—I do not suppose that the Government, in their wisdom, are

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bound to appoint anyone who knows none of them; and if the director is thoroughly qualified to test an experiment on one or two of those subjects it is all that can be asked of him. Consequently I do not think this amendment is desirable.

HON. MR. O'DONOHUE—The hon. gentleman from Belleville states that, even if the amendment of the hon. gentleman from Halifax passes, the Governor in Council, by an Order-in-Council, might still take their own course. It is in effect saying that the Government are not amenable to an Act of Parliament. The Government are, however, as amenable to an Act of Parliament as my hon. friend is; and their Order-in-Council can have no effect in changing, nor does it give them the privilege of doing anything contrary to an Act of Parliament any more than it would an individual. This is all I have to say, and it is with a view that my hon. friend shall not make that mistake again.

HON. MR. HAYTHORNE—As I cannot vote for the amendment proposed by the hon. gentleman from Halifax, I find it necessary that I should explain the reason why. It seems to me that a bill of this nature, if it is to be opposed at all, should be opposed upon some specific ground, and that we are not to raise objections to it simply because we anticipate that the Government will appoint incompetent individuals under it. Should they do so the blame will lie with themselves. The members of this House, who are considered usually as the Opposition, will have done their duty when they have warned the Government of the danger of appointing incompetent persons, and of the risk they run, in doing so, of destroying the usefulness of their bill. It appears to me that if we insist upon the capability of persons appointed under this Bill to stand examinations on these ten different subjects, it is asking too much.

HON. MR. POWER—The amendment does not provide for that at all.

HON. MR. HAYTHORNE—Then I misunderstood the hon. gentleman: but that I thought was the tenor of his observations last evening.

HON. MR. POWER—This is a different amendment altogether—an amendment made in consequence of the hon. gentleman's own suggestion.

HON. MR. WARK—We have had a bill laid before us this year, one which was introduced in the other House, which certainly establishes a precedent for the hon. gentleman's amendment. This is a Government measure, and it is a Government work that is to be undertaken under it. There can be no undertaking more important than that which is intended in the cause of agriculture. The Bill to which I have referred as containing a precedent for this legislation, relates to the establishment of a Department of Printing. Here is a provision of that Bill:—

“No person shall be appointed as superintendent of printing unless he has been at least five years experienced in the management of a publishing house in Canada, or in the management and superintendence of similar service for the Parliament or Government of Canada.”

And again :

“No person shall be appointed accountant unless he has a competent knowledge of keeping accounts and has had five years' experience in the measuring and auditing of printing and binding and so on.”

He also requires to have experience in purchasing stationery. Now, while a Bill of this nature, which is certainly a very important one, should lay down these requirements as being necessary before a man could be appointed, why my hon. friend's amendment should be objected to I cannot see. I think it is of the greatest importance that whoever is appointed to discharge those duties—there must be several officers appointed, and certain duties assigned to each—the public ought to know that he is competent before he is appointed.

HON. MR. DEVER—I do not wish to insinuate that the present Government would appoint a man to this office unless he is a fit and proper person; but after hearing the amendment read, I consider it is a very proper one. While I say that I do not think the Government would do anything wrong in the appointment of a director for this farm, I am aware that in the past gentlemen have been appointed to offices for which they were unfitted,

and have been receiving large salaries from the people of this country for services they were incompetent to perform. Under such circumstances, I think there would be no harm in having a provision of this nature. There is no saying when another Government may come into power, and we should be most anxious to prevent a new Government from exercising discretion with which we would not care to trust them.

HON. MR. POWER—I wish to remove from the minds of members of this House the impression that my amendment is conceived in any spirit of hostility to the Bill or the Government. The Bill itself was not opposed by any gentleman in this House, except the member from Woodstock, and I do not hold myself responsible for the actions of the third party in this House. The Bill is before us as legislators, and it is our duty to try and make it as perfect as we can, and it is with that object that I move this amendment. I have understood from the hon. gentleman who introduced the Bill that the Minister of Agriculture is most anxious that those experimental farms may prove under his management a success. There is no doubt, then, that the wish of the Minister is that proper persons shall be appointed as superintendents of those farms, and I will show where the difficulty comes in. We all know how strong the pressure is upon Ministers for appointments of this sort. If the Minister is able to say to the applicant, when he has strong claims of another kind than fitness for the office, that he must pass an examination before he is eligible, does not that strengthen the hands of the Ministry and protect them against undue pressure? It is simply extending to this new office, which is about being created, the principles of the Civil Service Act, which now applies to nearly all the servants of the Government. If it is a fit and proper thing that men should not be appointed tide-waiters, or collectors, or surveyors, or inspectors of customs or inland revenue, unless they pass examinations, is it not also desirable that a man should not be appointed to so responsible an office as director of one of those farms without some satisfactory inquiry as to his competency for his duties? I think it is;



and I feel morally certain that if the hon. gentleman in charge of the Bill consults the Minister of Agriculture he will find that gentleman perfectly willing to accept the amendment.

HON. MR. VIDAL—I accord to my hon. friend full credit for a sincere desire to amend this legislation; but I must confess I differ from his view of the necessity or desirability of adding this clause to the Bill—and for this reason, I do not think the hon. gentleman has looked far enough into it to see that he would require an impossibility. I should like to know where he is going to get his Board of Examiners? What board will be competent to examine candidates on these deep subjects, requiring knowledge such as not one man in ten thousand possesses? I contend that he could not get a board qualified to examine candidates for this position, if they are to be men of high attainments, standing at the very top of their profession. I think the simple fact that it is a Government measure, and the Government are interested in making it a success, would justify him in trusting them wholly to select persons who discharge their duties in such a manner as to show that this legislation is desirable.

The House divided on the amendment which was rejected on the following division:—

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THE SPEAKER—The motion is now on the third reading of the Bill.

HON. MR. MCINNES—I beg to move in amendment that the Bill be not now read the third time, but that it be re-committed to a Committee of the Whole House for the purpose of striking out the second section and substituting the following:

“The Governor in Council may establish, first, a farm station for the Province of Manitoba; second, one for the Province of British Columbia; and, third, one for the North-West Territories of Canada. Also, that the lines 26, 27, 28, 29, and 31 in the fourth clause be struck out.”

A large sum of money will be required for the establishing of those experimental farm stations, and the Government is not warranted in expending it in the older provinces, where the capabilities of the soil are so well known; it is not required, but so far as Manitoba and the North-West are concerned they are new countries and we have only an imperfect knowledge of the capabilities of the soil out there. The same remark applies to the province of British Columbia; and I think the large amount of money that would be required for the purpose of a central experimental farm station in the neighborhood of Ottawa and in the Maritime Provinces would be better expended in something of a more practical nature, and leave this experimental business in the hands of the provincial governments in the east.

HON. MR. O'DONOHOE—In seconding the motion I wish to say a little more than I stated on the second reading of the Bill. This amendment omits the older provinces for the establishment in the newer ones of a college of this kind. I believe the design is a good one; anything that establishes a school of this kind for experiment deserves the best attention of Parliament, and I am very strongly convinced that the work would be more effectually done by relegating it to the provinces. If the Central Government have made up their mind to appropriate a sum of money for such a purpose, in my judgment that sum of money, if given to

the provinces with the direction that an equal amount or some other sum should be granted by the Provincial Government, and until that was done the province could not avail itself of the appropriation from the Dominion—if that were done, I am convinced the money thus given would lead the local authorities to interest themselves in the institution, and that it would be much more fruitful than it will be if any such amount is expended directly by the Dominion Government. There can be no sense in asking the Central Government to take charge of a provincial institution, but there is sense and judgment in appropriating a sum of money, a bounty as it were, to a province on condition that it shall come forward with some of its own resources, and take charge of the institution. It is for that reason, and not that I am opposed to the design, that I second this amendment. I sincerely think if the hon. members of this House, not caring by whom this Bill has been introduced or who designed it, but with a single purpose of making it fruitful, would make it an institution for the people of the provinces in which it is established, they would do more good. What sense can there be in managing an institution in Quebec, Prince Edward Island or the Maritime Provinces from here, particularly an institution of this nature? I am quite sure that there is no danger that an appropriation from the Central Government might be left idle and not be taken advantage of by the Province. I am quite certain that no time would be allowed to lapse until every Province would add to it such an amount as would be deemed sufficient to make the institution a popular one in the Province in which it was established. With the expression of this general view, which impresses me very strongly in favor of this being a Provincial rather than a Dominion institution, I have seconded the amendment and not for the purpose, in any way, of throwing a difficulty in the way of the general design.

HON. MR. READ—I certainly feel prepared to accept the Bill as it is. If there is anything that this Parliament should pay attention to it is the agricultural interest of this country. We find that the agricultural exports amounted to \$45,-

624,380 last year, and any trifling sum expended by the country to encourage that pursuit or to teach the farmers, will be wisely appropriated. We are all being educated from day to day. Matters that we did not understand a few years ago have been brought to our notice and have become of great interest to the country. It is only a few years ago, since Confederation, that we began to make an article in this country of which we now export \$8,000,000 or \$9,000,000 worth annually—an agricultural product perfectly new to the country. We cannot suppose that there is nothing more to be learned—that we have got through with everything. If the Government deserve credit for any one thing more than another it is for encouraging the industry which is the foundation of our prosperity. But the hon. gentleman opposite says we should let the provincial Governments do these things. In the part of the country from which I come, about \$700 is given every year for exhibitions, and that money is worse than wasted. The Government will, under this Bill, employ the most talented professors. There will be, not only the man at the head of the institution, but eight or ten professors at each experimental station. One man cannot conduct all the operations. The experiments in butter and cheese alone will be quite enough for any one man to undertake. I do not at all agree with those who would delegate this to the provinces. This government will be responsible for the expenditure of the money and there will be one central station somewhere near Ottawa, which will be advantageous to both Ontario and Quebec. The agricultural community do not get much of the public money. They pay the revenue, as a general thing, and get little in return. In my opinion, therefore, though there should be some waste of this appropriation, it is a step in the right direction and will accomplish a good object.

HON. MR. KAULBACH—The benefit of the present arrangement will be that the tests and experiments at one farm will be known to the other farms. It will be a great advantage to them to be able to compare notes as to the results of experiments in the different institutions. The hon. gentleman from Toronto said that if

this money were given to the provinces the local authorities would at once establish such institutions. That shows the necessity for them. But in the Lower Provinces we feel that we have not got more than we ought to receive from the Dominion, and the money to be appropriated is for an important purpose, in which many interests are involved. Not only the farmers, but all classes, will be benefited by this measure, because when you improve the agricultural interest you strengthen the the foundation of our prosperity. Agriculture is the basis of all other industries. This is an important measure and has not been brought in any too soon. To confine these experiments to probably the one-fiftieth part of the whole population, would be an unwise thing and almost a waste of public money.

HON. MR. DEVER—I cannot vote for this amendment. There is very strong feeling abroad in the Lower Provinces that they are not fairly treated by the Upper Provinces, especially the new provinces in the west, which are receiving large appropriations that should be spent in the Lower Provinces. Prince Edward Island, it is well known, is a very extensive agricultural province. So also is New Brunswick, and I am sure Nova Scotia is one of the most fertile lands in Canada. If the hon. gentleman from British Columbia would be kind enough to extend his amendment so as to include those lower provinces—because we have vast tracts of excellent farming land there—it would be much better. Our farming interests are looked upon as very important, and I should be happy to vote for this amendment; but inasmuch as he is anxious to confine all the good things to the western part of the Dominion, I cannot support the motion.

HON. MR. GIRARD—As the name of my province has been included in the motion of the hon. member, and perhaps some advantage might be derived from the adoption of the amendment if it is agreed to by this House, I think it my duty to make some remarks. I am always ready to do for my province the best I can; but on this occasion I would be doing an injustice by asking for Manitoba

and the North-West Territories what they are not yet entitled to. If it was a practical farm it would be quite a different thing; but these experimental farms, I understand, must be established as near as possible to the seat of government. So far as I can judge the provisions in the Bill are wise and proper. There is no law, however, so perfect that objections could not be raised to it; and perhaps in this instance there may be portions of the measure which could be improved. But on the whole I consider it a good law and one which will have an important influence on the agricultural interest of the country. It is right that the first institution to be established should be near the seat of Government. The first officer of the institution, it is well understood, will be the Minister of Agriculture. It will be under his administration. I do not feel any doubt on the subject of those who will be placed at the head of those institutions, because they will be selected under rules and regulations to be adopted from time to time by the Governor-in-Council. Every provision is made to assure the public that those who are to manage these farms will be competent men, who will be subject to the regulations of the Governor-in-Council. While I thank the hon. member from Toronto for the interest he appears to take in Manitoba, I shall nevertheless vote for the Bill as it stands, thinking that it would not be for the advantage of Manitoba that this amendment should be carried.

HON. MR. BELLEROSE—I would not have much objection to the amendment of the hon. member from British Columbia, if it had gone a little further. He proposes to change the Bill so that the Government may establish three farms in the west, and I do not see that a majority of this Dominion are so much interested in the west that the east should have nothing at all. I would be ready, nevertheless, to vote for the amendment if it were changed in the following way: I move in amendment to the amendment that the following words be inserted after the word "Canada" in the amendment—"Provided a subsidy be given to the other different provinces to help them in establishing such a farm under their control."

HON. MR. KAULBACH.

HON. MR. McINNES—I accept the amendment.

HON. MR. PLUMB—The amendment of the hon. member contemplates the appropriation of money, and in my opinion is not in order.

THE SPEAKER—The amendment is out of order.

HON. MR. BELLEROSE—I think so to; but the motion which I proposed to amend is also out of order, because the Government cannot create these three farms without expending money.

THE SPEAKER—That point was not raised.

HON. MR. BELLEROSE—If the amendment is in order, then the amendment to the amendment must also be in order.

HON. MR. POWER—There is this to be said of the amendment of the hon. member for British Columbia—it proposes to reduce the charge on the country.

THE SPEAKER—I think the motion is out of order. It is an attempt to interfere with a money appropriation bill which this House has not the power to do. It has not the power to amend, alter or qualify in any respect the money clauses of the Bill.

HON. MR. ALEXANDER—We can vote against the Bill.

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

### BILLS INTRODUCED.

Bill (115) "An Act respecting the representation of the North-West Territory in the Parliament of Canada." (Mr. Plumb.)

Bill (86) "An Act to incorporate the North American Telegraph Company." (Mr. Sullivan.)

## REVISED STATUTES OF CANADA BILL.

### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (8) "An Act respecting the Revised Statutes of Canada." He said: This is an Act respecting the revised statutes of Canada. As the preamble states, it has been found advisable to revise, classify and consolidate the general statutes of the country. The Bill is in line with that which brought into force the Consolidated Statutes, with such improvements as experience has suggested. There is a schedule attached to it which corrects certain matters requiring correction and to do it in the proper technical way by legislation.

HON. MR. POWER—I just wish to say that I hope the hon. gentleman will at the next stage be able to produce the roll marked A, referred to in the Bill as being the authorized version of the Consolidated Statutes, because there were a good many changes reported by the committee which sat last year, and it is not very clear by the Bill, without the roll, whether those amendments have been embodied in the Consolidated Statutes or not.

HON. MR. PLUMB—The roll, marked A, I believe is a draft volume, and I presume it can be produced. The roll is in the Clerk's office.

HON. MR. SCOTT—Will the hon. gentleman inform the House whether the Bill respecting the Revised Statutes which was before the Committee of the Senate last year, has undergone any change whatever since it left the hands of the Committee—whether any alterations or additions were made to it, because, if so, it would be most important that we should know what those alterations or additions were before we committed ourselves to it; otherwise we would be adopting legislation in the dark. I, for one, would think it most unsafe legislation that we should adopt acts of Parliament without knowing what they contained. If the proposed alterations and changes were submitted in the Bill, so that we could see what they

were, of course we could deal with the subject intelligently, but at present it would be unfair to expect the House to take up two huge volumes and accept them on trust as the law. Alterations might be introduced without the knowledge of the House, and that would be extremely unfair.

HON. MR. PLUMB—The Acts which are amended are in the schedule attached to the Bill. There are three of them altogether, and they are the only amendments I believe. The others are consolidations, and the amendments are to correct certain matters requiring correction. They are the only amendments of which I am advised.

HON. MR. SCOTT—I may say I have been using the Consolidated Statutes in my office, because I found it more convenient in looking up the law to refer to them than to search over the statutes for a number of years. Having had occasion the other day to look into an important case with a view to giving an opinion, I referred to the Consolidated Statutes, as submitted by the Government, and I found there the law stated in a way that I thought was not warranted by the statutes passed the preceding three or four years. It was a very important point which, perhaps, I ought to mention to the House—at some future stage I may. I found, on examining the statute of 1879 and certain amendments made to that statute in 1883 and 1884, that they had put a construction on the amendments which I felt parliament had not intended. They had themselves assumed to alter the phraseology of the law in the amendments of 1883 and 1884, making a total difference in the statute, as I myself personally know, because the subject was debated in this House and I took part in the debate and I know what the intention was and what the effect of the statute law would be with the amendments. They arrive at the result in a very short way—they took the original law and the amendments made at different periods, and drew their own conclusions. I do not hesitate to say that the conclusions at which they arrived are erroneous.

HON. MR. HOWLAN—There is a

HON. MR. SCOTT.

clause in the Bill providing for cases such as the hon. gentleman mentions.

HON. MR. SCOTT—It could not reach the case, because I took the law as consolidated.

HON. MR. HOWLAN—But this clause provides for the very case which you mention.

HON. MR. SCOTT—It could not, because I have the law as consolidated. I at once said to myself, "my recollection of the changes made in that law since 1879 is different from that set forth here." I took the statute of 1879 and the amendments passed in 1883 and 1884 and compared them with the consolidation and found that the consolidators had drawn conclusions from those amendments that the language would not bear and contrary to the intention of Parliament.

HON. MR. HOWLAN—That is provided for here in a sub-section of clause eight which is as follows:—

2. But if upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said revised Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

HON. MR. KAULBACH—I have not the Bill before me, but I would ask the hon. gentleman who has it in charge whether it includes legislation of this session, or whether it is proposed to codify the whole law and make each statute perfect—if there is an amendment to the Act, whether it is intended in the consolidation to have that amendment included, or to have the legislation of this session added to the book?

HON. MR. PLUMB—It is provided that such parts of the legislation of this session as may be considered necessary shall be incorporated. With regard to the statement of my hon. friend from Ottawa, I suppose that if the Bill now passes the second reading and it is sent to the Com-

mittee, he will state what the variation is ; it can be then discussed and I will then endeavor to have some information on it. Of course the hon. gentleman knows I was not on the Committee and I cannot deal with a book of three or four thousand pages.

HON. MR. ALEXANDER—The fact of this Bill having come from the hands of the present Minister of Justice, who was so able a judge while on the bench, is a guarantee to us, at all events in my humble judgment, that the Bill is prepared with the greatest possible care and I have no doubt will be found, in most of its details, applicable to the country. I believe that men of both parties have the greatest respect for the present Minister of Justice. I have great pleasure, as one frequently raising objections to Acts of the Government, to bear my humble testimony not only to the ability but to many other good qualities possessed by the present Minister of Justice. I do not think there ought to be the slightest opposition to the second reading of this Bill and I have no doubt that when the House goes into Committee of the Whole we can discuss all matters which can be improved.

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

## INSOLVENT BANKS AND TRADING CORPORATIONS BILL.

### SECOND READING.

HON. MR. OGILVIE moved the second reading of Bill (15). "An Act further to amend 'An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations.'"

HON. MR. HOWLAN—I wish to call the attention of the hon. gentleman to one feature of the Bill. In the sub-section of the first section the company can be compelled by the liquidators to discharge such duties as they may be called upon to perform. Now that is an extreme power to put in the hands of the liquidators. These clerks and bookkeepers might want to obtain other situations to earn something to support their families,

and if this clause should be allowed to become law they might lose such opportunities of bettering their condition.

HON. MR. VIDAL—The hon. gentleman is looking at the Bill as it was originally introduced. All those objectionable features have been struck out of it in the House of Commons.

HON. MR. KAULBACH—I cannot see the necessity of this Bill. It seems an extraordinary power to give any shareholder to apply to a judge for the winding up of a bank or insurance company in which he may have a very small interest.

HON. MR. OGILVIE—No.

HON. MR. KAULBACH—It applies to any company incorporated under the Canada Joint Stock Companies Act of 1877. It seems to me that this clause gives a dangerous power to any stockholder in the company who may wish to ruin it. The company may be perfectly solvent and yet an application of this kind can be made to any court or judge. The company may be only temporarily under financial difficulties and if this power is given, any shareholder may ruin its prospects. There must be something behind all this which I cannot understand. Such legislation must have been prompted by some motive which to me is at present incomprehensible. A small shareholder could under the operation of this clause compel the company, in protection of its own interests, to buy him out—he could go to the company and say, "You must either pay me so much or I will apply to the court for a winding up order and ruin you." Unless my hon. friend could give some reason why this clause should be adopted I shall feel obliged to vote against the Bill.

HON. MR. OGILVIE—I would be glad to give the reasons asked for by the hon. gentleman from Lunenburg as to why this Bill should pass. In the first place there is, at present, no machinery by which any of those joint stock companies can be wound up, even if they wished to do it. The Imperial Act 25 and 26 Victoria, chapter 29 provides for voluntary winding

up as well as compulsory winding up. The Dominion Act, known as the Act respecting Insolvent Banks &c., only deals with compulsory proceedings and makes no provision such as that in the English Act for winding up the company by means of liquidators under the control of the Court. The hon. gentleman from Lunenburg stated that you might wind up any bank, or Insurance Company or any company of that kind. If he will look at section five he will see that the provisions of subsections two, three, and four of this section shall apply to all companies now incorporated or hereafter to be incorporated under the Canada Joint Stock Companies Act 1877, but shall not apply to any other companies or corporations, so that Railways, Insurance Companies, cotton companies banks or any other Companies having private charters this Act does not apply to at all. This Act has been in force in Great Britain since 1862, and they have found it to work very well—so well that they are highly pleased with it. In fact the tendency in England today—and I do not think we do very badly when we copy them—is to leave more and more of that kind of business in the hands of judges if possible. The English Act, which is only a few lines, provides that a Company under this Act may be wound up by the Court as hereinafter defined under the following circumstances: that is to say, whenever the company has passed special legislation requiring the company to be wound up by the court: secondly, whenever the company does not commence its business one year from its incorporation, or suspends its business for the space of a whole year: third, whenever the members are reduced in number to less than seven: fourth, whenever the company is unable to pay its debts: fifth, whenever the court is of opinion that it is just and equitable that the company should be wound up. This Bill is very much the same as the Act in force in Great Britain, and it is only after applying to and getting an order from the Superior Court, if the court considers the reasons for winding up the company are satisfactory, that it can be done. I know that a great many companies would not become insolvent if they were wound up in time. They are very like private indi-

viduals in business: they try to keep the business going too long, and consequently become insolvent and cannot pay their debts. The chances are, if when they find themselves getting into difficulties they are wound up in time they will not get into insolvency. Many of those colonization companies, and other companies at the present time, if they had machinery to wind up their business would do so. But they have not, and it is only a few years since I had to get a special bill passed to enable me to wind up a company myself. This is simply to enable shareholders who may be very roughly used by being obliged to pay calls on stock when the company is doing no good, and has been doing no good for years, to wind up the business. This is what the Bill intends to provide, and I cannot for the life of me see how it will injure anyone. The last clause, which is objected to, provides that clerks or employes in a company, if in arrears for their wages, should have three months salary by privilege over other creditors. I do think they have the right to that. Any company that is being wound up should pay their employes. We know that employes of companies, as well as employes of individuals, if they find their employers hard up, do not like to press for their wages, and allow it to run on sometimes for months: so that if they are six months in arrears it is not unjust to allow them a special privilege of three months arrears of salary.

HON. MR. SCOTT—I desire to call the attention of the House to what I think is the most extraordinary bill that has ever been presented, within my experience, to either branch of the Legislature. I happen to know something about it, for it may be in the recollection of hon. gentlemen that last session I took charge of a bill which consisted of the top line of this one, and the bottom line of it. I had charge of a bill, which proposed to amend the Act respecting Insolvent Banks, Building Societies, Insurance Companies, Loan Companies, and Trade Corporations. I had also the charge of the last clause, which provides that clerks and other employes of a company shall be collocated in the dividend sheet by special privilege,

etc., for a limited period. That bill passed this Chamber and went down to the other House. It did not reach consideration there before the House rose, and it was so left over. It was introduced again this year, and I have the Bill as introduced in the House of Commons. In that it provided that claims of clerks and employes should be privileged to the extent of three months for arrears of wages, and where there was a contract in the future that two months of the coming period should also be paid to them. It made that Act retro-active to relieve the companies then being wound up. The House of Commons did not like that last clause, as I see by some observations of the Minister of Justice, and it was suggested that instead of the ordinary course being taken of putting the House into committee of the whole on the Bill, that it be referred back to the Committee on Banking and Commerce. It went to that committee and the committee struck out that portion of the clause relating to clerks and employes which gave them a privilege for two months of their future salary where it was under contract. The committee considered that if the employes get three months arrears of salary for past services it ought to be sufficient. In the committee a proposition was made to introduce clauses into the Bill, relating to an entirely different subject, and which may be regarded here as the gist of this Bill. That committee, of which Mr. Abbott was chairman, and which contains representative men of both sides of the House—Sir Richard Cartwright and other leading gentlemen—would not listen to the proposition at all. They thought it was highly improper, and would not even listen to it. So the Bill was re-printed, and as amended and reported by the Select Committee on Banking and Commerce, it still contained only two clauses, the first clause being reduced by the withdrawal of the privileged two months to clerks and employes under contract; but the Bill still retained that clause allowing it to be retro-active. When it was reported to the House of Commons we find that on a motion to adopt the amendments made by the Committee on Banking and Commerce the Minister of Justice discussed the clauses, and he considered that the last clause making it retro-active should

be struck out, and that the Bill, with that clause removed from it, was unobjectionable. The measure then consisted of the title and the one clause relating to clerks and other employes, and giving them a special privilege over other creditors for three months arrears of salary. The third reading was then moved, and Mr. Mackintosh moved that the clauses we now see forming the second, third, fourth and fifth be re-inserted in the Bill. Not a single member of the House of Commons seems to have had his attention called to it. He made a speech in which he, as my hon. friend from Montreal has done, called attention to many points except the one actually in view; and not a word was said in reply, and the clauses were adopted and the Bill was read the third time and passed and came to this House. I venture to say that not ten gentlemen in the other House know that these clauses are in the Bill except from information they have since received. When I told Mr. Abbott, who was chairman of the Committee, that these clauses were in the Bill, he said it was not possible, and when I showed him the Bill he was surprised. I wrote a note over just now to ascertain whether the Minister of Justice was aware of it, and I have not yet received a reply. As the Minister of Justice discussed at great length the unimportant clause relating to clerks and employes, and did not refer to the others, I assume that his attention was not called to the proposition submitted to the House by Mr. Mackintosh, after the House had adopted the changes made in the Banking Committee. The Bill as reported to the House of Commons by the Banking Committee, consisted of the title, and this little clause of six lines. Now it comes to us with some important changes which strike at the very foundation of the Joint Stock Company's Act. If it is desirable to alter the Joint Stock Company's Act, let us do it in an open and above-board way that members of Parliament will have an intimation of what is intended to be done, and not introduce these changes into a Bill which has for its title "An Act further to amend the Act respecting Insolvent banks Insurance Companies, Loan Companies, Building Societies and Trading Corporations," and which in its very first clause provides.



Whenever the Court is of opinion that it is just and equitable that the Company should be wound up, it may make an order for that purpose upon application by petition on behalf of the Company, or by any shareholder of the Company, notwithstanding that such Company is not insolvent.

Here is a bill that professes to relate wholly to insolvent banks and insurance companies, and loan companies, building societies and trading corporations, and the moment you go into you find that it does not deal with insolvent companies, but with solvent companies. Sub-sections 3 and 4 provides:—

“3. When the application is made on behalf of a shareholder such application shall be made after notice to the company in the manner hereinbefore provided, and all the other provisions of this Act, so far as applicable, shall apply to the proceedings for winding up a company under this section:

“4. Whenever the affairs of a company have been completely wound up under this Act, the court may make an order that the company be dissolved from the date of such order, and the company shall be dissolved accordingly, and such order shall be forthwith reported by the liquidator to the Secretary of State for Canada.”

It gives a shareholder power, when he desires to get out of the company, to squeeze some of the larger shareholders by threatening to bear the stock on the market by making an application to wind up the company. Amongst gentlemen who are largely interested to the amount of millions of dollars all over the country in joint stock companies there is but one opinion on the subject, as far as I am able to gather. I hold in my hand a telegram received, since the Bill passed the House of Commons, by Mr. Abbott, from Sir George Stephen. It is as follows:—

“Edgar’s amendment to the Insolvent Joint Stock Companies’ Act”-(He supposed it was Mr. Edgar who introduced the amendments)-“to give power to any shareholder to apply to a judge for a winding-up order against any such company is most dangerous, and if allowed to pass may be used by any dissatisfied shareholder to utterly ruin a company when only suffering temporary financial difficulties.

(Signed), GEORGE STEPHEN.”

That is the opinion of a gentleman largely interested in joint stock companies. There are very few gentlemen in this Chamber who are not interested in joint stock companies. Those companies are organized under a statute which defines

the powers of the majority and the rights of the minority; and the principle upon which that Act is based is that the majority should govern. We are now going to disturb the Act under which this class of companies are chartered and are now working satisfactorily. If any solvent companies desired to wind up there is ample provision under the law for doing so. We have passed laws for the winding up of insolvent banks, but it is a new feature in our legislation to pass a law enabling a dissatisfied shareholder to weaken a stock company by notifying the judge that he is going to apply for an order to wind up the company against the will of the majority of the shareholders. I move that the Bill be not now read the second time, but that it be read the second time this day six months.

HON. MR. OGILVIE—Before that motion is put I would like to say one or two words in explanation. I was speaking to the Minister of Justice about this Bill myself, and he certainly saw the Bill and read it carefully and after very careful consideration approved of it.

HON. MR. SCOTT—As it is now?

HON. MR. OGILVIE—As it stands now. The reasons that he gave were the same as I have given. It may be very well for the hon. gentleman from Ottawa to ridicule the Bill, but that Bill has not been introduced for any improper motive.

HON. MR. SCOTT—Oh! oh!

HON. MR. OGILVIE—The Bill originated with the Hon. Alex. Morris of Toronto, who wrote down to Ottawa and said it was a Bill that was much needed. There are many companies now in operation in which three or four of the directors who hold a majority of the stock, enjoy good salaries, and continue the business on that account when the majority of the stockholders desire to wind up the business, but they are not able to do anything. A bill was passed in England for the same purpose as this measure. There is very little danger of any one shareholder or any number of shareholders applying to a court for an order to wind up the company if they have not solid reasons for doing so;

HON. MR. SCOTT.

if they do it without reason they will be obliged to pay all the costs connected with the application, and if they injure or damage the company they are liable for all the damages that may be incurred, so that they will be very careful before applying for such an order. This law has worked very well in England for 24 years, and I believe it would work well here and prevent many companies from going into insolvency that are solvent to-day. The Bill, I believe is one of the most useful measures that has been brought before Parliament for many years. I do not think hon. gentlemen can possibly believe that amendments such as are in this Bill could be introduced into it in the House of Commons and be adopted there without the knowledge of the House, notwithstanding the statement of the hon. member from Ottawa, that he was satisfied there were not ten members who knew anything about it. If the Bill was passed by the House of Commons and sent up to this House, a branch of the Legislature of which our Reform friends are so apt to speak with contempt—if they passed this Bill it is certainly a great reflection on them for a member of this House to rise and say that the Bill is a ridiculous one, that it passed the Commons without being understood, and that it should never have been brought up in the House at all. I think it only requires hon. gentlemen to look into the matter a little and see how it works on the other side of the Atlantic to know that it can do no possible harm with all the restrictions and safe guards that are included in it.

HON. MR. ALEXANDER—I claim for a moment the indulgence of the House, to explain the ground on which I must vote against the amendment brought forward by the member for Ottawa. I have the misfortune of hearing with difficulty any of the remarks of hon. gentlemen opposite because of my deafness. The Bill as introduced into the House of Commons was a simple one, to provide for the payment of clerks and other persons employed in any bank or Insurance Company, or any other company at the time of its insolvency; but we find that the House of Commons, as explained by the hon. gentleman from Montreal, have introduced another important clause into the measure; and I am inclined to agree

with the hon. gentleman as to the wisdom of such a clause, but not worded as it now is—not to provide that one shareholder may apply to the court for an order. There would be no wisdom in one member being allowed to go to the court. I hope the House will allow the Bill to get its second reading so that we may consider carefully this clause and amend it to provide that ten or twelve stockholders,—such representing one quarter or one-half the capital—if they feel that the bank is sinking into insolvency from corrupt managers may have the power to apply for a winding up order. How many shareholders, and how many directors have been placed in that position, in Toronto and elsewhere, who knowing the bank was sinking and that such a bill as this was in existence, would go to court for an order and stop the President and Directors from bringing the institution on to insolvency. I think it is a wise bill and I hope the House will allow it to have its second reading. If this Bill had been passed 25 years ago several institutions that I know of, would have been saved from depraved and unprincipled men. How often have we found individuals like my hon. friend from Montreal, whose capital perhaps was imperilled, who if they could have applied to the court would have had the bank wound up, while there were enough assets to prevent the shareholders from losing the whole of their capital.

HON. MR. TURNER—While I am to some extent prejudiced against the Bill, I think it would be exceedingly bad taste to allow it to go by default, or by giving it the six months' hoist. The remarks of the hon. gentleman from Ottawa have staggered me a good deal, at the same time I do not feel myself at present qualified to vote for his motion until I have an opportunity of thoroughly understanding the measure. I therefore propose to vote for the second reading.

HON. MR. HOWLAN—The Bill, as introduced into the House of Commons, is a very different bill from the measure now before us. The first draft contains two provisions. The first is that employes of these companies shall be bound to stay with the company and give the benefit

of their services in winding it up. The next clause provides that if they should happen to have more than three months' wages due to them that three months shall be privileged. One of those clauses was very properly taken out of the Bill, and what we have now is an objectionable provision taken from the English law—

HON. MR. POWER—Not at all.

HON. MR. HOWLAN—It is certainly a provision that should not receive the sanction of Parliament. If a man holding stock in a joint stock company feels aggrieved he can sell out—that is the shortest way to get out of it.

HON. MR. OGILVIE—There is plenty of stock that at times could not be sold except at a very great sacrifice.

HON. MR. HOWLAN—I think it is too much power to place in the hands of one shareholder of a company if a company is not insolvent. It is not in the nature of things that an individual stockholder outside of the directors or manager could possibly have such information as would lead to the conclusion that the business of the company was beyond redemption. If the company is insolvent he could apply to the court under the Insolvent Act, and therefore that question is beyond any doubt; but if this power is placed in the hands of any shareholder to apply to the court for a winding up order for a solvent company, without calling any meeting of the shareholders, without asking the president or vice-president to explain the condition of the affairs of the company, you take the power out of the hands of the directors altogether, and one cranky shareholder would have the power to throw the business of the company into confusion. There is nothing in the world easier to destroy than the credit of a company. If you say their stock is worth nothing, or that they have been selling goods to persons in doubtful circumstances, you can destroy their credit altogether. I also object to the last clause of this Bill with regard to the employes of any joint stock company. Why is it that the employes leaves his wages in the hands of a company? There may be many reasons. He may be paid monthly or

quarterly for instance, or he may be aware that the company is not very flush and he dislikes to draw his money. He has rent to pay and the landlord perhaps waits for his rent, as the grocer does for his pay for his groceries, and his shoemaker, tailor and others who supply him with the necessaries of life—all waiting, expecting from time to time that the company will soon be in better circumstances, and that they will be all able to get their money. The Insolvent Act provides that all servants must be paid, and it would be an extraordinary provision to say that not more than three months' wages should be privileged. Those two clauses, in my humble judgment, are sufficient to induce me to vote for the amendment of the hon. gentleman from Ottawa.

HON. MR. POWER—I feel a little difficultly as to how I should vote on this question. The first clause of the Bill is a most obnoxious one, and it appears to have got into the Bill by something almost akin to fraud. I heard something of this matter, and I inquired of a prominent member of the House of Commons, who is generally very observant of the proceedings of that House, as to what had taken place, and he was very much surprised when he heard that this clause had been added to the Bill. He said he had noticed that the member, of whom the hon. gentleman from Ottawa spoke, was saying something, but no one appeared to pay any attention to him and the House was not generally aware of what had been done. Anybody who has sat in the gallery of the House of Commons when that House is in committee, knows that it is not difficult for a clause to be slipped through unnoticed. I think the first clause is a most pernicious one. On the other hand I think the next clause is a good one. Now that our attention has been called to the objectionable nature of the first clause we might let the Bill go to committee, where it can be amended by striking out the first clause. I am perfectly satisfied that no English law makes such a provision as that contained in the first clause—that any shareholder of the company, whether the company is solvent or not, can apply to have that company wound up. That outrages one's sense of justice.

HON. MR. HOWLAN.

No doubt, under the English law, the company itself can apply to be wound up, but no shareholder can make an application which would have the effect of ruining the company.

HON. MR. ALLAN—My attention was called to this Bill by the hon. member from Ottawa, and subsequently I received a letter from the same gentleman to whom the hon. member from Montreal has alluded—the Hon. Mr. Morris—asking me to look over the Bill, and if I thought it was a right and proper one to give it my support, and in fact he stated that the provisions of the Bill were precisely the same as those of an English Bill on the same subject. I think he stated also that there was an Ontario Act to the same effect.

HON. MR. SCOTT—Are you speaking of the Bill as it now is ?

HON. MR. ALLAN—Yes ; so that like my hon. friend on my right, I am exceedingly puzzled to know how to act. I cannot conceive that a gentleman of Mr. Morris' standing would have written as he did unless there was some merit in the Bill. At the same time I can appreciate the danger pointed out by the hon. member from Ottawa—the Bill in its present state would appear to be an exceedingly dangerous one ; but I think I should prefer not to see the extreme course taken of giving it the six months' hoist. Now that the House is in full possession of the merits and demerits of the Bill, I think it would be better to let it go to the second reading.

HON. MR. SCOTT—The clauses dealing with the Joint Stock Companies Act deal with a subject matter that has always been under the control of the Government. Amendments to the Joint Stock Companies Act have always been introduced as Government measures. Therefore I think it would be only proper, in making an amendment to that Act, that it should be in a Bill to amend the Joint Stock Companies Act, and not one relating to an entirely different subject.

HON. MR. PLUMB—I have experienced very much the same difficulty that has

been felt by the hon. member from Halifax and the hon. member from Toronto. I also received a letter from the Hon. Mr. Morris stating that it was very desirable that this Bill should be passed. I quite agree with my hon. friend that legislation of this kind, affecting so important a statute as the Joint Stock Companies Act—that Act having been always in the hands of the Government—that such legislation as this should certainly be introduced by the Government. At the same time, while I do not wish to commit myself to the support of the Bill, I scarcely feel inclined to vote for the six months hoist. I think that the expression of the House will justify me in voting against the six months hoist and letting the Bill go to committee. I think we can make some further enquiry—examine into it a little further. As it strikes me now, it is certainly not a Bill which commends itself to my judgment. I am afraid that mischief will grow out of it if it is passed. It may be so amended, however, as to obviate those objections, but I do not like, under the circumstances, to vote for the six months hoist.

HON. MR. KAULBACH—Is my hon. friend satisfied that the Hon. Mr. Morris saw this Bill as it now appears ?

HON. MR. PLUMB—He had reference to that particular subject. Of course the first bill was one that had not this sweeping clause in it at all. It only related to the payment of men. Mr. Morris referred to the principle embodied in this Bill, that anyone could apply for an order to wind up an institution, and it was left very much at the mercy of any single shareholder who might apply and get an order from a judge. Therefore I am satisfied that he understood it.

The Senate divided on the amendment, which was rejected by the following vote :

CONTENTS :

Hon. Messrs.

Baillargeon,  
Grant,  
Haythorne,  
Howlan,  
Kaulbach,  
Leonard,  
McClelan,

Pâquet,  
Pelletier,  
Power,  
Reesor,  
Scott,  
Stevens,  
Wark.—14.

## NON-CONTENTS :

## Hon. Messrs.

Alexander,	Miller (Speaker),
Allan,	Montgomery,
Botsford,	Nelson,
Boucherville, de,	Odell,
Dever,	Ogilvie,
Ferrier,	Plumb,
Flint,	Read,
Girard,	Ross,
McDonald (C.B.),	Schultz,
McKay,	Smith,
McKindsey,	Sullivan,
McMillan,	Turner,
Macdonald (B.C.),	Vidal.—26.

The Bill was read the second time.

HON. MR. OGILVIE moved that the Bill be referred to the Committee on Banking and Commerce.

HON. MR. SCOTT—This is a public bill, and must be referred to a Committee of the whole House.

THE SPEAKER—It is a public bill, and should go to a Committee of the Whole, unless the House wishes to send it to the Committee on Banking and Commerce.

HON. MR. POWER—I think the Bill ought as a matter of course to go to a Committee of the Whole some time ; but with respect to this Bill we might take the course which is usually adopted in the House of Commons. Let it go to the Committee on Banking and Commerce and be discussed there, and then when it is reported back to the House it can be referred to a Committee of the Whole here, if the report of the Committee is not satisfactory.

THE SPEAKER—With that understanding it could be done.

HON. MR. HOWLAN—I doubt if you can take that course as to this Bill.

HON. MR. SCOTT—Yes, with the understanding that it goes to Committee of the Whole afterwards.

THE SPEAKER—I think when a public bill is sent to any of the standing committees it should be considered as having been referred to a special committee,

and afterwards it can be referred to a committee of the whole House.

The motion was agreed to.

## WORKS CONSTRUCTED OVER NAVIGABLE WATERS BILL.

## SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (130) "An Act respecting certain works constructed in or over navigable waters." He said: This Bill is simply a consolidation of the existing laws in some four acts. There are some slight amendments, which are in italics. Probably the most important one is the fifth section which applies to bridges which have been built without legislative authority, but which now interfere with navigation. This Bill repeals the four Acts of which it is a consolidation.

HON. MR. POWER—I am not going to object to the second reading of the Bill on the technical ground that it has not been distributed in the form in which it has come from the House of Commons, although I might take that exception, because I have ascertained that in the House of Commons the objectionable features which the Bill presented when introduced have been removed, and that it has come to us in a comparatively harmless and unobjectionable form.

HON. MR. KAULBACH—I do not know how it passed there, but it affects piers and wharves, and according to the form in which I have it before me, a person will not be able even to rebuild his wharf or pier without sending plans and specifications of the work to Ottawa.

HON. MR. POWER—That has been amended in the House of Commons.

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

## INTEREST IN BRITISH COLUMBIA BILL.

## SECOND READING.

HON. MR. MACDONALD (B. C.) moved the second reading of Bill (22) "An

Act respecting interest in British Columbia." He said: This is a short Act to establish a legal rate of interest in British Columbia when there is no contract made.

HON. MR. KAULBACH—It seems to me that we should have, as far as possible, uniformity in the rate of interest all over Canada. Money may be worth more in British Columbia than it is in the east: but this Bill says that a certain rate shall prevail, whether expressed or implied. I think it should say "unless stipulated in writing to the contrary it shall be 6 per cent. The Bill provides that a party getting a judgment in the Courts can still keep the terms of the original contract up to at least 12 per cent., if the original contract was 12 per cent., or a higher rate, it seems to me that when a judgment is recovered the party should not be able to charge more than 6 per cent.; because, to a certain extent, instead of being a liberal, generous creditor, the man who charges more is rather taking the opposite course, and I do not think that a man, who may have been unfortunate enough to have a judgment against him, should be compelled to pay 12 per cent. interest.

HON. MR. MACDONALD—It has been a very common thing to charge 18 and 20 per cent. on mortgages. When a judgment is obtained in Court, the rate recovered is 12 per cent. When the Bill was introduced the promoter had it 8 per cent., but it was changed to 6. I intend to move in Committee that the rate be restored to 8 per cent. In that country money is worth that much interest, and it is no hardship at all to pay it where there is no contract.

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

### NORTHERN AND NORTH-WESTERN JUNCTION RAILWAY COMPANY'S BILL.

#### SECOND READING.

HON. MR. TURNER moved the second reading of Bill (65) "An Act respecting the Northern and North-Western Junction Railway Company." He said—

This Bill is merely asking for a year's extension of time for the commencement of this road. There was a good deal of trouble in the Committee of the other House with reference to the location of the line. That, I understand, has been fully settled between the City of Hamilton and the promoters of the Bill. There are a few amendments also with regard to the internal arrangements of the Company. The last clause protects the interests of municipalities that have granted bonuses.

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

At six o'clock the Speaker left the chair.

#### AFTER RECESS.

#### THIRD READINGS.

The following Bills passed through Committee of the Whole without amendment and were read the third time and passed:—

Bill (101) "An Act in amendment of the Consolidated Inland Revenue Act, 1883, and the Act amending the same." (Mr. Plumb.)

Bill (126) "An Act to amend the law respecting Crown cases reserved." (Mr. Plumb.)

Bill (120) "An Act to make further provision respecting the administration of public lands of Canada in British Columbia." (Mr. Plumb.)

### SALARIES OF JUDGES, SUPREME COURT, ONTARIO, BILL.

#### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (125) "An Act to amend the law relating to the salaries of certain Judges of the Supreme Court of Judicature for Ontario."

HON. MR. MACDONALD, from the Committee, reported the Bill without amendment.

HON. MR. PLUMB moved the third reading of the Bill.

HON. MR. KAULBACH—I do not think my hon. friend has shown the necessity of appointing another judge.

HON. MR. PLUMB—I explained it on the second reading of the Bill. Section 3 of 48 Vic., Cap. 13, of Ontario, authorized the appointment of an additional judge for the Court of Chancery. An Act of this Parliament provided that he should be given a salary of \$5,000. Nothing was done in regard to this matter for some time; but the judge has been appointed, and the section which has now been submitted to the Committee is simply the re-enactment of the provision for the salary in order to make it conform to the appointment by the Ontario Legislature. It was there before, but we now propose to have the salary follow the appointment.

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

#### LAW OF EVIDENCE BILL.

##### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (P) "An Act to amend the law of evidence in certain cases."

In the Committee,

HON. MR. POWER—It may be remembered that when this Bill was at its second reading I said that I proposed when we went into Committee to strike out portions of the Bill allowing persons having conscientious objections to taking an oath to make affirmation, inasmuch as provision was made in the Criminal Law for the taking of the evidence of such persons. I move that the first and second clauses be struck out.

The motion was agreed to.

HON. MR. POWER moved the adoption of the third clause.

The motion was agreed to.

HON. MR. POWER moved that the fourth clause be struck out.

The motion was agreed to.

HON. MR. POWER moved that the preamble be amended by inserting after the word "evidence" the following: "So as to render easier the proof of Provincial Statutes in certain cases."

The motion was agreed to.

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

HON. MR. POWER—Inasmuch as, at this late stage of the Session, there is some danger that this Bill may not go through if it is delayed here, I move that the Bill be now read the third time.

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

The Senate adjourned at 8.25 P.M.

#### THE SENATE.

*Ottawa, Wednesday, May 19th, 1886.*

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

#### THE LEADERSHIP OF THE SENATE.

##### INQUIRY.

HON. MR. O'DONOHUE—I rise to say that I wish an answer to the question which I put yesterday; otherwise I shall have to give notice of motion.

HON. MR. SMITH—Kindly put the question again.

HON. MR. O'DONOHUE—Whether it is the intention of the Government to have in the Senate, leading in public business, a responsible Minister of the Crown in charge of it during the balance of the present Session.

HON. MR. SMITH—It is not the intention of the Government at present to make any change, as it is hoped by all that Sir Alexander's health will be so im-

proved as to enable him to return to his seat that he has so long occupied. He is to-day very much better, and the doctors say that he will, no doubt, be able to take his position here again as well as he has been for many years past. The Government have invited several gentlemen to aid, for the time being, in carrying on the business that they are familiar with, and they have consented to do so. I, myself, have never been able to carry on that kind of business, and have never pretended to be, therefore, I have no delicacy in saying so.

HON. MR. O'DONOHUE—I am extremely glad that I have put the question, in order that we should have the satisfaction of hearing, what we are all glad to hear, that there is a prospect of the leader of this House being able to return to it again in good health.

#### ST. VINCENT DE PAUL PENITENTIARY.

##### MOTIONS.

HON. MR. BELLEROSE moved:

That an humble address be presented to His Excellency the Governor-General, praying His Excellency to be pleased to cause to be laid before this House a copy of a letter from the Department of Justice, Penitentiaries Branch, addressed, on or about the 18th of June, 1883, to the Warden of St. Vincent de Paul Penitentiary, requesting that officer to draw the attention of the Deputy Warden of that institution to certain charges brought against the latter by *L'Estandard* newspaper, which accused him of having unduly interfered in the elections for the County of Laval in 1883; also, a copy of the reply of the said Deputy Warden; also, a copy of a second letter of the Department of Justice, Penitentiaries Branch, to the said Warden, on the subject of a new charge brought against the latter officer by the same newspaper, which complained that Deputy Warden Ouimet made use of convicts to carry on his correspondence and particularly to prepare the reply mentioned in the first place, and requiring the Warden to demand an explanation from his Deputy on this subject, with the reply of the Deputy Warden; also, copies of all other memoranda, documents, letters, &c., which may form part of the record, whether they be dated before or after the documents herein above mentioned.

HON. MR. SMITH—There is no objection to the address.

The motion was agreed to.

HON. MR. BELLEROSE moved,

That an humble address be presented to His Excellency the Governor-General, praying His Excellency to be pleased to cause to be laid before this House, copies of the evidence of Jean Baptiste Desormeau, Jos. E. Durocher, and Hector Demers, formerly employees at St. Vincent de Paul Penitentiary; also, copies of the evidence of Felix Lesage, guard; Leander Mazuret, steward; Noel Beauparlant, Instructor of Shoemaking; Adolphe Lefebvre, messenger; George B. Lamarche, storekeeper, and Godfroi Laviolette, warden, who were called upon to give evidence in 1884, at the time of the enquiry into the management of the aforesaid penitentiary, made by Messrs. Moylan and Bail-largé, the Commissioners appointed for that purpose.

HON. MR. PLUMB—There is no objection to bringing down the papers.

The motion was agreed to.

#### ST. VINCENT DE PAUL PENITENTIARY TROUBLE.

##### INQUIRY.

HON. MR. BELLEROSE enquired

Whether, in view of the urgent need there will be, in order to proceed with the Enquiry into the difficulties which exist in the St. Vincent de Paul Penitentiary, of the documents asked for by the Addresses which he has moved for in the Senate, since the revolt which took place in that Penitentiary, the Government intends to hasten the preparation of returns to these Addresses, in order to lay them before Parliament before the prorogation thereof?

HON. MR. PLUMB—The Government is preparing those papers and will bring them down as soon as possible.

#### PARLIAMENTARY RETURNS.

##### INQUIRY.

HON. MR. BELLEROSE enquired

When will the returns to the Addresses moved for by him on the 30th April last and the 5th May inst., be laid before this House?

HON. MR. PLUMB—These papers are being prepared.

HON. MR. BELLEROSE—I beg leave to say that the answers to these two addresses are only short letters that can be



prepared in half an hour's time. Those letters had been looked for and could not be found ; but were found a week ago last Friday.

HON. MR. PLUMB—There is no intention to delay, but the hon. gentleman must be aware that there is an immense amount of returns asked for by both Houses, and other motions and papers have precedence.

HON. MR. BELLEROSE—I would ask what would become of this matter if the papers were not brought down before prorogation? How could they be got at by parties who wished to have them if an enquiry is to take place?

HON. MR. SMITH—I will attend to it to-morrow and see that they are brought down as soon as possible.

### THE SHORT LINE RAILWAY.

#### MOTION TO POSTPONE.

The motion having been called

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 contracts entered into for the construction of the Short Line Railway from Montreal to St. John and Halifax.

HON. MR. POWER said : I should like to have this postponed until to-morrow, and at the same time I would ask the Minister when he will lay on the table copies of documents respecting the rebellion losses claims? He promised to do so before this, I gathered from his remarks.

HON. MR. ALEXANDER—I do hope the hon. gentleman will go on with his motion to-morrow, and not postpone it again.

HON. MR. SMITH—The papers to which the hon. member refers have been brought down in the other House, and it will save the expense of going over the documents again if they are sent to the Printing Committee by that House. I expect by this time they are in the hands of the Minister in the House of Commons.

HON. MR. BELLEROSE.

HON. MR. POWER—With respect to the observation made by the hon. member from Woodstock I wish to say that I am not one of his followers, and consequently I do not wish to be lectured by him as to the course I should adopt.

### CHINESE IMMIGRATION BILL

#### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (106) "An Act to amend and consolidate as amended the statutory provisions respecting Chinese immigration." He said :—This Bill is in the main the Bill of last year. There are some slight amendments, and as these amendments are numerous, although not particularly important, I should like to have the Bill read now the second time, and any discussion which is to take place can be had in Committee.

HON. MR. ALEXANDER—I think the hon. gentleman ought to explain the object and details of the Bill. We have not had time to look into it, and it has always been customary for the leader of the House to make such explanations at the second reading of a Government bill. Now we have not heard one word on the subject from the hon. gentleman who has charge of this measure.

HON. MR. MACDONALD (B. C.)—Would the hon. gentleman prefer to have the discussion take place now, or in Committee? I think it would be better to postpone the discussion until the Bill is referred to Committee of the Whole.

HON. MR. PLUMB—I spoke to the hon. gentleman on the subject before the House opened, and I thought he was quite of that opinion himself.

HON. MR. MCINNES—May I ask the leader of the Government when he proposes to bring this Bill before the notice of the Committee of the Whole—to-morrow or the day after?

HON. MR. PLUMB—Whatever time will suit the convenience of hon. gentlemen.

HON. MR. MCINNES—Then say Friday next.

HON. MR. PLUMB—Yes.

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

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING

HON. MR. PLUMB moved the second reading of Bill (94) "An Act to amend the Dominion Lands Act, 1883." He said—This Bill is one which I have no doubt will commend itself to all the members on both sides. It has not been criticized in the other House except in a favorable way. All the amendments, I believe, are in the interest of the settlement and of the settlers of the North-West. They relax some provisions of the Act which were strongly objected to in this House at the time they were adopted and they otherwise change the law, as experience has suggested. Of course, in legislating for a new country, where there are no precedents, where there are constantly new cases arising, there must be always need for changes as the settlement goes on, and I think it is true wisdom to make such amendments in the Dominion Lands Act as will best conduce to the comfort of the settlers and their interests, and at the same time best further the desire of the Government, that that country should be filled up as rapidly as possible with a contented people. I believe that the personal visit of the Minister of the Interior has been productive of very excellent results. His thorough knowledge of the country, through his searching inquiries and the spirit which he brought to those inquiries, will, I have no doubt, be productive of great good. I by no means admit that there has been cause for so much hostile criticism in regard to the administration of that country. We are none of us perfect. Except in the United States, where the rules which have governed settlement are far more stringent than they are in this country, there is no precedent for the Government filling up a country like our great North-West, noth-

ing like it in the history of the colonization of countries—nothing like it in the history of the great Empire to which we belong. We are all proud of the progress that has been made—all happy to see, notwithstanding some difficulties have occurred, that peace and harmony now prevail everywhere, and that the fears which were expressed in some quarters that there was difficulty breeding among the unfortunate Indian population of that country, seem to have passed away. I believe that there is, at this moment, nothing but contentment among the Indian tribes. Unfortunate as they are, I believe they are well cared for, and treated as well as it is possible to treat people of their class. Unhappily they have been deprived of the game upon which they formerly subsisted, and that deprivation, and the necessity of remaining on certain reserves, has, to a large extent, interfered with the roving habit which has characterized the Red race. At the same time, every effort has been made to extend to them the benefits of agriculture and induce them to cultivate the soil, but thus far I fear with very little salutary effect. I am afraid that the temper and habits of those people do not lead them to take kindly to hard work. We must remember that our position is the result of evolution, of centuries of growth and civilization. We cannot judge of those unfortunate people by any rule which we take out of our own experience. They have led a savage life; it has been the life led by their ancestors far beyond the reach of history, and it would be strange, indeed, if they could lay aside their habits in one or two generations. It is only within two or three generations that they have come in contact with civilizing influences. All honor is due to the devoted missionaries who, from the first, have endeavored to bring these men under the subjection of law; to promote in them that religious feeling which lies at the bottom of all reverence for law and order. They have not worked in vain and my hon. friend the member from Manitoba (Mr. Girard) gave us a very touching account of the ministrations of those holy missionaries of Christ to the savages who, for reasons that might have seemed to us inscrutable, were in the wise purposes of God, brought under the influences of Christianity while they were confined in the prison of Regina.

I think I am right in making the statement, and it must be gratifying to all of us. This Bill is, of course, far-reaching in its effects, relating as it does to that class of the inhabitants of the North-West, and it is very important to us to deal with them in such a way that the safety of those who settle among them may be best insured. One thing in regard to them may be stated almost in an epigram; we must either feed them or fight them, and I think the cheapest way is to feed them and to kindly endeavor to bring them under such influences as may render any danger from insurrection, or a return to their savage habits improbable, if not impossible. These remarks, which I did not intend to make when I rose, have come into my mind whilst speaking on the subject. The amendments to the Bill are, I believe, all in the right direction. The Bill is a very long one. It contains about 30 or 40 clauses, but there are only two that are other than verbal amendments. I believe it would be best to take the opportunity of discussing them when the Bill is in Committee of the Whole in order to give time to the hon. members who wish to examine the Bill, which has only now been distributed.

HON. MR. KAULBACH—I do not rise to make any prolonged remarks except as to our policy with regard to the Indians. I think the policy of our Government is a very good one. The policy in the United States at one time seems to have been to starve the Indians.

HON. MR. PLUMB—A policy of annihilation.

HON. MR. KAULBACH—General Sheridan's opinion was that the only good Indian was a dead Indian, and the policy which that expression indicated, cost the United States a large amount of money. I believe that the policy of extermination has cost the American Government hundreds of millions of dollars. I think our policy is a better one; it is the more humane and Christian policy. The extinction of the Indian race is certain; it is only a question of time. With the colonization of the country and contact with white population that extinction is going on very rapidly. I believe that by

educating the Indians and making them feel that they are men—giving them as far as we can the rights of white men, and making them as far as possible self-sustaining, and, in time, giving them representation, is the only true policy and will tend in the end not only to benefit them, but from an economical point of view will be an advantage to the Dominion. It is this policy that the United States at last seems to have adopted.

HON. MR. ALEXANDER—It is one of the rules of this House, and it is a rule of Parliament, that when an hon. member rises to address the House, those around him shall preserve order. The venerable gentleman before me (Mr. Botsford) is transgressing the rules of this House and I call him to order. The present Government of Sir John Macdonald keep of course to their old traditions, ways and methods of governing this country and of using the Senate of the Dominion as a mere consenting body to everything. There could be no more important Bill than the measure which I now have in my hands called the Dominion Lands Act. This is a bill that ought to pass under the enlightened criticism of the Senate—because we have always a great deal of time on our hands, particularly during the first two months of every session, and instead of coming to this House with a bill of this importance in the early part of the session, it comes to us within a week or ten days of prorogation. The Government keep strictly to their traditions and old ways and methods, so that the Senate of the Dominion shall render no service to the country, but that the Acts of Parliament that Sir John Macdonald may bring in shall go on, being as imperfect in the future as they have been in the past. With regard to the management of the North-West, I must claim the indulgence of the House to relate some facts, which I am authorized to do, as a large shareholder in the Permanent Building Society of Toronto. That society sent out an agent to Manitoba, and there invested a large amount of their funds in mortgages upon homesteads in southern Manitoba and in the North-West. The amount they loaned upon each homestead was not large. The settlers had ploughed perhaps thirty or

forty, or fifty acres of land, and had built on each homestead a respectable building. But what have the Permanent Loan Society found? They have found that a large number of those settlers who went to southern Manitoba and other parts of the North-West and located there, and who had broken up thirty or forty acres of land and had gone to the expense of building houses, have deserted their lands and have gone over into Dakota; and the present position of the Loan society is that they hold the lands as security for the money loaned on these homesteads. What is the cause of all this? There must be something wrong in the management of the affairs of the North-West. This has occurred in a part of the country where there is the best of soil, and Senator Reesor, who is now at the head of the room, and whom we rejoice to see in his seat so restored in health, knows that part of the country, and that what I say cannot be denied. There must be something wrong in the governmental management of the North-West when we find industrious settlers who have gone in there and expended their labor for two or three years in breaking up land and building houses, after borrowing money from the Building Society, abandoning their homes, and crossing into Dakota.

HON. MR. KAULBACH—They are returning now.

HON. MR. ALEXANDER—The Government never come to this House with such a Bill as this, until the end of the session, and until there is no time to give it proper consideration. We have not had a moment to look at this Bill. It has simply been read from the Speaker's Chair one day and we are called upon to hurry it through the House the next day. I ask hon. gentlemen if this is the way to conduct the affairs of Parliament? Do the Government desire to have the North-West governed in such an imperfect manner? Could there be a body of men from all parts of the Dominion better calculated to frame laws to make the settlement of the North-West such that everybody who goes there will find life to be a blessing? But we find industrious men going in there and through the mis-

management of the department of the Interior they have been compelled to leave their lands and go to Dakota. I have not had time to examine the Bill and cannot pronounce upon one clause or another of it. I protest against this system of the present Government. They seem to desire that the Senate, if possible, shall render no service to the country. Will they not listen to any advice offered them! Do they desire to destroy the Senate? Do they desire that the North-West shall be governed in such a way that our industrious settlers will not stay there but will leave it and send information to their friends that they cannot live there? I appeal again to the present First Minister, and I appeal to the House—there is no use in appealing to the hon. gentleman from Niagara. It is simply a farce appealing to him; but I appeal to the First Minister whom I remember to have been a responsible and an able man; but I am afraid his health has failed and he has got into such peculiar ways and methods that the country must suffer. Is this Senate to be regarded as a mere servile Chamber to ratify and register every absurd motion and ratify anything known to be wrong?

HON. MR. SCHULTZ—As I entered the Chamber just now, I heard the hon. gentleman from Woodstock remark that that the policy of the Government was driving settlers from Manitoba into Dakota. All I have to say is this, that I know, of my own knowledge, that for one man who has left Manitoba to settle in Dakota, twenty have come over from Dakota to settle in Manitoba.

HON. MR. ALEXANDER—Ask the officials of the Permanent Loan Society.

HON. MR. ALMON—Compound interest.

HON. MR. ALEXANDER—I suffer as a shareholder of that company.

HON. MR. VIDAL—The hon. gentleman has made the admission that he has been speaking upon a subject that he has not looked into and knows nothing about.

HON. MR. ALEXANDER—Childish! Always childish—and unscrupulous!

HON. MR. VIDAL—It is quite unnecessary to answer in detail the arguments which the hon. gentleman has advanced. If he had looked into the Bill he would have discovered at once that every change that is here made, and they are very few and simple, is in the interest of the North-West, to facilitate the settlement of that country, and to provide for the settlement of disputes and the general preservation of peace and good order in that country. While I have thus ventured to pass a remark on the hon. gentleman from Woodstock, I may say that the hon. gentleman who has charge of the Bill has really failed to explain the nature of it to the House. A large portion of the Bill, from the 10th section down to the 21st, has nothing whatever to do with the matter which he has spoken of; in fact I may say that the whole Bill has no natural or necessary connection with the Indian question, and while it is very interesting to hear about our Indians and the policy pursued towards them and to be pursued, still it has nothing to do with this Bill to suggest a discussion to the House that would unnecessarily occupy our attention. The Bill is a very simple one. The first half makes amendments for the settlement of claims and homestead interests, etc.; the latter part entirely relates to the surveys and qualifications of surveyors, and Board of Examiners, and matters of that kind. These clauses are drawn up with very great care, and I question if any hon. gentleman in the House will be disposed to find fault with any part of the Bill. If my hon. friend had looked at it he would have seen that at least in this instance he would have been constrained to say that this Government measure is a move in the right direction, and would be obliged to give it his support. I am quite sure that when the Bill is examined in committee the amendments which have been made will commend themselves to the favorable attention of every hon. member, and that when discussed it will pass this House without any amendment, and without any difficulty.

HON. MR. GIRARD—Being deeply interested in the passing of such a bill, I

think it is my duty to add a few words to what has been said. I look at this Bill as being a good one. It will do much to settle the difficulties which now exist in reference to the Dominion Lands. I am sorry to have heard expressions from the hon. gentleman from Woodstock which are calculated to lead the public to believe that the Department of Dominion Lands is administered in such a way that settlers leave their homesteads to go to Dakota, or some other part of the United States. That statement is not correct. The hon. gentleman who is making such charges, if he had better information, would not make them, as they are calculated to do harm to the whole Dominion. Instead of leaving Manitoba or the North-West to go to the United States, we see people every day coming from Dakota, or Minnesota, or some other of the neighboring States, to settle in our North-West. That is a well known fact, and I state it without hesitation, because I am sure of what I say. The Bill provides a new system by which it will be more easy to administer the Dominion lands and to carry out the work which remains to be done. The measure is a good one. I must acknowledge the compliment paid by the promoter of the Bill to the missionaries in reference to the Indian Land Policy, but it does not exactly apply to this Bill. The second clause provides that the Governor in Council may appoint an officer who shall be styled the Commissioner of Dominion Lands, an officer who shall be styled the Inspector of Dominion Land Agencies and an officer who shall be styled the Superintendent of mines. These different officers shall have such duties as are assigned to them by the Governor in Council. The Governor in Council may also establish a Dominion Land Board to investigate and settle all disputed questions arising out of the duties imposed upon the Commissioner of Dominion Lands, the Inspector of Dominion Land Agencies and the Superintendent of mines, and all other matters connected with the administration of the Dominion Lands system in Manitoba and the North-West Territory. The Bill also provides for the appointment of certain parties who will have certain work assigned to them instead of the whole administration of the Public Lands remaining with the Minister of the

Interior, and that administration will be under the control of the Board. I think that there will be certainly an advantage. It will be easier to have all the little difficulties in reference to land settled there, than to have all those matters brought here before the Minister of Interior to be disposed of. I do not see any difficulty about it. The only apprehension which occurs to my mind is the extraordinary expense which it will entail. It seems to me it will be an important addition to the public expenditure, and I am naturally disposed to favor economy. I try, as much as possible, to keep that in view, but at the same time I suppose the Government is the best judge of all that is necessary for the advancement and progress of the North-West and they feel that such a provision as this is necessary. I am quite ready to give the measure my full support. I think there should not be any serious opposition to it. I am glad to see such a bill introduced and I am sure its provisions will have the effect of putting an end to all the difficulties which exist in Manitoba and the North-West Territory.

HON. MR. SUTHERLAND—I consider it my duty to say a few words on this subject, especially in view of the reckless charges made by the hon. gentleman from Woodstock. It is a pretty generally acknowledged fact now that we are getting, at all events, as many emigrants from Dakota as we lose, if not more. It is putting it very mildly to say so. I believe myself that we are getting more emigrants from Dakota and the North-Western States, and have been all through, than we lose. This spring I have seen accounts of numbers of them coming in from the bordering States of Dakota and Montana and I am sure that most hon. gentlemen here are aware of the fact that a number of ranchmen have been applying to get ranches on our side of the line. All these facts show that the hon. gentleman from Woodstock was very far astray in making such a statement. I do not think it necessary for me to say anything more on the Bill. It meets with my approval. I do not see anything very serious in the measure. It is all in the direction I would have it myself. It is to facilitate matters, and as to the offi-

cers that are to be appointed, it might at first sight appear as creating unnecessary offices, but I have had some experience myself of matters in dispute in the North-West Territories, as well as in my own Province, which I have been entrusted to see after here, and I consider that the principal part of my work during the session has been to look after such cases in the Department of the Interior. Therefore, I think it is certainly a step in the right direction that there should be a Board of Commissioners there, who would be able to settle all those questions without bringing them down here. Many of those claimants are not in a position to come to Ottawa to settle claims, many of which relate to very small matters. They have to entrust their cases to other parties, and the only way they can have them attended to is through members here during the session. The best feature in this Bill is that these disputed questions are to be settled within the Territories.

HON. MR. HAYTHORNE—The hon. gentleman from Niagara, who undertakes to pilot Government business through this House; gave us a very brief and inadequate description of the contents of this Bill. I do not know whether that hon. gentleman had found it necessary to be prepared with a speech descriptive of Indian affairs in the North-West, and that, perhaps, the speech for the Indian affairs was delivered at the wrong time and place. Possibly that may be so; if it is so, it accounts for the introduction of Indian affairs into the explanation of the Bill, which, I believe, does not contain the word "Indian" at all.

HON. MR. McINNES—I have not been able to find it.

HON. MR. PLUMB—I acknowledge the corn.

HON. MR. HAYTHORNE—Be that as it may, I cannot help alluding to a statement made in a previous part of this afternoon's sitting relative to the probability of our former leader being able to resume his place in the Senate. I, for one, have always admired his readiness to adapt himself to circumstances that occurred in this House. During all the

time I have occupied a seat in the Senate, I recollect but one occasion on which that hon. gentleman was at a loss, and on that occasion my hon. friend from Belleville came to his rescue. It was with reference to an expression in an Inland Revenue bill. He was at a loss to understand what "malt combings" meant, until the hon. member from Belleville (Mr. Read) explained it for him. I hope the Postmaster General will soon be able to resume his place in the House; not that I wish to depreciate the services of the hon. gentleman from Niagara, as long as they are rendered in their proper place. I certainly do not feel disposed to find fault with any of his shortcomings, but I do think that so important a clause as the second one of this Bill should have met with some mention from him. It seemed to me that a clause which appoints several new Government officers in the North-West—a Commissioner of Dominion Lands, Inspector of Dominion Lands Agencies, a Superintendent of Mines, and a Dominion Lands Board—should have been fully dealt with, describing the nature of the duties and the emoluments of these officers, and everything else pertaining to the subject. I observe, for instance, that the duties which those officers have to perform from time to time shall be assigned to them by the Governor in Council. The House should have been informed of the nature of those duties. The hon. gentleman stated very little indeed about some of the principal clauses which relate to the appointment and requirements of the land surveyors. I dare say that the Bill is a necessary one in many particulars. I think what has been stated by the Senators from the Province of Manitoba will have considerable weight with the House. It is quite likely that those appointments are necessary, and if they are well bestowed they may result in saving much time and a good deal of trouble. If things can be settled on the spot in the sections in which they arise, it will be a great improvement on having them bandied back and forward between there and Ottawa, causing heart-burnings and hope deferred in the minds of those interested. I think it will be necessary for the House to be exceedingly cautious in putting this Bill through committee in consequence of the very inadequate description which has been given of its contents.

HON. MR. HAYTHORNE

HON. MR. PLUMB—I am very much obliged to my hon. friends who have discussed this Bill. They will probably remember that when I moved the second reading I said it was a Bill involving a good deal of detail, and that it would be convenient, perhaps, if it was agreeable to the Senate, that the clauses should be discussed in Committee.

HON. MR. HAYTHORNE—That was the former Bill.

HON. MR. PLUMB—No; I beg the gentleman's pardon, it was this Bill. I had no intention of omitting any necessary explanations. I can explain this Bill clause by clause, if it is thought necessary, now; but it will take considerable time. I am quite aware that I am amenable to the criticism which the hon. gentleman and other members have made in respect to my remarks about the Indians. I spoke entirely extempore, without previous thought, and it naturally occurred to me to couple remarks of that kind with anything which relates to the North-West. The whole of that vast country was the habitat of those wandering tribes of Indians who are now placed on reservations, and I hardly think it a matter for which I ought very seriously to be called to account, if I made some allusion to those unfortunate people. When we come to consider the Bill in Committee I shall be prepared to consider the Bill section by section; but I may say to the hon. gentleman that in another place no amendment was moved to this Bill. It was discussed in Committee and adopted without any change whatever, and the third reading was ordered without the slightest discussion. Therefore, the Bill having commended itself to the other House (though it is no precedent for us) I venture to say that that fact, of itself, is a sufficient guarantee that there is nothing in this Bill of a suspicious character, or which will elicit hostile criticism when it is brought up for discussion.

HON. MR. MCINNES (B. C.)—I do not rise for the purpose of opposing or approving of this Bill, for the very good reason that I have not had time to look over its provisions. I rise to ask the leader of the Government not to be in a

hurry in referring this Bill to a Committee of the Whole. It is a very important measure and one which, I take it for granted, will deal with lands within the railway belt in British Columbia, something which has been neglected too long. I hope the hon. gentleman will not ask the House to resolve itself into a Committee of the Whole on this Bill before next Monday or Tuesday.

HON. MR. SMITH—Friday will do.

HON. MR. POWER—Monday will be the Queen's Birthday.

HON. MR. MCINNES—I take it for granted the Bill is a good one, but still, in order to understand it thoroughly, I think it would be better to leave it until Monday.

HON. MR. PLUMB—There will be a very great pressure of business, as the hon. gentleman must know, from this time forward. The session is drawing rapidly to a close, and I do not think it would be just to hon. gentleman here, many of whom desire to leave at the end of the week for their homes, to postpone such an important Bill until next week. I would like to meet the wishes of the hon. gentleman, but I think I am within the judgment of the House when I say that it cannot be postponed later than Friday.

HON. MR. MCINNES—It is because of the importance of the Bill that I ask for time to give it mature consideration. It is a measure which we must approach carefully. If the session is nearing its close that is no reason why we should hurry this Bill through. Parliament has been sitting now for three months and we could have given the measure careful consideration if it had been submitted to us earlier in the session.

HON. MR. KAULBACH—The hon. gentleman should bear in mind that the longer the Bill is delayed the greater will be the hurry to pass it. Our business will be increasing instead of diminishing. I am sure one day's thought over the Bill ought to enable the hon. gentleman to prepare himself for the discussion of its clauses in committee.

HON. MR. REESOR—I am deeply interested in any measure affecting the North-West. I have taken a good deal of interest in the settlement of that country, in connection with many of my friends who have gone there to live, and I have had a good deal of correspondence for the last three or four years with parties residing there, and have a pretty fair idea as to what the difficulty is that causes such dissatisfaction to many people. It is a mixed difficulty. It is not all the fault of the Government; a good deal of it, I think, is owing to the mismanagement of the Department of the Interior, and a good deal to the peculiar character of the laws, regulations and restrictions in regard to the settlement of the lands. One great difficulty that has arisen in connection with what we may term the mismanagement of the Department has been the failure of the crops. For four years in the early settlement of the country, in 1878, 1879, 1880, and 1881, the crops were good. Since that time they have been very bad; and some people are inclined to throw all the blame on the Government. That is wrong. The failure of the crops simply has given rise to this, that they find it necessary to adopt a different course of farming—to rely more on stock and less on the production of wheat. Grain was the staple that they seemed to think would never fail. The wheat succeeded for three years in succession; but since that time it has failed in most parts of Manitoba, to a large extent. There are certain portions of the country which lie high—rolling land with light, warm soil, on which grain has ripened and produced a very good yield; but a very large percentage, I think I may say three fourths, has failed to ripen, and the result has been great loss to those who have to cultivate the land. I think, under these circumstances, the settlers certainly deserve our sympathy, and if any amendment can be made in the law by which their trouble will be mitigated to some extent, it is the duty of Parliament to look into it and make those amendments. For some few years we have been endeavoring to bring about a change in one respect. The government at one time offered lands to any one who would buy them at \$1 per acre, ten cents payable at the time of purchase and the balance in ten years at



6 per cent. Purchasers were not required to make any settlement or improvement whatever on their lands. I think that was done in 1878 or 1879, and perhaps some lands were sold on such terms in 1880. Large tracts of land were taken up in that way and the settlers have been allowed to take the balance. Most of those speculators took care to have surveyors examine the country and see that they got first-class lands—the best lands according to reports of the Department of the Interior were selected. When settlers went in there it often happened that the member of a family who had taken up land could not remain on it. Though the family might have made large improvements, it was necessary that the individual who had entered the land should remain to carry out the settlement conditions—cast iron regulations that he should sleep so many nights upon his land and other conditions of a like character. The entries were duly made; stock, implements, etc. were taken in, and expenditures in some cases were made very much heavier than the result warranted, because of the failure of the crops. Now these people felt it was pretty hard, after having fulfilled all the obligations of residence, made large improvements and kept their lands under cultivation, that in taking out their patents instead of getting the land at \$1 an acre, the price paid by the speculator, they should have to pay \$2.50 per acre, and that cash down. All this would not have been felt to be so oppressive and disagreeable had it not been for the failure of the crops; but taken in connection with the losses sustained in that way, it did seem a gross hardship that the settlers, who were making valuable the lands of speculators and the remaining government lands, should be compelled to pay 150 per cent. more for their lots than speculators had to pay for the best lands in the same neighborhood. That, taken in connection with the failure of the crops, induced many of them to borrow as much money upon their land as they could obtain and then let it go. That was done in hundreds and hundreds of cases; there is no doubt about it at all. I notice that this Bill provides that the homesteader, having made one entry, shall not be allowed to make another.

Many of those men go out there very poor, and if they could be allowed to sell out their improvements and homestead lots in other parts of the territory, I do not think any harm would be done to the public. It is said that they would then be speculating. Now, if these poor men who go up there with their little capital and give their time and labor in hunting up and settling good lands, can succeed in putting them in such a shape as to induce a more wealthy class of farmers to go in and purchase them, they ought to be allowed to make what little profit they can in that way. In Ontario that principle was acted upon and it enabled the poorer class of settlers pretty soon to get good substantial homes of their own, and they still remain as citizens of their country and cultivate more land. There is plenty of land in that country for all. There seems to be a prejudice against that class of settlers. I suppose it is because they interfere a little with the speculator. The Government are willing that men who do nothing at all for the benefit of the country shall speculate; but if a man takes up land and settles upon it, he is regarded as a speculator; but he is a speculator who pays well for the little advantage he gets. He gives his time and makes improvements upon his lands which render them desirable to people accustomed to more comfortable circumstances and who are willing to pay more for improved lands. I think it is a mistake to declare, as this Bill does, that no man shall be allowed to homestead a second time. That was the law at one time, but it was modified by the Minister of the Interior in the last Bill that came here. I think it would be well to let homesteaders enter a second time. If you do not, there are a dozen ways by which a man may evade this provision in the Bill. You may declare that he shall not sell, but he can abandon his lot and the man in whose favor it is abandoned can go and make his entry for it. By this restriction you do not prevent such transactions, and you simply drive the first settler into Dakota. I think that is a mistake. Some regulation is required by which actual settlers, who have entered on homesteads and made improvements with the intention of occupying them, but who, through misfortune are prevented from completing their improve-

ments, should not lose their lands and have them handed over to speculators who have thousands of acres of land and make no improvements at all : such a provision I think would render the Bill more acceptable. If the hon. gentleman, who represents the Government in this House, who I know is clear-headed and possessed of good judgment, will exercise that judgment in regard to this measure, I think he will conclude that there should be some amendment to the Bill such as I have indicated.

HON. MR. PLUMB—That can be better discussed in committee. I believe it is the general opinion of those conversant with affairs in the North-West, that a second homestead is not desirable—so I understand, although, for myself, I was surprised that it was not continued. As to the matters to which the hon. gentleman has referred, we can discuss them in committee, and any suggestions he makes will be treated with the greatest respect. I desire to say that I believe I am quite within the judgment and feeling of the House in expressing my delight to see the hon. gentleman back in his place in apparently greatly improved health and that we are glad to hear his voice once more in this Chamber.

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

## ST. GABRIEL LEVEE AND RAILWAY BILL.

### AMENDMENTS OF THE RAILWAY COMMITTEE CONCURRED IN.

HON. MR. VIDAL moved that the House concur in the amendments made by the committee on Railways, Telegraphs and Harbors to Bill (116) "An Act to incorporate the St. Gabriel Levee and Railway Company." He said : Hon. gentlemen will find the amendments proposed by the Committee at pages 357 and 358 of our minutes. They are mostly slight verbal alterations, such as have been made in a number of bills, in order to bring them into uniformity. There are, however, two or three amendments which require, perhaps, more particular examination. The first is at page two, at the end of the second

clause. You will observe that the Committee have added that "the plans and specifications of the said works shall be subject to the approval of the City Surveyor of the City of Montreal." Then you may pass on almost to the end of the Bill—in fact to the last page of the Bill—before there is any other amendment of importance. An addition is proposed to the 21st section, which I am sure will commend itself to hon. gentlemen, and that is that the provisions of the Consolidated Railway Act shall apply both to the railway and dyke, including effective drainage by sluices or otherwise, and crossings, such crossings to give perfect access to and from the River St. Lawrence. This was to guard the rights and to protect the property of private individuals. Then, at the end of the Bill, the Committee have adopted three clauses. The first, clause A, is to guard the interest of the City of Montreal so that none of the work performed by this Company shall at all interfere with or damage the city waterworks. The next, clause B, limits the time within which the company shall begin and construct the works, and provides that if the company fail to complete the works in time, it shall be lawful for the City of Montreal to carry on or cause to be carried on the said works. It was mentioned to the Committee that the City of Montreal would be really the principal proprietor of these works, but it was thought desirable to have this provision inserted so that the city itself should have the power, for its own protection, to carry on this work. The clause provides that this Act shall not create an exclusive privilege, or prevent the City of Montreal or the Government of Canada from executing any work required for the prevention of floods from the St. Lawrence. It is merely a precaution clause that the right of this company to build the railway shall not interfere with the right of the city or the Government to construct such works as may be considered necessary to prevent the city from being visited by disastrous floods such as we have had this season.

HON. MR. TRUDEL—Although this is a private bill, it is of a public character, and with the permission of the House, although I know it is somewhat irregular,

I would like to read part of a document which represents the views of the people of Longueuil, who were not represented before the committee. I do not intend to oppose any of the provisions of the Bill, but as it is a measure of a public character, and affects the interests of the people of Longueuil, I think it is desirable that I should quote part of this document. It is in French, but I will translate it as fairly as I can. It sets forth that "public opinion, based upon the opinion of specialists is in accord in declaring that a great proportion of the damage arising from the floods at Montreal, cannot be considered as being independent of the works of man and uncontrollable. Amongst other reasons there is the fact that the Harbor Commissioners of Montreal, and the corporation of Montreal, which is represented by the Harbor Commission, persist, in spite of remonstrances that have been made, in depositing the soil that is dredged from the harbor, beyond the Island, which has the effect of obstructing the bed of the river and holding the ice in the spring thereby causing the water to rise and create the inundation. The document then sets forth some local facts. For instance it has been ascertained that since the soil from the dredges has been deposited there, the water level has increased in height in front of the town of Longueuil, and inasmuch as the Harbor Commissioners are at the present time depositing earth and stone in the same place, the town of Longueuil has protested against it. I thought it was my duty to quote from this document, and to call the attention of the House to those facts. I have been told repeatedly by men who are familiar with the navigation of the St. Lawrence, that they consider this practice, to which the people of Longueuil refer, to be one of the main causes of the floods. I recollect very well that some ten years ago a pilot, who is a very clever man, told me this repeatedly, and he said, "Mark what I tell you; for the next ten or twelve or fifteen years, the floods in Montreal will increase ever year; I have not the slightest doubt that the way in which the harbor improvements are carried out will tend to increase the floods." I know that the work of the Harbor Commissioners is not entirely under the control of Parliament, still the money is provided by Parliament for the Harbor Commission to

carry on this work, and the opinion which is given in this document as to the result of the way it is done, I may say, is the opinion of a great many people. As Parliament has, to a certain extent, something to do and something to say in the matter, I thought it was my duty to call attention to this question. Of course I am not a specialist on this subject and I do not express an opinion myself, but this seems to me to be a matter of such importance that it should be carefully investigated.

HON. MR. OGILVIE—I can hardly tell what the hon. member from DeSabberry is trying to get at. He is talking about the deposits of earth from the dredges of the Harbor Commission on the Longueuil shore raising the floods in Montreal. That has about as much to do with the Bill before the House as a cotton factory would have to do with it. We have the opinion of a gentleman who is looked upon as being one of the ablest engineers on the continent, Mr. Walter Shanly, who says that this levee, if constructed, could not possibly raise the water on the south shore of the river one-sixteenth of an inch. I do not see how it would be possible to raise the water at all there, by this levee. The hon. gentleman refers to the Harbor Commission as if the money came from the Government to prosecute the works done by that Commission. I only wish it did come from the Government, because it would be a great relief to the merchants of Montreal. The only thing they asked money for was the improvement of Lake St. Peter. Whenever there is a matter connected with the Harbor Commission before the House, it will be time enough to talk about that body, but they have nothing whatever to do with this Bill. The corporation of Montreal, who were almost wild about it at first, seemed to be perfectly satisfied yesterday with the amendments made in committee. The gentlemen who were here representing private owners of land in the vicinity of this proposed work, and the Village of St. Gabriel, seemed to be satisfied also. I have had letters and telegrams from the Mayor of St. Gabriel, and have written to him and telegraphed him, so that he is satisfied also, and there are no other interests that I know of at the present time which can be pos-

sibly injured by this Bill. In fact I did not think the promoters of the Bill would have accepted as many amendments as they have. So far as the south shore is concerned, this Bill has nothing to do with it. So far as protecting Montreal is concerned it has nothing to do with it; that is a work that will have to come before us yet. If the portion of the city south of Lachine Canal is protected by this levee it will wake up the people of Montreal, and they will set to work to do something to protect the whole city without injuring the south shore at all. If the south shore people want to be protected they can take hold of the matter themselves the same as we shall have to do.

HON. MR. BELLEROSE—This Bill may be of great advantage to some parts of the city of Montreal, because I believe that the shareholders in the company will make money by it. It will be a source of fortune to the gentlemen who compose the company, because no doubt they have purchased property between Lachine and Montreal, where they will have their summer residences, and the railway will always be patronized by those gentlemen going to and from their offices in the city. It will be to some people of Montreal a source of enjoyment, and to many others a source of revenue; but there are some other interests that the representatives of the people have to look at. It is all very well to state that Mr. Shanley said yesterday there was no danger; but these are merely words, and supposing damage should result from the building of this levee, it may then be denied that Mr. Shanley had every given such an opinion. It is only right that such a Bill as this should not go into operation before a thorough inquiry is made into the probable effects of it. It does not require the talent, the professional experience and the engineering skill of Mr. Shanley to decide whether a river such as the St. Lawrence will increase its height in the spring when the width of the canal is decreased. If a levee is built on the north shore, the waters of the river will not be able to spread in that direction in the spring as it does at present. For the last fortnight or three weeks the St. Lawrence, which

in its normal condition is about three miles wide, was five miles in width. If a levee is built on the north shore, and the St. Lawrence is forced to keep within a limit of three miles in width where is the water to go? The surplus water will have to pass somewhere through the St. Lawrence, and if it cannot spread out on the north side it must inundate the south shore, and then Longueil will suffer. According to my view of the law I do not believe that in such a case the Government would be responsible for any damage which would result from this undertaking: then I contend it is only right, if Parliament wishes to take the responsibility of granting such a privilege, they ought to add a clause to the Bill by which the Government would be responsible for any damage which may be caused by the rising of the water in consequence of the construction of this levee. The hon. gentleman from Montreal knows better than any member in this House what happened a few years when the canal and levee were built at Beauharnois. What was the result? Old Canada was for 15 years appointing commissions to investigate damages, and every year appropriations were voted to compensate property owners in that county for the damages caused by the levee to the property along the river front.

HON. MR. OGILVIE—This is not the same thing at all.

HON. MR. BELLEROSE—Not the same thing for this reason, that there will be greater damage done below by this levee than was done at Beauharnois: Beauharnois is at the head of the rapid, consequently properties below at Montreal are in a worse position, and common sense would show that an inundation would be more disastrous for the city of Montreal. Beauharnois was not inundated before the canal and levee were built. I defy the hon. gentleman to show that Beauharnois county was submerged before then. But Montreal being submerged before this levee is built, how much worse will it be after the levee is constructed? I have no objection to the construction of this levee, or to giving men a chance to make money fairly; but I have objections to allowing

men to make money at the risk and to the injury of others.

HON. MR. OGILVIE—One word by way of explanation : in the first place the levee the hon. gentleman speaks of at the head of Beauharnois canal was a dam right across the river. This is a levee along the bank of the river. I feel certain that there is no danger of a work of that kind making the flood any worse. Then as to the money that the hon. gentleman thinks the Company are going to make out of it, I know that I would require to have a great deal of money lying idle before I would be willing to take stock in the enterprise.

HON. MR. TRUDEL—If the hon. gentleman from Montreal had listened to what I said he would have seen in what sense I thought it my duty to place before the House the claims of the town of Longueuil. The hon. gentleman suggests that all interests were represented before the Committee. He knows very well that Longueuil is a very important town, and that it was not represented before the Committee and I explained that I felt myself in a somewhat irregular position in bringing the document to the notice of the House—that it should have been brought before the Committee. But as the town of Longueuil has not been represented before the Committee, it is only fair that their objections to this measure should be laid before the House. I explained that I did not intend to oppose the Bill. The hon. gentleman does not see how this can have anything to do with the Bill. It seems to me that if it is not a matter of public interest ; and if the House does not consider it necessary to sacrifice private interests in order to protect the City of Montreal, this charter should not be granted. I was detained before the Supreme Court, and could not attend the Committee ; but had I been before the Committee I would have represented property owners, who will by this levee be shut off from the river. They have also property on the Island with which it will be very difficult to communicate, and these properties which owe their main value to the fact that they are on the river front, will be depreciated to the extent of from 25 to 50 per cent. in value.

HON. MR. BELLEROSE.

HON. MR. OGILVIE—Do you refer to the north shore ?

HON. MR. TRUDEL—I am trying to explain why this matter is one of public interest. I said there was a great public and private interest involved in this matter. I have the highest respect for Mr. Shanley, but he is not the only competent engineer in the country. I have heard from other gentlemen who are very competent men, and who believe that the flood is due in a great measure to the fact that the Harbor Commissioners deposit the material dredged from the harbor in the smaller channels between the Island of Boucherville and the shore. If it is true, as stated in this protest, that the flood is due to a great extent to that fact, this matter should be inquired into.

HON. MR. OGILVIE—This Bill has nothing to do with that.

HON. MR. TRUDEL—It is very clear that it has a great deal to do with it, because we are adopting this Bill as being in some measure a preventive against the flood at Montreal. Notwithstanding this protest on behalf of the people of Longueuil, the Harbor Commissioners continue to deposit the soil from the harbor beyond the Island. I tell my hon. friend that he is entirely mistaken when he says that the Government has nothing to do with the expenditure of the Harbor Commission. If the hon. gentleman will examine the Public Accounts for the last 30 years he will see that large sums have been loaned to the Harbor Commission, the claim for which has been abandoned by the Government, and an additional sum loaned to them. The principal part of the work done in the harbor has been done with money furnished by the Government. My hon. friend is perfectly correct when he says that the harbor is not maintained by the Government ; but the money was borrowed from the Government, and borrowed under such circumstances that the work would not have been done if Parliament had not voted the money. Now my hon. friend fell into another error. He has probably forgotten the fact that the jurisdiction of the Harbor Commissioners extends down to Three Rivers. The hon. gentleman would be very much

embarrassed, I think, if asked to state the limit of the jurisdiction of the harbor commission. In fact, the works in front of Montreal, below the city and in Lake St. Peter, are all under the control of the harbor commissioners of Montreal, and their acts, in all these places, are the acts of the harbor commission, so that what is done below Montreal and in front of Longueuil, and between the Island of Boucherville and the shore, is all supposed to be done in the harbor of Montreal.

HON. MR. OGILVIE—In the first place the hon. gentleman says he was sorry he was not there to represent certain parties who own large strips of land in front of the river. I can only tell him that there was one of the ablest lawyers in Montreal there to represent them, and he did his duty remarkably well. Then the hon. gentleman says they are cut off so that they cannot have communication to one side or the other. That is a mistake again, because provision is made for all the crossings. Then, as to the harbor commission, I was quite as well aware as the hon. member from DeSalaberry is that the works of the harbor commission extend down to Lake St. Peter, but that is a separate account altogether, though it is under their control. I was speaking of the Harbor Commissioners' works opposite the city of Montreal. That, and that alone, is all I referred to at the time, and for that alone I say the Government have never furnished them any money, and I repeat it. The Government gave them a guarantee for certain amounts of money that the interest would be paid. That is all, and they have paid the interest ever since, and the trade of Montreal pays it now. As to the Harbor Commissioners' dredging work, certainly the promoters of the Bill have nothing whatever to do with it, any more than the Legislature of Manitoba.

HON. MR. BELLEROSE—Has the hon. gentleman any objection to letting the third reading of the Bill stand until to-morrow?

HON. MR. OGILVIE—I think we can pass it as well to-day as any other time.

HON. MR. TRUDEL—My hon. friend from Montreal misunderstood me. I do not pretend that those parties were not properly represented. I explained why I was not there, and why I am obliged to give some reasons now which I did not have an opportunity to give there.

HON. MR. POWER—I hope the hon. gentleman in charge of this Bill will let the third reading stand over until to-morrow. While I am not opposed to the passage of the Bill, I think it is a measure which is not really of a private character, although it comes to us as a private bill; the works proposed to be done by the persons incorporated under this Bill are works which ought to be undertaken by the Government, or by the corporation of the city of Montreal, and while I do not suppose the gentlemen who have applied for this act of incorporation are actuated by motives which are not quite right and proper, there are many interests, public and private, which will be affected by this legislation. I hope the hon. gentleman who represents the Government in this Chamber will take occasion to lay this question before his colleagues before the third reading of the Bill. I think it is really a matter to which the Government should give a little attention before the Bill finally passes.

HON. MR. OGILVIE—If this Bill is not passed, neither the Government nor the Corporation of the city of Montreal has any power to do the work.

HON. MR. KAULBACH—I agree with what has been said by the hon. member from Halifax. When the Bill came up for the second reading, I opposed it on the ground which he has mentioned, and it is only the great modification which was made in it by the Committee, by which private rights of individuals are protected, that my hostility to the measure has, to a large extent, ceased. Yet, I confess I think a matter of such vital importance, not only to Montreal but to the surrounding country, is one which should scarcely be in the hands of a private Company. It should be taken hold of by the city of Montreal or by the Government.

The motion was agreed to, and the amendments were concurred in.

REPRESENTATION OF THE  
NORTH-WEST TERRITORIES  
BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (115) "An Act respecting the representation of the North-West Territories in the Parliament of Canada." He said: I feel a particular pleasure in moving the second reading of this Bill. I take a great interest in the representation of the North-West, and I believe I took the initiative in Parliament in asking if the Government would consider the claims of the North-West, from the special character of its population, to an early recognition by giving it representation in Parliament. I look back with great pride and satisfaction to the appeal I then made to the Government, and I am sure that at the earliest moment the Government has taken that question into consideration, and the result of it is the Bill which we have before us. I suppose it is well known to the House that no authority exists under the British North America Act, or any other statute, by which representation can be granted to the territories which are under the condition of the North-West. It could only be granted by erecting them into provinces and, as such, giving them representatives. It was necessary to pass the address which has now gone to Her Gracious Majesty, asking that the Imperial Parliament would authorize the measure which this Bill embraces. It is, therefore, provided in this Bill that it shall not come into force until it is proclaimed by the Governor in Council. That is intended to provide that if permission is received prior to the meeting of another Parliament, or whenever that permission is received, this measure will be on the statute book, ready to be adopted and go into operation. The Bill provides that the districts of Saskatchewan and Alberta shall each be an electoral district and each return a member to the House of Commons. It also provides that Assiniboia shall be divided into two electoral districts, each to return one member. It then describes the limits of these east and west districts, and then a very important clause, the 4th, follows:—

Every person qualified to vote at the election of a member under this Act shall be a *bona fide* male resident and householder, of adult age, who is not an alien or an Indian, within the electoral district for at least twelve months immediately preceding the issue of the writ of election.

HON. MR. POWER—No Indian suffrage.

HON. MR. PLUMB—My hon. friend will see by this clause that those who claimed when the Franchise Bill was under discussion that there was to be Indian suffrage and that Strike-him-on-the-back and other Indians were to be enfranchised, were stating what was incorrect. Clause 5 provides for the issue of the writs; clause 7 shows the form of the writs; clause 8 specifies those who may not be appointed deputy returning officers, election clerks or poll clerks, and clause 9 the persons who shall not be obliged to act in any such capacity. The following sections, from the 10th to the 18th, relate to the holding of elections, and I may say that those provisions are taken from the Election Act. The provisions of the General Election Act are incorporated in this Bill, as far as they can be made applicable to the North-West. There is a provision of some importance in section 28, which is necessary on account of the sparse population. It authorizes the Governor-General to appoint enumerators to make a list of the electors in the several districts. In a country without municipal organizations I cannot conceive any other way in which those lists can be made up. The object is to give representation as soon as possible, and in as fair a way as it can be done. The following clauses, up to the 66th, have reference to the manner in which nominations shall be made, etc. The 66th clause provides that, in view of the remoteness of certain portions of the North-West Territories, the allowance for fees and disbursements provided by section 126 of the Dominion Elections Act need not apply, but the Governor-in-Council may make a tariff of fees, a copy of which is to be laid before the House of Commons at its next Session. The 67th clause provides that the sections of the Dominion Elections Act, with regard to the preservation of peace and good order and the prevention of

corrupt acts, shall apply to the North-West Territories. The last clause provides that the Act shall come into force from and after such day as the Governor-General by proclamation may direct. That is necessary, because permission must be obtained from the Imperial parliament before this Bill can go into operation.

HON. MR. McCLELAN—Will the hon. gentleman explain why the usual system of taking votes by ballot is departed from?

HON. MR. PLUMB—I am unable to explain.

HON. MR. TURNER—The reason is the North-West Council adopt the plan of open voting and it was thought better to continue it until the North-West Council decide to make a change, when, no doubt, the ballot will be introduced. I quite agree with my hon. friend from Niagara that the Bill itself is not only very desirable, but that it is one which will give a great deal of satisfaction. The only point is, I think, that it does not go quite far enough. The representation should have been increased by one and I should like also that some representatives should be appointed to the Senate. The reason why I particularly wish an increase in the representation is on account of the peculiar circumstances of one of the territories! I refer to Alberta. I have already stated, on a former occasion, that that particular territory was peculiarly constituted with regard to interests. Now, the basis of this Bill is certainly not population, but the interests to be conserved by the parties who represent the particular districts. It is more the localities that are represented than population. Alberta, as I said before, is peculiarly situated and ought to be divided into two ridings, north and south. The interests of the two are entirely different. The south, having the largest population, will probably send the representative. I think the south should have a representative, because he would be the only representative of our ranching district. So under this Bill the north will be left pretty much out in the cold. Athabaska is not represented, and Edmonton is the key to Athabaska. The consequence is that a

very large territory would be left without representation. Most of us think the Pacific Railway has opened up the North-West. It has done nothing of the kind. It has opened only a portion of it. The Peace River and Athabaska river districts, and all through Athabaska northwards is a larger and more fertile territory than we know of now. Then, again, there is a very valuable territory in Alberta. It is the Red Deer River and Lake district, which is perhaps the finest part of the whole North-West. I have been for a long time acting for the Saskatchewan and North Alberta territories, and under the circumstance that we are not at present to have a representative from there, I would be quite willing to continue to act for them and let it be understood that they might command me. Unfortunately, I know nothing of the country south of the railway. And I think if some other party, who was equally well acquainted with the south as I am with the north, would take a similar position, that possibly, with the members in the House of Commons when they come down from those districts, we might get along fairly well. I regret that there is no member to be appointed to the Senate, because we want his impressions; we want him to be a man who is known up there. What I would suggest is, if the junior member from Montreal would take the same position with regard to looking after the interests of the North-West south of the railway that I assume for the north, that we could get along without a representative in the Senate for a time, but the sooner we have a representative from that country in the Senate the better. I entirely approve of the Bill as far as it goes.

HON. MR. KAULBACH—No doubt representation in the Senate will come very shortly, but I think it is necessary in the first place to get representation for that country in the House of Commons. I am not capable of saying much on this Bill at present, but I think it is not going far enough in representation. It seems to me that we should have every *bona fide* settler, every man who goes into that country to make it his home, and who is living there for six months, or a year, a voter. The 4th clause restricts the franchise too much. It provides that a voter



must be a male resident and a householder. Now, it seems to me that a man may be a resident and have a larger amount at stake in the country than a householder. He may have cultivated his land and made improvements, and yet not be a householder. He may be residing with somebody else, and yet under this clause he would not have a vote. The householder may be simply a tenant or person having little interest in the country, yet a man who may have a larger interest there, who may be doing a great deal towards improving the country, has got no vote. I think the Bill might have been extended so as to enable every *bona fide* settler in that country, who has made improvements there and helped to develop its resources, a voter.

HON. MR. GIRARD—As the promoter of the Bill has just said, I accept with pleasure the first concession of rights to the people of the North-West. I think that such a measure was wanted very much, and I am glad to see that the Government have decided to make some provision in favor of that population. Very likely the Bill will have to be amended before long, but it will give that distant part of the Dominion an opportunity to make its wants known. We are told, and perhaps with some reason, that if the North-West had been represented in one way or another when the trouble of last year took place, very likely we could have arrived at a better understanding by the explanations which would have been given at the time by such representatives. I think before long, under this Bill, everything will be arranged in such a way that that vast territory, which before long will very likely be the most productive portion of the Dominion, will be represented, if not in this House, at least in the House of Commons. As the hon. gentleman from Hamilton has remarked, I think it would have been very desirable if a representative could be at once appointed from that part of the Dominion to this hon. House. I do not understand why no provision has been made in that direction. When Manitoba entered the confederation in 1871, the province was given four representatives in the House of Commons and two in the Senate, and, thank God, we who were first appointed yet occupy our posi-

tions here. At that time Manitoba had a population of only 12,000. We were not entitled to such representation; we have been told so many times since. It may be that we were not entitled by our position or population to such representation in the House of Commons and the Senate. It is not only the population that has a right to be represented but the lands. We came into the Dominion with a large amount of wealth as represented by our lands and we have a right to representation which, if out of proportion to the population was, certainly not disproportionate to the amount of lands we possessed at that time. I think the Territories are entitled to more representatives than are provided for by this Bill. The population is more than double what it was in Manitoba when we entered into the Confederation. Under these circumstances, I would look upon it as being only equitable if the number of representatives of these territories had been larger because the population represents so many different nationalities and interest. I should like to make a few remarks on the provision that is made in the fourth clause as to the qualification for electors. It provides that every person qualified to vote at the election of a member under this Act shall be a *bona fide* male resident and householder of adult age who is not an alien or an Indian, and who has resided in the Electoral District for at least twelve months immediately preceding the election. I think it is right to exclude the Indians from voting as yet; at the same time I hope that before long some provision will be made for their representation and to give them the right of exercising the franchise. As long as they are wards of the Dominion perhaps it would not be right to allow them to vote. I think also that the required residence of twelve months for householders might be reduced. Five months' residence immediately preceding the election should give any householder in the Territories a vote. I see that the Bill provides that the vote shall be open and not by ballot. I approve of that system in this case. In Manitoba where we were better prepared to understand and to carry on elections we at first introduced the system of vote by ballot, but it was found to be a cause, of so much trouble and such

confusion that we struck out from our Statute the vote by ballot, and introduced the open vote; and I think for country places throughout the Dominion the open vote can be put into operation more easily and quite as effectively as the vote by ballot. In country places there is no fear of trouble, and there is no disinclination on the part of anyone to come forward and register his vote openly for the candidate he supports. In the North-West Territories I think it would be difficult to introduce any other system of voting. I see by the eighteenth clause that no nomination paper shall be valid and acted upon by the returning officer unless it is accompanied by a deposit of \$200. Money is not as plentiful in the North-West Territories as it is in the older Provinces of the Dominion, and to require a deposit of \$200 with a nomination paper is certainly exacting too much. It might be better that a certain amount should be deposited by the candidate as a guarantee that his candidature is a *bona fide* one. We know how elections are conducted sometimes. A man has good reason to believe that he will be sustained by a majority of the people; after a time he finds that public confidence in him is withdrawn, perhaps without reason, and he would under this Bill lose his deposit. Two hundred dollars is a considerable sum to a candidate in a country like that, and I think it is too large a deposit to exact from a candidate under the circumstances. What was considered to be a good system for Manitoba twelve years ago should be a good system for the North-West Territories now entering upon their political existence. In Manitoba the candidate was required to deposit \$25, and that sum was devoted towards defraying the expenses of the election. There is another principle in the Bill which I cannot admit as being a good one—that is, the abuse that arises from time to time in elections, of fictitious votes by personation and other ways. This Bill provides a fine not exceeding \$600, and imprisonment for a term not exceeding six months for such an offence. I think the penalty is too great, and that a fine not exceeding \$100, or imprisonment not exceeding six months would be quite sufficient punishment for

any person found guilty of personation. The Bill will naturally be improved in the future, and I accept it as a measure that will produce great reforms and much benefit in the North-West Territories.

HON. MR. POWER—The general principle that there should be representation for the North-West Territories in Parliament was conceded by this House when we adopted the Address to Her Majesty to which the introducer of this Bill has already referred. It is not necessary that I should say anything about the 4th clause of this Bill. It has been referred to already and the objections to it have been pointed out by the hon. gentleman from Lunenburg, and by my hon. friend from St. Boniface. I quite concur in the opinion that it is not fair to limit the vote to householders. Where the number of electors is so small, and where we are giving four representatives to 48,000 people, the greater proportion of whom are Indians, the number of voters must be limited; and it is to be regretted that the Government have thought it necessary to limit it still further by restricting the vote to householders. It is also to be regretted that they have limited the qualification to twelve month's residence. A man who goes up from the old provinces to the North-West Territories and becomes a householder there should be allowed to vote if he has been resident there for six months immediately preceding the election. I think the better way would have been to have allowed every *bona fide* male resident of twenty-one years of age or over, who had been there six months, to vote, and even then the vote would be small enough. Another thing that this fourth clause suggests is that the Government, since last year, appear to have lost all their affection for the Indian. Last year the leader of the Government and his faithful followers in this House and in the other House insisted that the Indian was particularly and peculiarly entitled to vote.

HON. MR. BOTSFORD—These are a different class of Indians

HON. MR. PLUMB—They are not civilized Indians.

HON. MR. POWER—Of course there is always some substantial and convincing reason—at least convincing to the hon. gentlemen opposite—to support everything the Premier suggests. If the Premier had taken the opposite course, and had suggested that the Indians in the older provinces were the wards of the Government, and were living on reserves supplied by the Government, and should not vote; and that the Indians in the North-West, who form nearly one-half of the population and who have been, until the last few years, the owners of the whole of the Territories and whose interest in the country is still very large, should be allowed to vote, then my hon. friend opposite would have pointed out with much force and effect how much more reason there was for the Indians in the North-West being allowed to vote than those Indians living down here who were in a great measure living on the bounty of the Government.

HON. MR. PLUMB—I ask the hon. gentleman whether he would not prefer to carry on this discussion when we go into committee. The general principle of the Bill is admitted, and the details can be better discussed in committee.

HON. MR. POWER—I always try to do everything I can to promote the convenience of the House, and I think the hon. gentleman from Niagara might, with better taste, have asked some of his own friends who have been talking the last hour on this Bill, to defer their remarks until the House went into committee.

HON. MR. PLUMB—Why the hon. gentleman should find fault with me on all occasions I cannot understand.

HON. MR. POWER—If the hon. gentleman will allow me to continue, I shall be done in ten minutes, and ten minutes more will be sufficient to finish the orders on the paper. This measure is objectionable inasmuch as it limits unduly the voters' list. The number of white people in those Territories is so small that each of those constituencies will be very small, and the Government should not do anything to restrict the number still further. These things indicate what the character of the elections up there must be. A

very small number of persons will be allowed to vote at any rate; then under clause 28 the Governor-in-Council appoints enumerators to make the electoral lists. It just means this: that this measure proposes to give four supporters to the Government in the North-West Territories. They first exclude everyone from the franchise but householders; then in order to select from that small number they appoint officers of their own to make the lists. What is the result? Almost every man who is known not to be likely to support the Administration will find that his name is not on the list!

HON. MR. KAULBACH—Do you not think it is desirable that they should support the Government?

HON. MR. POWER—But this is supposed to be a measure to provide for representation of the North-West Territories; if the hon. gentleman's view is correct this measure ought to be entitled "a Bill to enable the North-West Territory to elect four members to represent the Governor-in-Council." Then in order to make assurance doubly sure the Ministry, who contended last year that there was nothing so desirable as uniformity, have provided that the franchise in the North-West shall be different from elsewhere, and they have provided also that the mode of election shall be different. If last year uniformity was so desirable that it was considered necessary to put the country to an annual expense of half a million of dollars to make up voters' lists on a uniform system, why should we not be uniform this year? This Bill provides for open voting, while no excuse whatever has been advanced for establishing that system up there. It limits the franchise to a few persons, and also provides that it shall be known how every man votes. When we consider that the few householders in the Territories are largely Government officials, it is perfectly clear that this provision that the voting shall be open, is a most objectionable one. The residuum of independent voters that will be left under this Bill will amount to nothing. One amendment that should be made to the Bill in this Chamber, is, that as electors up there cannot enjoy the franchise as in other portions of the country, we

ought at least to provide that the Civil Servants should neither be allowed nor be obliged to vote. If the result of this measure is to be a free expression of the honest feeling of the people of the North-West Territories, the Bill needs to be very seriously modified, and I hope that this House will see that office-holders are removed from the voters' lists because it is perfectly certain that a Dominion official will practically be obliged to vote for the Government. If he does not vote, he will sin nearly as much against his employers as if he had voted against them; and if he does vote against them he is a marked man.

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

#### BILL INTRODUCED.

Bill (25) "An Act respecting the Northern & Pacific Junction Railway Company." (Mr. Turner.)

#### NORTH AMERICAN TELEGRAPH BILL.

##### SECOND READING.

HON. MR. SULLIVAN moved the second reading of Bill (86) "An Act to incorporate the North American Telegraph Co."

He said: This Bill is to give the company necessary powers to carry on a telephone and telegraph business, and to manufacture and operate telephones and telegraphic instruments.

HON. MR. HOWLAN—I do not rise for the purpose of opposing the Bill, but to call the attention of my hon. friend to the fact that this is an important measure and that there is one clause which is in all other telegraph bills hitherto passed and is not in this: it is with regard to the tariff of the company, so that the company would not have power to make their own tariff. In the Montreal Telegraph Company's Bill we find they are restricted to a rate of 25 cents for ten words. I give notice that I will move an amendment to that effect.

HON. MR. SULLIVAN—If it is customary to have such a clause, I will see that

it is inserted when the Bill is before the Committee.

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

#### INTEREST IN BRITISH COLUMBIA BILL.

##### THIRD READING.

The House resolved into Committee of the Whole on Bill (72) "An Act respecting Interest in the Province of British Columbia."

In the Committee,

HON. MR. KAULBACH moved an amendment to provide that if the rate of interest has not been agreed upon "in writing," such rate shall be 6 per cent per annum.

The amendment was concurred in.

HON. MR. VIDAL, from the committee, reported the Bill with certain amendments, which were concurred in, and the Bill was read the third time and passed on a division.

The Senate adjourned at 6 o'clock.

#### THE SENATE.

*Ottawa, Thursday, May 20th, 1886.*

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

#### INSOLVENT BANKS AND TRADING CORPORATIONS WINDING UP BILL.

##### THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (15) "An Act further to amend the Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations" with

an amendment. He said: I may state to the House that the Committee, after giving the subject the fullest consideration, were unanimously of opinion that while it might be desirable to have on the statute book of the Dominion some careful and well prepared measure, providing, under special circumstances, for the winding up of Joint Stock Companies—such an Act, for instance, as is known as the English Companies Act of 1862, and the Ontario Joint Stock Companies winding up Act—the provisions contained in the Bill, as referred to them, and even an amendment suggested in Committee, were not considered by them safe or sufficient; they also considered the introduction of any such clause relating to solvent companies in a bill which, by its title, related to Insurance Companies was undesirable. They have, therefore, stricken out the first clause of the Bill altogether, with its sub-section, leaving the second clause, which relates to the case of insolvent companies and those in the interest of a class whose interests ought to be protected.

HON. MR. OGILVIE—Before that amendment is concurred in, I may say I was rather at a disadvantage in the Committee. I had not an opportunity at the time, not being a lawyer and not being as well acquainted with the Statutes as some hon. members of the Committee, to explain my views; but the hon. gentleman from Niagara made one statement there to-day in which I think he was in error. He said when I stated that the Bill was almost precisely the same as the Ontario Act, that it was not anything of the kind, or words to that effect. I have taken the trouble since to look up the Ontario Act, and I see that it contains the following provisions:—

1st. A company may be wound up when the period, if any, for the duration of the company has expired;

2nd. When the company has passed a resolution requiring the company to be wound up;

3rd. If the company, though it may be solvent, has passed an extraordinary resolution to the effect that it has been proved to their satisfaction that the company cannot, by reason of its liabilities, continue its business, and that it is advisable to wind up the same.

5th. Where no such resolution has been passed as mentioned, the court may on the application of a contributor, etc.,—one single shareholder.

I had amended the clause of this Bill, so as to make it require one-fourth of the shareholders. I do not pretend to press any amendment here, but I wish to put myself right so far as that is concerned. The Ontario Act states that one shareholder, a contributor, may obtain an order for winding up in case the court is of opinion that it is just and equitable that the company should be wound up. So that it is exactly the same, almost word for word, as this Bill stood first. I had it amended this morning so that one-fourth of the shareholders, or one-fourth of the stock must be represented in the application. The statute from which I quoted is 41 Victoria, chap. 5, if any hon. gentleman wishes to verify my statement.

The amendment was concurred in.

HON. MR. ALLAN moved the third reading of the Bill.

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

#### CONSOLIDATED RAILWAY ACT AMENDMENT BILL.

WITHDRAWN.

HON. MR. VIDAL, from the Committee on Railways, Telegraphs and Harbors, reported Bill ( ), "An Act to amend the Consolidated Railway Act, 1879," with a recommendation that the Senator in charge of the Bill have leave to withdraw the same.

HON. MR. ALLAN moved that leave be given to withdraw the Bill.

The motion was agreed to.

#### ST. VINCENT DE PAUL PENI- TENTIARY.

MOTIONS.

HON. MR. BELLEROSE moved,  
That an humble Address be presented to His Excellency the Governor-General; praying His Excellency to be pleased to cause to

be laid before this House, a copy of the Report made by the Warden of St. Vincent de Paul Penitentiary upon the fact of a reconciliation having taken place between that officer and his two assistants—the Deputy Warden and the Head Keeper—as ordered by the Minister of Justice, and as also mentioned in the Annual Report of the Inspector for 1884-1885, page xxv, lines 21, 22, 23, 24.

HON. MR. PLUMB—The hon. gentleman is moving for a large number of papers, and I am instructed to say that these and others in course of preparation will be brought down as soon as possible; but with respect to some of the papers moved for, the first information we have had that any such papers were in existence was from the notices given by the hon. gentleman; the papers having been returned to the Warden and not communicated to the department. These papers will have to be examined to ascertain if they are such documents as can be laid before the Senate. I am also instructed to say that returns moved for and not brought down before prorogation are sent to the Clerk of the House. So that the hon. gentleman will consider this a reply to all his motions.

The motion was agreed to.

HON. MR. BELLEROSE moved:—

That an humble Address be presented to His Excellency the Governor General; praying His Excellency to be pleased to cause to be laid before this House, a copy of the *addenda* to the written defence of the Warden of St. Vincent de Paul Penitentiary, filed at the end of the Enquiry of 1884; also, a copy of the reply of the said Warden to the answers of Deputy Warden Ouimet to the charges made against him by the Warden.

The motion was agreed to.

HON. MR. BELLEROSE moved:—

That an humble address be presented to His Excellency the Governor General praying His Excellency to be pleased to cause to be laid before this House, a copy of Inspector Moylan's Report on the Enquiry made by him into the escape of one Dorion, one of the convicts then confined in St. Vincent de Paul Penitentiary, with copies of the evidence and of all other documents bearing upon that escape, including the decision of the Government upon the said Report.

The motion was agreed to.

## SATURDAY SITTING.

### MOTION WITHDRAWN.

HON. MR. WARK rose to move that when the House adjourns on Friday next, it do stand adjourned until Saturday the 22nd inst., at 3 p. m. He said: I gave notice of this motion considering that, Monday being a public holiday, it would be better for the House to sit on Saturday so that the public business would not be delayed.

HON. MR. PLUMB—I am advised that the House of Commons will not sit on Saturday or Monday. Therefore, public business will not be impeded if we adjourn over from Friday until Tuesday at three o'clock.

HON. MR. WARK—Then I shall not put my motion.

HON. MR. ALEXANDER—Is the motion withdrawn?

THE SPEAKER—It has not been put.

HON. MR. ALEXANDER—I really do think after the adjournments we have had, and knowing that Monday is the Queen's Birthday and that we cannot meet then, any reasonable man would say that we should meet on Saturday. I was glad to see the hon. gentleman's motion on the paper and if put, I believe it would be carried by the good sense of the House. I object to the motion being withdrawn.

HON. MR. PLUMB—There is no question before the House.

THE SPEAKER—Had the hon. gentleman presented his motion to the House he could not have withdrawn it without leave, but he has not offered it to the House, and therefore there is no motion before the chair.

## BILLS INTRODUCED.

Bill (119) "An Act to amend the Act relating to the Winnipeg and Hudson Bay Railway and Steamship Company." (Mr. Girard.)

Bill (87) "An Act to incorporate the Kootenay and Athabaska Railway Company." (Mr. Macdonald, B. C.)

Bill (131) "An Act further to amend the Act respecting the Canadian Pacific Railway." (Mr. Plumb.)

Bill (79) "An Act respecting the Napanee, Tamworth and Quebec Railway Company." (Mr. Read.)

## ST. GABRIEL\* LEVEE AND RAILWAY COMPANY BILL.

### THIRD READING.

HON. MR. VIDAL moved the third reading of Bill (116) "An Act to incorporate the St. Gabriel Levee and Railway Company."

HON. MR. BELLEROSE—I cannot allow this Bill to pass its third reading without calling attention to an important amendment which I propose to move and which I believe the House will accept. As I stated yesterday, such works may become very injurious to the people on both sides of the St. Lawrence above the city of Montreal. If already the St. Lawrence overflows its banks at such a distance on either side, the construction of the Levee on the Montreal side and of the Levee on the south side at LaPrairie and Longueuil will certainly narrow the channel in the spring so that it will increase the volume of water in the river, and it will overflow such places as are situated above Lachine and above St. Lamberts and Longueuil. It is well known that this year Laprairie has been inundated for a distance of some miles through the overflow of the St. Lawrence. If you build a levee or dyke on the Montreal side from Lachine to Montreal, Laprairie, being on the south side, the consequence will be that the St. Lawrence will overflow to a greater distance to the south side. Beauharnois, which is above Laprairie on the south side of the St. Lawrence, was not inundated some thirty years ago, but since the construction of the levee and canal at that place, the property in the neighborhood has been inundated to such an extent that for years the old province of Canada had to pay for the damages done by the floods. The objection of the hon. gentleman from

Alma yesterday was that Beauharnois was not in the same condition as Montreal, Laprairie and St. Lamberts. Certainly it is not, because the difference is against Montreal. Beauharnois stands at the head of the great rapids at Laprairie, and Montreal is at the foot of the rapids, so that the flood will be worse below the rapids than it will be above. If even above the rapids the levee at Beauharnois canal has produced so much damage I fail to see how, if a dyke is built from Lachine to Montreal, and one from Longueuil to Montreal, it will not inundate all those places along that side of the St. Lawrence to a greater depth than they have been heretofore. So if parliament in its might is willing to allow a company to construct such a work, no matter what the result may be, they cannot in justice to the people do less than give a right to property holders on both sides to seek compensation for any damage they may suffer from it. I therefore move, in amendment, that the said Bill be not read the third time, but that it be referred to a committee of the whole, with instructions to amend the Bill by adding the following clause as clause D:—

"The company shall compensate all owners of property damaged by reason of any overflow or other injury caused by the erecting or continuance of the works of the company or any part of such work.

"Sub-section 2: The provisions of the Consolidated Railway Act of 1879, and its amendments as to lands and their valuation shall apply *mutatis mutandi* to the estimation of damages under this section and the compensation therefor."

HON. MR. VIDAL—I think it is well to remind the House that the committee to whom this Bill was referred gave it very careful consideration, and had brought before them very fully all objections of a public or private character that I think could be urged against the Bill. The nature of the work to be constructed cannot, by any possibility, be put upon the same plane as the work at the Beauharnois Canal. In the one case there is a direct obstruction to the river by way of a dam thrown across. In the case of the Bill before us the construction is along the edge of the river and will not have any appreciable effect in raising the water of the river. The fact that the south shore of the river might

be perhaps affected by the construction of this levee was brought before the Committee, and the opinion of a very competent engineer taken upon it. He had no hesitation whatever in saying, in the most decided manner, that the effect produced on the south side of the river by it would be very small indeed. He stated most distinctly that it would not have the effect of raising the water over that vast extent of flat surface more than one-tenth of an inch. He knew that this is an important question; he is perfectly familiar with the locality, and he is a man on whose opinion the Committee with great propriety relied. Then, again, it does not propose—as plainly set forth in the preamble of the Bill—to protect the city of Montreal from those floods, but only a small part of its suburbs. If it contemplated a work of that magnitude it would not be a structure of this kind, merely beginning at the Victoria bridge and running up the river to Lachine. It would necessarily be a work extending down the river all the way to Hochelaga. I am not prepared to say that if a dam of this nature was erected to that extent that it might have some appreciable effect on the other side of the river, but I very much doubt it, when we remember the flat character of that country and the vast area that is covered by the water rising a single inch. I do not think the floods are caused by obstructions of the character of a levee, but by something in the bottom of the river below Montreal. I have no doubt that the dumping of the dredges has had something to do with the rise of the water at Longueuil. If some scheme could be devised by which the ice could be removed and the mud taken out, and freer scope given for the running water below the city, it might to a great extent, be saved from these frequently recurring floods. In my opinion, however, the only real safety is in the construction of such a work as this extending to Hochelaga. When we think of the small extent of country subject to inundation that will be cut off by this work, it is preposterous to suppose that such a very slight narrowing of the river would cause floods on the other side. As hon. gentlemen know, very great damage and loss are caused every year in the neighborhood of Point St. Charles by those floods. If this scheme

can be carried out, and that part of Montreal protected from them, I think a very great success will be gained. I do not care if the promoters of this Bill have a personal interest in this matter. Suppose this work does go through private property, which will thereby be enhanced in value, who objects to that, provided a great public good is accomplished in the protection of that part of the city of Montreal from the annual recurrence of these disastrous floods? My belief is that the work proposed here, if carried out, will be found to accomplish that object to a great extent, and this Bill ought, therefore, to receive the sanction of the Senate. I do not think the clause which is proposed to be added to the Bill, by my hon. friend from Delanaudiere, is at all necessary. My belief is that private rights are protected already by the Consolidated Railway Act, the provisions of which are made to apply to this work, and if it could be shown that any person sustains damage by this work he can go to the court and claim compensation for the loss sustained. I think it would be a pity to amend the Bill by incorporating such a clause, when it is most assuredly unnecessary, according to the best authorities that appeared before the Committee as to the effect which the work will have upon the south shore of the St. Lawrence.

HON. MR. OGILVIE—I very often cannot agree with the hon. member from Delanaudiere; still it is not very often that he fails to be practical. Were I a lawyer, living in Montreal, I think I would certainly vote for this amendment, if I wanted to make money out of this work, because it is so worded that it could not fail to produce an abundant crop of law suits. The hon. member from Delanaudiere objects to the levee on the ground that it will damage private property. Anyone who knows the position in which the work will be placed, who has looked at the plan and knows the river, will understand quite well that it cannot possibly injure those who live on the other side at all, and if Parliament refuse to pass this measure it will be, in effect, declaring that Parliament will not empower Montreal to do anything to protect itself. I say confidently that this Bill must pass



without amendment, and I say further that there will have to be another Bill. That is why I am so anxious to have this carried out, because if it is proved to the citizens of Montreal that this slight work, compared to what the other one will be, will effectually protect the city from floods (I feel certain that it will because I have watched those floods for 40 years)—if this work will effectually protect Point St. Charles, I venture to say that two years will not pass until the authorities of Montreal will be forced to take measures to have our wharves, ramps, or whatever you call them, raised to a sufficient height to protect the city. It is simply a question of spending a few thousands of dollars, and the expenditure will take place if thereby the city can be protected from inundation. The amendment of the hon. member from Delanaudiere would leave everything open to dispute, and there would be no end to the litigation it would cause. As the hon. member from Sarnia has said, there is ample provision now for the protection of private rights, in the Consolidated Railway Act, the provisions of which will apply to this levee. Under the terms of that Act the Company will be liable for any damages which may be caused by their work. I feel quite satisfied that a large majority in this House will oppose the amendment and will not stand in the way of the first effort of the people of Montreal to protect their city from those terribly devastating floods.

HON. MR. TRUDEL—I am sorry that my hon. friend considers the question in this light. I do not think any inconvenience can result from the amendment. I should be very sorry to consider that it would be an impediment to the Bill; but it is an elementary principle that a community has no right to improve its condition to the detriment of another community or any of its members. It is very well for the citizens of Montreal to do their best to protect themselves. It has been remarked that this work will have the effect of enhancing the value of property. I hope it will, but does it follow that it should be done to the detriment of other parties, without giving those parties a right to protect themselves? I do not think it. It has been said that this work

will not have the effect of injuring the parties alluded to by my hon. friend from Delanaudiere. To a great extent I share their opinions: I do not believe that this work will have any considerable effect in flooding those other localities. But that is merely an opinion on a point concerning which civil engineers disagree. I am prepared to admit, therefore, that I am not competent to decide such a question. The fact that a man of considerable experience, and even a high authority, has expressed the opinion that this work will not cause the water to rise half an inch, should not be considered conclusive: other authorities equally good may hold opinions to the contrary. My hon. friend, the mover of this Bill, said that there was no comparison between the localities in the vicinity of this work and the neighborhood of Beauharnois. Of course they are not exactly alike. I would remind the hon. member, however, that it was not the construction of a dam which caused the flood at Beauharnois. There was no dam there at all. It was found necessary, in the construction of that canal, to make a dyke, to bring the water of Lake St. Louis into the canal, and in this respect the position of the two localities are somewhat alike. The question arises, will damage result from this work? The hon. gentlemen who oppose the amendment say it is quite clear that there will be no damage at all. In that case, what harm can be done by this amendment? On the contrary, if damage should result from this work, is it not a matter of justice to protect the rights of the parties who sustain the damage? Nobody in this House will pretend to say that, because the parties who many suffer by this work are poor, they should not be protected. Everyone will admit that all persons in this country are on a footing of equality before Parliament, and that every man has a right to demand that his interests be protected. If the interests which are endangered by this Bill are small, then the damages which they may sustain will be small, and the company, whether it is to be the city of Montreal or a very powerful corporation, cannot be ruined or prevented carrying on a work of this magnitude because they may have to pay a few hundred dollars for damages to property. The hon. gentleman from Alma (Mr. Ogil-

vie) says that if he was a lawyer he would vote for this amendment. I have a better opinion of the hon. gentleman than he would lead us to entertain by his remarks. I believe he would be actuated by a desire to promote the public interest whether he was a lawyer or not, and would vote in the interests of justice. I seconded the motion because I consider, if there is no damage done, this amendment will have no effect against the Company; and if damage is sustained, then there will be a remedy for those who suffer. My hon. friend says this amendment will give rise to law suits. People are not likely to spend money unless they have good grounds for prosecuting. It is clear if all the engineers are of the opinion that there can be no damage arising from this work, there will be no use in suing. The suitor would lose his case and have to pay costs. On the other hand, if a man sustains damage, why should he be denied the right of claiming and being paid reasonable damages?

HON. MR. ALEXANDER—It is very seldom that I differ from the hon. mover and seconder of this amendment, but I am obliged from a sense of public duty to oppose their motion. This great projected embankment is a matter of the greatest importance to the largest city of the Dominion. It is not necessary to occupy the time of the House in setting forth the importance of that work; but the corporation of Montreal have undertaken, on getting this Bill, to have that work completed by the 1st of January and prevent a repetition of the dreadful disaster which overtook them this spring. It would be a great pity that Parliament should throw any obstacle in the way of their great project being undertaken. They do not ask the country to give any money towards the work. I think it would be a sad mistake if we did anything to prevent the carrying out of this necessary work. With regard to the injury to other property that might result from granting this Bill, the body of water that it is proposed to shut out is not large, though it is sufficient to do serious injury to the city. The shutting out of such cannot possibly have the effect which some hon. gentlemen anticipate. We discussed that question in committee and the opinion seemed to

be there that no such damage could result from the construction of the dyke.

HON. MR. DEBOUCHERVILLE—The hon. gentleman has forgotten that the promoters of the Bill have proved that this would have nothing to do with the city of Montreal. It is stated in the preamble of the Bill that it would “tend to prevent the recurrence of such floods; in the French translation it says “it will prevent;” but it was just on this condition that it will only “tend to prevent,” that the committee approved of the preamble. I think the hon. member ought to remember that. It has been asserted by the chairman of the committee and by the promoter of the Bill, that according to the opinion of a very distinguished engineer no damage will arise from the construction of this work. If there will be no damage why should we refuse to make this amendment? If no damage will result, this provision will not affect the company. Does the hon. gentleman fear to accept a clause in which the word “damage” is mentioned? It is there already in one of the amendments—“moreover the said company shall construct the said railway levee or dyke in such a manner as to cause no damage to the water works in Montreal.” The engineer who was brought before the committee says that the levee will cause no damage; if so I do not see how this amendment can injure the Bill, and I cannot understand why hon. members should refuse to accept it when it will certainly show to the proprietors of lands on the south shore that this House has not neglected their interest.

HON. MR. SCOTT—I was not present during the discussion on the second reading of this Bill or in the committee; therefore the only light I have gleaned upon it is from what I have heard since I came into the Chamber and by looking at the Bill and the propositions of the members of the committee. I am sure that every gentleman in this Chamber is most anxious to facilitate the efforts of the city of Montreal, or of any Company, in doing anything that will prevent the recurrence of such floods as have visited that city this spring; but in relieving Montreal we must not seek to throw injury upon another portion of

the country. This Bill is in the interest of a private company who believe that they can utilize the dyke for the purpose of railway communication. As a commercial enterprise the company profess to become responsible under all the provisions of the Consolidated Railway Act of 1879, in so far as the railway is concerned which is to be carried, as I am informed, along the top of the dyke. The question also whether consequential damages arising from the construction of the dyke shall be entertained has been a subject of consideration before the committee. I find the clause 21 provides that :—

“*The Consolidated Railway Act, 1879,*” and the Acts amending the same, are hereby incorporated with this Act, and shall form a part thereof and be construed therewith as forming one Act.”

Now so far as the railway is concerned the damage caused by its construction would have to be paid for in the manner prescribed by the Consolidated Railway Act—by submission to arbitration. That was discussed in committee, and that that clause was not wide enough, I gather from this fact, that at the end of this clause these words were added.

“And it shall apply both to the railway and the dyke in all respects, including effective drainage by sluices or otherwise, and crossings, such crossings to give perfect access to and from the River St. Lawrence.

To that extent, at all events, the committee were of opinion that any consequential damages arising from the construction of this work should be paid for in the manner laid down in the Consolidated Railway Act; whether that is broad enough to meet the case of persons higher up the stream whose property may be inundated owing to the construction of this dyke, I am at the present moment unable to give any opinion. It is a question involving a great deal of consideration and I cannot hastily decide it; but the proposition of the hon. gentleman opposite is that the clause shall be made perfectly clear; that if in the construction of this work any damage is caused to persons on the other side of the river, above or below it, that they shall be compensated in the manner laid down by the Railway Act. That is eminently a fair proposition. It is a proposition that has been acted upon on all occasions. No private enterprise can be undertaken

even if it has a semi-public ultimate result, without giving compensation to those who, though deriving an indirect benefit from the construction of the work, are to a certain extent damaged from the effect of it. If a canal being built by the Government infringes on private rights, those private rights have to be compensated; and if in order to avert those floods, from the city of Montreal, this Company divert the water over to the country south of the city, no gentleman would say for a moment that the people upon whom this flood is cast shall not be compensated—that they shall be compelled to suffer without compensation, the injury that has been removed from the city of Montreal. The proposition of the hon. gentleman is not only a reasonable one, but it is one that has been invariably acted upon by Parliament. I have no doubt that hon. gentlemen reading this Bill would fairly infer that the compensation clauses in the Consolidated Railway Act were intended to apply. Whether a court would so construe it in its present shape, I am not at this moment prepared to say; but I think it is our duty to remove all doubt as to whether a court would or would not draw that conclusion from the Bill as it now stands. The very fact of the Committee having added those words to the printed Bill would be proof to me that they had so construed it, because it says “and shall apply both to the railway and to the dyke in all respects.” Now if the amendment had stopped there and did not go on to define how it shall apply “including defective drainage by sluices or other otherwise, and crossings, such crossings to give perfect access etc.” then I would say that the Consolidated Railway Act was intended to apply in its entirety to this Bill. But this difficulty meets me again: the consequential damages that are permitted to be awarded under the Railway Act arise by direct contact—that is were you directly take the land. Here the damage is so remote from where the dyke is that it might be construed by the court as being entirely too remote—and that it was not in the contemplation of Parliament at the time that this proposition was submitted. Therefore, if hon. gentlemen are of opinion that in the construction of this dyke damage will ensue to any parties on the

other side of the river, I do think it is the duty of Parliament to make it clear that those damages shall be ascertained in the manner prescribed by the Consolidated Railway Act. That damage does not expose the company to civil action at law. They can compel the company constructing the dyke to arbitrate and to give compensation, if compensation ought to be given, and only to that extent. It will not subject them to civil action beyond calling the attention of the court to the fact that they have refused to arbitrate. I shall be extremely sorry to throw any embarrassment in the way of legislation that is going to facilitate the construction of any works to relieve the city of Montreal from those inundations; but while we are doing good to the city of Montreal in that direction we surely do not propose to subject other parties to loss who are not at the present moment damaged. If the flood at the present time damages the people along that section of country at Beauharnois or elsewhere—if they are at present injured by the overflow, and the construction of the dyke in no way increases that damage or intensifies it, they can have no benefit by this amendment; but if by the construction of the dyke they are injured and are entitled to compensation I think we ought to make it clear that Parliament should give them compensation.

HON. MR. ALLAN—So far as the question was presented to the Committee, and so far as I understood it, there seemed to be two opposing parties. One was the city of Montreal, and the other represented by eminent counsel were property owners on that part of the river to be effected by this dyke. Certainly the impression made upon my mind was that those who represented the city of Montreal were satisfied with certain amendments which were being introduced into the Bill so far as that city is concerned. Then with respect to those property owners, their complaint was, as I understand it, that if this dyke was successfully built so as to keep the water from flowing over the land—if it was perfectly tight and achieved that object—it would then prevent the water accumulated on their lands in the spring by the melting snow, from draining off into the river, and it was with a view to remedy any complaint of that kind that

these amendments were placed in the Bill providing for sluice gates and all other means to allow the water to escape if water did accumulate inside the dyke on the lands of those parties affected. I understood when the Committee rose that those objections had all been met, and I thought it was satisfactory to all the parties represented before the Committee that day. As for the proposed work affecting the opposite side of the river, all I can say is I was satisfied by the declaration which was made by a gentleman who is, I suppose, one of the highest standing in his profession, Mr. Walter Shanly, before the Committee, that the work could not affect the height of water. I think his expression was that it would not affect the height of water one-sixteenth of an inch, and no possible damage could result in that way.

HON. MR. BELLEROSE—I am surprised at the discussion that has taken place on this matter, because it is acknowledged by some hon. gentlemen that no damage will result. Then I put the question in this way: either there will be damage or there will not be damage as the result of building this levee. If there is to be no damage, there can be no objection to add the clause which we ask for—even the mover of the Bill ought to accept it, since he contends there is no danger of damage. If there is to be damage, I ask has Parliament a right, for a private object, for a company who themselves acknowledge that it is not for the public they are working, but for their own interest, to allow the people on the south shore of the river to be without protection? We are not children in this House; we are grown up men of age and experience. We know the power of water; we know that if you obstruct the current the water will rise, and if the water rises we know that it must spread out over the country. It is said the statement of Mr. Shanly is that this work will not raise the water. Every hon. member of this House has seen a bridge; he has seen bridges erected on three, four or five piers placed in the bed of the stream, and I ask if they have not remarked that the water is raised even by so small an obstruction, so that when the current is strong it will be a foot higher on the upper side of the pier than

below? Hon. gentlemen may say that Mr. Shanly has given it as his opinion that in the spring when the water of the St. Lawrence overflows half a mile in width at the city of Montreal, and miles in length, that the building of this levee will not raise the water more than one-sixteenth of an inch. We are too old—we have had too much experience not to see the absurdity of such a statement. There is no doubt that if you force the water through a narrower channel than it now has when the flood is ten or fifteen feet higher than its summer level it must spread out to the south of the city. Has Parliament the right to interfere with the business of a private citizen? I say it has not. It may steal his property but it has no right to take it. If we take a man's property from him we are obliged to indemnify him for it; if it is taken from him for the public good; or if you give another man the privilege of doing something that is injurious to it, the injury should be compensated. No parliament has a right to do what is wrong; we may have the power, but might is not right. It is an abuse of power. I am only asking what is just and equitable. Supposing the work which this company proposes to do not only "tends to prevent" the recurrence of those floods, but causes damage to other properties along the St. Lawrence, I say then give the owners of such properties the right to be indemnified. The hon. gentleman from Toronto said that there was already a clause in the Act which provides for that. There is a clause, but according to the best lawyers in this House that clause is not sufficiently clear; it would open the door to such cases as the hon. gentleman from Alma has referred to—cases where the poor man has to borrow money from his neighbor to enable him to fight a wealthy company who shut their eyes and their hearts to damage they have done to his private property.

HON. MR. OGILVIE—It is a great pity that my hon. friend had not been a lawyer, for he certainly lays down a case wonderfully well. He talks of the absurdity of the statement that I made, that this levee will not raise the water on the other side of the river, and of the absurdity of Mr. Shanly's opinion. But any hon. gentleman who knows where that levee is to

be built will understand just as well as I do that it can have no effect in raising the water on the opposite side of the river. This water that the hon. gentleman speaks of is not running water; it is water that is either dead or running in the opposite direction from the current of the river. The hon. gentleman from Ottawa referred to the floods at Beauharnois, and talked about the effect of this levee on Beauharnois. Beauharnois happens to be nearly twenty miles above Montreal, and this water would never get near it. It just shows how much some hon. gentlemen know about this matter. Every member, all over the country, no matter how far he may be away from this locality, seems to know a great deal more about it than the people of Montreal. I think the people of Montreal know what their own interests are, and they know that this levee will not raise the water one iota.

HON. MR. FLINT—I have had some experience of floods in my lifetime. We have had them at Belleville frequently. We had one last January which kept one hundred families out of their houses until spring. I have watched the effect of floods for many a long year, and I may say from what I know of the city of Montreal, having been there in one of the great floods some years ago, and knowing the size of the river and the distance from Montreal to the south shore, and the rise in the water there, I contend that this overflow lies dead until the river lowers and then it runs off. I am satisfied that Mr. Shanly's view of the case is about correct. If the water did not rise more than four feet over the revetment wall this spring, I am satisfied that it would not rise to the extent of half an inch higher on the south shore if this levee were built; because if we take the distance across, and divide up the overflow on the north side, as Mr. Shanly did in his calculation, it would not amount to more than half an inch, if even that, spread over the full width of the river, and that would be only for three or four days or a week at the outside, and then it would go away. The rise of water at Montreal, in my opinion, is due to obstructions from St. Helen's Island and down below, and I cannot see how these obstructions are to be removed unless by

dredging the bottom of the river and removing the island. My experience is that where there is a rapid current, as soon as the ice begins to run it shoves down to where the ice is thicker and stronger and there piles and forms a dam which holds back the water and causes it to rise. That is the way it is with us in our little river at Belleville, and when I was in Montreal I found that was the case there—the ice was so much stronger below the Island than up in the vicinity of the rapids that it would not give way until it became weakened by the action of the sun and water, and Montreal was flooded in consequence. I am satisfied in my own mind that the construction of this levee will not be a source of injury to the south shore and I am prepared to vote for the Bill.

The House divided on the amendment which was lost on the following division :

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HON. MESSRS.

Armand,	Haythorne,
Baillargeon,	Leonard,
Bellerose,	McDonald (C.B.),
Bolduc,	McInnes (B.C.),
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Chaffers,	Paquet,
DeBlois,	Pelletier,
Girard,	Power,
Grant,	Scott,
Guévremont,	Trudel.—20.

NON-CONTENTS.

HON. MESSRS.

Alexander,	Macdonald (B.C.),
Allan,	Montgomery,
Almon,	Ogilvie,
Botsford,	Plumb,
Clemow,	Read,
Cochrane,	Reesor,
Ferrier,	Robitaille,
Flint,	Ross,
Glaiser,	Smith,
Howlan,	Sullivan,
Kaulbach,	Sutherland,
McClelan,	Turner,
McKay,	Vidal,
McKinsey,	Wark.—29.
McMillan,	

REVISED STATUTES OF CANADA BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (9) "An Act respecting the Revised Statutes of Canada."

In the Committee,

HON. MR. SCOTT—At the second reading of this Bill I drew attention to the circumstance that I feared in some particulars the commissioners who were deputed to revise and consolidate the Statutes had really legislated instead of simply consolidating, and I mentioned that I might at some other stage of the Bill point out where there were inaccuracies and where the commissioners had exceeded their powers. To do so would involve a very exhaustive inquiry. We have not the laws before us: the responsibility of the revised Statutes, I assume, has been undertaken by the Government. The Minister of Justice, I believe, has had the commissioners under his control for some time and no doubt has made some inquiry as to the correctness of their report: I am not aware what action was taken by the Committee in the other House, or whether they took any action at all. Perhaps my hon. friend can say whether they did go through the Bill.

HON. MR. PLUMB—I am not sure, but I think they did.

HON. MR. SCOTT—There were several committees to whom different sections of the revised statutes were delegated, and they went through them, with the advantage of having some one member of the commission present at the time. They called attention to such inaccuracies as they discovered. I do not know that any important ones were unearthed, and I entirely acquit the commissioners of desiring to change the law in the course of consolidation. I did state that I had myself found it of very great use in referring to the laws during the past year to consult the revised draft of last session, but in some instances I thought that the interpretation put upon the statutes by the commissioners was not in all cases accurate. I do not desire to throw any cloud on the work of the commission, as I am not prepared to go into an exhaustive inquiry—in fact, it is utterly impossible to do so, because we have not the revised statutes before us, and we have not even the suggestions made by the several committees in the other chamber. They may, themselves, have made the very changes that struck me and which I thought should

have been made; but at this moment, towards the end of the session, and feeling that an inquiry would result in the whole of the labors of the commission being thrown over for another year, I do not choose to take the responsibility of casting that doubt on the work that would necessarily arise if I pointed out what I thought were inaccuracies. I do not mean to say that the commissioners did not give the interpretation of the law that Parliament intended; I spoke from my own judgment, having been present when many of the enactments were adopted, and I think the commissioners were wrong in some instances: however, the courts might sustain their view of it. The subject is so large, and as the work would involve throwing over the whole work of the commissioners for another year, I will not take the responsibility; I would rather leave it with the Government. If there are glaring inaccuracies in the work; if the commissioners have departed from the law in any degree, attention will be called to it before next session.

HON. MR. PLUMB—I would direct my hon. friend's attention to the second sub-section of the 8th clause, which has reference to the construction of Statutes in case of inaccuracies such as my hon. friend has referred to.

HON. MR. SCOTT—Past transactions are governed by the law as it stands; future transactions by the revised statutes.

HON. MR. POWER—Like my hon. friend from Ottawa I had the good fortune to be one of the Joint Committee who had the report of the Consolidation Commissioners under consideration last session, and my principal regret is that the Government did not, at the close of last session, pass the Bill which is now before us, or one substantially the same. The country has been for a year deprived of the use of the consolidated statutes without, I think, any advantage to repay for the delay. What I understand has been done is this: the Parliamentary Commission, one may call it, of last year—the Joint Committee—went over the work of the commissioners appointed to consolidate the Statutes, with a good deal of care.

They pointed out a considerable number of changes which they thought would be improvements. These changes they reported to both Houses and I think that their report was adopted. At any rate, the Government, after Parliament rose last year, referred the consolidated statutes as they had been reported by the Commissioners, together with the Acts of last year and the report of the Parliamentary committee of last year, to a number of gentlemen embracing one or two of the previous commissioners, and we have had laid on our desks this year the report made by this second commission, embodying all the recommendations of the Parliamentary committee of last year and the Acts passed during the Session of 1885. That was the position at the beginning of this Session. Then the Minister of Justice introduced this Bill in the other House; and, I do not know whether before or after introducing it, he referred the volumes which we have now on our desks to a committee of the House of Commons, and that committee went through the work—I do not know how carefully, but the amendments that they suggested are to be found in the schedule of this Bill. They are very trifling. Considering that the committee of last year was a joint committee the Government might have shown perhaps a little more courtesy to this House if they had made the committee this year a joint committee; but the work of the committee this year was not nearly so important or so extensive as that of last year, and I do not suppose that the Senate will get on its dignity this time. The alterations made since last year have been so trifling that there is no object in referring the matter to a committee. There is just one observation that I feel bound to make with regard to this whole work. It has taken a most unwarrantable length of time to do. It has been in hand now I think some five or six years. Immense sums have been paid out which were not warranted by the work done; and the whole work we have before us to day might have been done by the gentlemen who were engaged at it last year at about one-fifth of the cost which has been incurred. I hope that the revised statutes will be placed in the hands of the public almost immediately after the session; and I only

HON. MR. SCOTT.

regret that they were not so placed last year.

HON. MR. ALLAN, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

## WORKS OVER NAVIGABLE WATERS BILL.

IN COMMITTEE.

The House resolved itself into a committee of the whole on Bill (130) "An Act respecting certain works constructed in or over Navigable Waters."

In the committee,

HON. MR. PLUMB—I may say, in general terms, that the Bill deals solely with structures that interfere with navigation and does not affect riparian rights. It would be impossible to put any clause in the Bill to provide compensation for riparian proprietors.

HON. MR. HOWLAN—This Bill is a very important one affecting, as it does, the navigable streams and waters of Canada. It repeals three Acts, none of which has any bearing on works already in existence. This Bill, however, refers not only to works which are to be constructed, but to all those now in existence. In the Maritime Provinces the ends of piers often catch the silt carried down streams until the water gets shallow, and as a consequence the piers have to be extended. Under this Bill no such addition could be made without the sanction of the Governor in Council. There may be some good reason for it, but it is very sweeping. I merely call attention to it as a provision which is likely to seriously interfere with the owners of wharves and piers in navigable waters of Canada.

HON. MR. POWER—I am very much surprised that a gentleman of so much experience as a parliamentarian as the hon. member from Alberton should discuss the principle of a Bill in Committee. That ought to have been done at the second reading. At any rate, if the

principle of this Bill can be discussed in Committee, it should not be on the first clause which simply defines the expression "work." I think the observations of the hon. gentleman would come up more properly on subsequent clauses.

The first clause was adopted.

On the second clause,

HON. MR. POWER—There has been a very considerable improvement made in this Bill since it was introduced. It was in the first place compulsory. It obliged every man who wanted to build a small wharf to send a plan and description of the work to the Government. That was so amended in the House of Commons as to make it optional. I think it is not very necessary; still as it is left a matter of choice it is not nearly as objectionable as it was.

HON. MR. PLUMB—That is to provide for the case of a work where no sufficient sanction exists.

The clause was adopted.

On the 3rd clause,

HON. MR. PLUMB—This really applies to bridges which have been built without legislative authority and which interfere with navigation. Under this clause the owners of structures of that kind, which have not had legislative authority, can obtain such authority.

HON. MR. HOWLAN—My hon. friend will see that the word "work" there refers to all those works mentioned in the first clause. Now in the Province from which I come it has not been necessary to get liberty to build a wharf, bridge or pier, and some of our wharves, to my knowledge, have been lengthened 25 or 30 feet. Supposing that the ice running into the harbor of Charlottetown in the spring of the year carries away a portion of one of those wharves, according to this Bill it could not be repaired without the sanction of the Governor-in-Council, and before that could be obtained the work might be destroyed.



HON. MR. PLUMB—That is not required: it says that he may proceed to get the approval of the Governor in Council: it is not compulsory at all.

HON. MR. KAULBACH—The object of this clause is this: when a person puts up a structure of that kind, which may obstruct navigation, if he does not obtain authority, he erects it at his peril, and it may be taken away from him. Without the sanction of the Governor in Council he is there on sufferance. This law is an improvement on what we have had before.

HON. MR. PLUMB—The owner might be subjected to trouble, but by applying under this legislation to the Governor in Council he can put himself right.

HON. MR. KAULBACH—This would protect him in his rights. At present any one can erect almost anything he likes: he requires no water grant from the Province as long as the work does not interfere with riparian rights.

HON. MR. PLUMB—The clause which we are discussing applies to works constructed heretofore.

HON. MR. HOWLAN—As I understand, any wharf in any harbor can, under the existing law, be repaired or lengthened without the sanction or approval of the Governor in Council. Suppose a man does not obtain the sanction of the Governor in Council, to repair or lengthen his wharf, he cannot lawfully do it unless it is registered.

HON. MR. GIRARD—I think there is something which this Bill should contain. It is all very well to protect navigation, but I think some provision should be made to protect the rights of those who own property in the vicinity of a boom or other work of that character. Before the permission referred to in this Bill is given, the views of those who may be affected by the work should be consulted, and a sufficient indemnity paid; or at all events there should be some agreement between the person who constructs such a boom and his neighbors for the payment of damages resulting from such construction.

HON. MR. HOWLAN—I feel quite an interest in this matter, because the Bill, as it stands, will affect many people in Prince Edward Island. The works mentioned in the first clause of the Bill have been dealt with in our province in an exceptional way and I would request the hon. gentleman who has charge of the Bill to ascertain, before the third reading, from the Minister of Justice, whether this Bill will interfere with the rights of owners of such works in Prince Edward Island. The Speaker of the Senate states that in Nova Scotia it has been the practice to get a grant of land in front of your property. That has not been the case in Prince Edward Island. On navigable rivers the water immediately in front of the land is owned by the owner of property to the channel. This Bill would seriously interfere with the rights and privileges of such owners. My hon. colleague from Prince Edward Island, whose land abuts on the Hillsboro river, would, before the passage of this Bill, have the right to build a wharf. After the passage of this Bill he would not have that right.

HON. MR. PLUMB—Would he have a right to build it if it would interfere with navigation?

HON. MR. HOWLAN—No.

HON. MR. PLUMB—Then this Bill does not apply to such a work.

HON. MR. McCLELAN—I am glad that the hon. member from Alberton has raised this question, because the law in Prince Edward Island to which he refers applies to New Brunswick also. A man who has a lot fronting on the river owns the shore practically—at least no one else has a right to use the frontage on the river. He has the privilege of building a wharf or any other convenience he likes, and there are wharves, consequently, on the banks of rivers in New Brunswick which have been in existence in some cases for fifty or sixty years. The question is a very proper one, and should be inquired into. We should know how far those erections will be affected by the passage of this Bill. Inferentially, at all events, they are to be considered unlawful structures. If so,

supposing malicious persons were to injure them, the owners would have no redress. A number of legal questions will arise on that, and the question for us is what are the legal rights of the owners of those properties where they have been built for a long time—built before the union, many of them. The Bill also applies to aboiteaux which have been constructed for a long time for the purpose of enclosing large meadows in New Brunswick. They come in under the general interpretation clause, and the question is, are they unlawful structures inferentially, because it says in the fifth section "any lawful work may be built and repaired." They would have to be repaired; otherwise there would be an immense loss of property. Can we repair by building an aboiteaux? We can if it is a lawful work; but the Bill does not say whether it is a lawful or unlawful work, and that is the question to be determined.

HON. MR. PLUMB—I have to say that I think the third clause is intended to cover that objection; and the fifth clause says that any lawful work may be built or repaired if the interference with navigation is not increased by such rebuilding or repairing. In order to meet the objection we will allow the Bill, if the hon. gentleman will agree to it, to pass through committee, and before the third reading I will be prepared with an explanation that I trust will be satisfactory.

The clause was agreed to.

On the seventh clause,

HON. MR. POWER—I think that possibly some amendment might be made to this clause before the third reading. The clause says that

"Nothing hereinbefore contained shall apply to any work constructed under the authority of any Act of the Parliament of Canada, or of the Legislature of the late Province of Canada, or of the Legislature of any Province now forming part of Canada, passed before such province became a part thereof."

It will be seen that that clause does not mean what is intended, because clause 5 of the Bill should apply to those works. It clearly was not the intention of the Government that clause 5 should not apply to those works that were constructed before Confederation. It might be under-

stood that that clause will remain open for amendment for the third reading.

HON. MR. PLUMB—I will get the information asked for if necessary.

The clause was agreed to.

On the 9th section,

HON. MR. POWER—Before the Committee rises, I should like to make a suggestion for the consideration of the members of the Committee. I think the difficulty which the hon. gentleman from Alberton speaks of could be got over in a great measure by providing that any work which was a legal work in the province before Confederation should be deemed to be a lawful work under this Act.

HON. MR. HOWLAN—That would remedy it to a certain extent; but it was not necessary in our province to get any Act of Parliament for it; it is lawful without.

HON. MR. BOTSFORD—Not in navigable waters.

HON. MR. HOWLAN—Not in navigable waters. Then as to the Government having control over those piers after they are built, we passed an Act a few days ago giving the Government power to remove all obstructions from navigation, and this is a very important matter in all the Maritime Provinces. It may interfere very seriously with private rights in the cities of Halifax, St. John and Charlottetown; and while we should protect the harbors and all new works done in them, we ought to be very careful not to interfere with vested rights.

HON. MR. BOTSFORD, from the Committee, reported the Bill without amendment.

## SECOND READING.

Bill (25) "An Act respecting the Northern & Pacific Junction Railway Company" (Mr. Turner) was read the second time without debate.

The Senate adjourned at 5.40 p.m.

## THE SENATE.

*Ottawa, Friday, May 21st, 1886.*

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

CANADA TEMPERANCE ACT  
PETITION.

HON. MR. VIDAL—I have the honor to present a petition to which I ask the attention of the House, a petition of the Synod of Toronto and Kingston of the Presbyterian Church in Canada, setting forth that they represent 214 ministers and 300 congregations and mission stations; that they regard the Canada Temperance Act as the best available means of suppressing intemperance and promoting sobriety, and they pray respectfully that there shall be no alteration made in the Canada Temperance Act, except with a view of making it more effective in suppressing the liquor traffic.

HON. MR. MCKINDSEY—A petition of this kind, unless there is the seal of some corporation attached to it should be only received as if endorsed by one person.

HON. MR. VIDAL—I am very sorry that the hon. gentleman should take such a technical objection. Does he wish to mislead the people of Canada, when it is a petition under the authority of and sent here by the direction of a large court, and when the petition itself says that it is presented by the representatives of this large body of people? The hon. gentleman cannot conceal that fact from the people of the country, and it does very small credit to him to suggest a mere technical objection, because he knows I have to yield to his objection; but surely the interests of truth and justice require that due amount of weight should be given to a petition of this kind, coming from such an influential body!

HON. MR. MCKINDSEY—I say the rule of this House does not permit a petition of that kind to be received, signed only by one person, with the statement that it represents 2,000 people. A petition

of this kind may be got up by three or four persons, and they may make statements to this House and to the country that it represents a certain denomination, a certain number of people and of clergymen, but I submit that it does not represent them. I mean to say that the rule of this House does not permit a petition of this kind to be received, except as representing the petition of the one person who has signed it.

HON. MR. VIDAL—Or two persons.

ST. VINCENT DE PAUL PENI-  
TENTIARY.

## MOTION.

HON. MR. BELLEROSE moved—  
That an humble Address be presented to His Excellency the Governor General; praying His Excellency to be pleased to cause to be laid before this House, a copy of the Report of Inspector Moylan upon the complaints made in 1884 by Chief Keeper McCarthy, of St. Vincent de Paul Penitentiary, against Hector Demers, then Guard in that institution, with copies of the evidence taken, and of the judgment rendered by the Honorable the Minister of Justice, and also copies of all other documents relating to such complaints.

HON. MR. PLUMB—There is no objection to the Address.

The motion was agreed to.

ST. VINCENT DE PAUL PENITEN-  
TIARY.

## MOTION.

HON. MR. BELLEROSE moved  
That an humble Address be presented to His Excellency the Governor General; praying His Excellency to be pleased to cause to be laid before this House, a copy of the report of Inspector Moylan upon the complaints made in 1884 by Deputy Warden Ouimet, of St. Vincent de Paul Penitentiary, against J. E. Durocher, ex-Guard of that institution, with copies of the evidence taken at the time of the enquiry referred to, and of the judgment of the Honorable the Minister of Justice, and also copies of all other documents relating to such complaints.

HON. MR. PLUMB—There is no objection to the Address.

The motion was agreed to.

DISMISSAL OF INTERCOLONIAL  
RAILWAY EMPLOYES.

MOTION.

HON. MR. POIRIER 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 or correspondence relating to the dismissal of Stanislas A. Bourgue from the position of telegraph operator, at Canaan Station, on the Intercolonial Railway; and, also, all reports or correspondence relating to the dismissal of Donat Cormier from the Intercolonial Railway Office at Moncton, N.B.

He said: I have waited, before bringing this question up, to see that the Inch Arran investigation was completed. Not that it has any direct bearing on this question; but while the question was up I thought it would be better to have it sifted a little more. On the 17th December last, Mr. J. R. Bruce, traffic officer on the Intercolonial Railway offices at Moncton, wrote to his immediate superior officer, the chief accountant and treasurer on the said railroad, the following letter:—

INTERCOLONIAL RAILWAY,  
ACCOUNTING DEPT., AUDIT OFFICE,  
MONCTON, N.B., 17th Sept., 1885. }

Thos. Williams, Esq., Chief Acc't and Treasurer,

DEAR SIR—I have to inform you that Mr. D. M. Cormier left the office to-day at 10 o'clock, presumably to attend to some banking business. He had not returned up to the hour (4.30 p.m.) and I feel safe in reporting that he is under the influence of liquor, and was so when he came on duty this morning.

I am very sorry to have to make this report, because Mr. Cormier is one of my most capable clerks, and I am convinced that it will be with difficulty that another can be found to fulfil his duties with the same facility and accuracy as he himself fulfils them. By these reasons I confess that I might have been inclined to have withheld this report, but I regret to have to say that it is by no means the first time that I have heard that he has been intoxicated.

If his suspension be decided upon I should like, of course, to have some one to put into his place concurrently with his suspension.

Yours truly,

(Signed)

J. R. BRUCE,  
Traffic Auditor.

Hon. gentlemen will please notice the want of positiveness—the uncertainty of the assertion—"I feel safe in reporting that he is under the influence of liquor."

"It is by no means the first time I have heard that he has been intoxicated." However, Mr. Pottinger being absent, the matter was reported to the acting superintendent, Mr. Taylor, who, knowing from whom the report came, laid it aside. When Mr. Pottinger returned he took the matter up, but refused to suspend Cormier according to the demand of Mr. Bruce; that is to say, to dismiss him before the charges of drunkenness were substantiated. In the meantime, Cormier had taken the pledge and become a teetotaler. Mr. Bruce set himself to work to find proofs of his charges; but proofs were hard to get. In fact he found none. One morning, under the guise of friendship, he approached Cormier and asked him to sign a certain paper or document which he pretended was for his benefit. That paper, which I have not—and it is principally for its production that I make this motion—while stating that Cormier had taken the pledge, etc., admitted that on one occasion he had taken rather too much liquor. Cormier hesitated to sign such a document, although presented to him by his superior officer. To lull his suspicion, Bruce told him that it was in his own interest and earnestly requested him to sign it, assuring him that it would make matters right, and that it would lead to Cormier's promotion. Cormier signed it, and he was for that unmercifully dismissed. What do my hon. colleagues think of this? We may naturally ask what was the object which Mr. Bruce had in view in procuring the dismissal of a clerk whom, as his superior officer, he admits was one of his most careful clerks, adding that it would be with difficulty that another could be found to fulfil his duties with the same accuracy and efficiency? Cormier was admitted by all to be one of the most efficient clerks in the office at Moncton. The object that Bruce had in view is apparent in the last paragraph of his letter—"If his suspension be decided upon I should like, of course, to have someone put in his place concurrently during his suspension." The object appears more clearly in another letter written shortly after the one which I have quoted: "Mr. Pitfall has not yet reported himself; if you can hurry his appearance I shall feel obliged." Therefore here is a young man, one of the most capable clerks in the office at Mon-

ton, dismissed to make room for Mr. Pitfell, who happened to be a protege, a minion of Mr. Bruce, who is himself an employe of the country. Now how was his dismissal effected? By means no better than false pretenses; in fact the artifice displayed in coaxing Cormier to write down his own condemnation is something unpardonable. It was nothing short of a criminal act. If Bruce had invited him into one of the restaurants in Moncton and enticed him to drink, and then reported him on the charge of drunkenness, and had him dismissed, he would have been less guilty than he was in this case. Some few years ago agents from the United States, induced farmers in New Brunswick and other parts of Canada to sign agreements to buy farming implements. These papers turned out to be promissory notes. Which is the more criminal, to defraud farmers in that way, or to betray a subordinate and obtain his dismissal, as Mr. Bruce did? If this was a solitary occurrence I would not have troubled this House by calling attention to it; but unfortunately it is not uncommon. I cannot in the least blame the Government, who, I believe, are unaware of the facts, but I wish to make them aware of it, so that, in future they will not be repeated. There are in the employment of the Intercolonial Railway too many of those petty tyrants who manage to turn out efficient servants, put there by the Government or promoted for services duly rendered, to obtain positions for some of their proteges who may or may not be efficient, but with whom the country has nothing to do. I believe such a thing is worth calling attention to. In the office at Moncton I am sorry to say justice does not seem to be meted out to all. In the case of this personal client of mine he was persecuted because, apparently, he had no one to back him. He was not only dismissed, but in order to justify his dismissal he was brutally assaulted in the newspapers, being called from a "thief" down to a "drunken Frenchman." Of course those are only newspaper articles, but they reveal a state of things that is not at all satisfactory. They reveal a condition of things which is as objectionable to our English Protestant friends, with whom we live in perfect harmony in New Brunswick, as it is to us. It is a

state of affairs that ought to be remedied. We find that certain persons, for a very small offence, are thrown out of employment, while others guilty of offences that seem to be quite as great are continued in office. I am calling the attention of the Government to this matter with a view to have equal justice meted out to all. The other part of my motion referring to the dismissal of Stanislas Bourque is similar to the other. Bourque was employed at Canaan junction as a telegraph operator. It appears that on one occasion when called upon he did not immediately respond. The reports on the matter are conflicting. The train conductor says that when he passed Bourque was on duty; but it appears that he did not answer the call immediately. I would direct attention to this fact, that the young man had passed the whole night on duty. For this fault he was dismissed. I myself and others interceded in his favor, but without avail. I can bring facts to show that under the same management, on the same road, and under the supervision of the same officers employes have been suspended once, twice or three times, for offences greater than those charged against Bourque, and not dismissed. I could give the names of some of his colleagues, Allen, Edwards, Bird, etc., who were suspended each three times before they were finally dismissed from the service. Other employes, who are still there, have been fined and suspended a great number of times; but this young man who is temperate in his habits, whose conduct is irreproachable, was dismissed on the first charge and that not proven. It is impossible for me to remain silent in the face of such facts, and if I call the attention of the Government to the matter in this hon. House, hon gentlemen will understand that I could not do it otherwise. I do not say the Government are responsible for these acts; but I believe it would be only an act of justice that such facts as I have placed before the House should be enquired into. I would like, personally, that the man who, under false pretences, obtains the dismissal of a subordinate, should not be allowed to go without reprimand. In the case of those two young men, I think they have been treated unmercifully. As to Mr. Bruce, I inquired about him, and I may say I could find no man in Mon-

ton, or in Shediac who could tell me that he was a man who was—I will not say a tetotalter, but even a moderate drinker, to speak charitably; but in the case of Bourque there was no such charge. I believe in being strict on the question of intemperance; but I believe also in equal justice to all. Cormier, who was one of the most effective clerks in the service, had a salary of \$400 per annum.

HON. MR. POWER—I think the hon. gentleman from Kent has done no more than his duty in bringing this matter before the House. If those two young men were dismissed permanently from the service of the Government for a first offence—one of them for being off duty for one day because he was, during that time, under the influence of liquor, and the other for a single failure to answer a call—I think they have received a measure of stern justice which is not generally meted out to Government employés. If the hon. gentleman, has presented a case for inquiry at least, and I hope that the Government will make the inquiry.

HON. MR. BELLEROSE—I am very much pleased that the hon. gentleman has brought this matter before the House, because, as he said himself, these are only two cases, but there may be many others. I do not accuse the Government of being themselves responsible for the evil; but notice is given to the Government in this House of the existence of the evil. In the case of the St. Vincent de Paul mismanagement, which resulted in revolt and death, I had year after year asked the Government to make inquiry into the management of that institution. They did not do so because they were deceived by their own officers. I say that they rely too much on their own officers; and I contend that when a member of Parliament, a man who knows his responsibility, rises in his place and says there is something wrong in this department or in that institution, the Government—no matter what their confidence in their officers may be—should make a searching inquiry into the matter. If this were done, many of the acts of injustice for which I do not hold the Government responsible personally, but for which the Government should hold their officers responsible,

would not occur. In the case of the St. Vincent de Paul Penitentiary it is the despotism, tyranny and dishonesty of men in high standing that causes the trouble that results in ill-treatment and dismissals of subordinates. Once a subordinate is removed, it is too late to force the Government to take him on again, so that it would be only a matter of justice that the Government should not rely so implicitly on their officers. They are obliged to rely upon them, of course, to a great extent, but once their attention is called to particular cases by members of Parliament they ought to inquire into them and see whether there is anything wrong. I hope this will be another lesson to the Government, and that they will see the advisability of causing such inquiries to be made as will disclose what is at the bottom of these troubles. I said the other day that when the administration of the Department of Justice was under the Hon. James Macdonald, I went to him one day and said, "There is something wrong in the management of St. Vincent de Paul, and the cause of it is here in your office." He said, "do you believe so?" I said, "I do believe it; and I give you my word that I have good reason to believe it." He said, "What do you ask?" I said, "Cause an inquiry to be made by honest determined men." He granted that inquiry and appointed as a commission two gentlemen who were an example to all others—Mr. Tache, of the Department of Agriculture, and Mr. Miall, of the Department of the Interior. They went into the institution and inquired searchingly into the matter, and they found that there was in the Department an officer who was doing all the mischief in endeavoring to break down the institution. As a result of the investigation he was dismissed; and if a similar action were taken in this case we would not have to register such sad occurrences as have lately transpired in the Penitentiary of St. Vincent de Paul.

HON. MR. KAULBACH—There would be no objection to the Address.

HON. MR. POWER—The hon. gentleman is acting for the Government.

HON. MR. PLUMB—I have already said there is no objection for the papers being brought down.

HON. MR. KAULBACH—I am not referring to what the hon. gentleman from Niagara said ; but from my own point of view I consider that if any wrong has been done it should be investigated. At the same time there is no branch of the public service that requires more thorough discipline than Government railways. Every officer, every operator, and every employé should be perfectly competent for the duties he has to discharge. If we have on our railways employés in whom no confidence can be placed, damage to life and property will result. I may say that as far as possible those who have control of those railways should have large discretion to decide whether the men in these important positions are qualified or disqualified, or whether their omissions or commissions are of such a character as should call for their dismissal. If we take the authority out of these men's hands and leave them entirely under the control of the Government, we are risking the efficiency of the service: when we hold men responsible we must leave it largely in their hands to decide who should be employed and who dismissed.

HON. MR. ALEXANDER—I am sure that every one who knows the hon. gentleman from Acadie must know that he would not have brought this to the notice of parliament without good grounds. It shows the great disadvantage of any railway being under the control and direction of the Government. I spent a large part of last summer in New Brunswick and I had there the good fortune to meet Mr. Pottinger, the manager of that road, on different occasions, and I am sure whatever may be the merits of this case, that he would never do an act of injustice. So able a manager and so good a man could not, I am sure, be unjust to any official of the Intercolonial Railway. I think it is not in the public interests that our Dominion Government should operate any railways: if every complaint of an official is to be brought before parliament the enquiries would be endless. If I were a manager of a railway do you think I would brook parliament interfering with

me if, while in the discharge of my duty, I removed any official? The effect of parliament interfering in such cases would be to destroy the efficiency of the manager. I think it is very undesirable that such cases should be brought before the House. There is no doubt that the hon. gentleman has some ground for bringing this matter before parliament, because he is under the impression that injustice has been done.

HON. MR. MCCLELAN—It may be very true, as the hon. member for Woodstock has said so well, that in the management of those large railway systems the superintendent should have unlimited power and should not be unnecessarily interfered with in the exercise of his discipline; and it may be very true that Mr. Pottinger is very efficient and the right man in the right place; yet I conceive that my hon. colleague from New Brunswick had taken a very wise, proper and useful step in the interest of the country in bringing this case before the attention of Parliament, or at all events before the notice of the country. I have before heard rumours relating to the dismissal of this very individual Cormier, and I quite understand how there may be in the best regulated systems of railways a disposition to crowd out officials—that is to say by a certain kind of conspiracy to make vacancies by which particular favorites can be promoted or certain outside men, friends of parties who are discharging their subordinates, may receive good situations. I can quite understand how that fault might prevail in the staff and as rumour has had it, such does prevail. I am inclined to think there are considerable grounds for those rumours; but whether or not there are grounds in this particular case, of course I am not aware. We are not in a position to prove them, but I think the hon. gentleman has done well in bringing this matter before Parliament. I trust the papers which he seeks will be supplied, and I am quite convinced that he has done a service in calling attention to this matter at the present time.

HON. MR. PLUMB—I have already said there is no objection to bringing down the papers, but it must be seen that it is exceedingly inconvenient to discuss ques-

tions of this kind without having the papers before us. I do not know anything about the merits of these cases, but in one of them one of the official was connected with the dispatching of trains, a telegraph operator. The duties performed by some railway officials are a great deal more important than the duties performed by others; they have human life, and property which may be wrecked, under their charge. I think we cannot lightly censure any officer who issues the most rigid instructions in respect to the services of that class of officials. The merits of this case, of course, will be inquired into. My hon. friend has made his statement. There has been no investigation; it is an *ex parte* statement and must necessarily be so. The hon. gentleman is quite in his right in moving for the papers and making an explanation with regard to them; but it would be premature to say that those dismissals have been unfair or that there has been any injustice done in any quarter, until we have the papers before us.

The motion was agreed to.

## THE ACTIVE MILITIA.

### MOTION.

HON. MR. WARK moved

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will be pleased to take into consideration the desirability of making such a change in the Militia Law as will render the force more efficient by providing for a Reserve to be composed of men who had served in the Active Militia.

He said: In looking over General Middleton's report on this question, on assuming command of the militia of this Dominion, I was forcibly struck with one remark that he made; he was referring to the very brief time allowed for instruction in the camps, only 12 days, and these could not be fully employed; and he says the consequence is that the men go back to civil life with such a faint smattering of the duties of a soldier that it fades away, and if an emergency should arise and the men were called back to service they would not be treated as recruits. That is the opinion of an experienced military man, and it is worthy of consideration. It must be admitted that

our present militia system is far in advance of what it was 60 years ago, when I first entered the service. We were called out then two days annually for company drill and one day for general muster; but the whole population capable of discharging the duties of militiamen were called out every year, and they were bound to respond to the call of the roll under a severe fine or penalty. Our system was general, and it was inexpensive. Although the whole population capable of discharging the duties of militia men were called out, the whole expense at that time, I think, was including inspecting field officers (there might be three, but I think there were only two) only \$800 a year for each inspecting field officer. Then each of the battalions had a salaried adjutant and sergeant-major. The adjutant was paid \$60 and the sergeant-major \$30. This might be said to be the whole expense. In looking to our present system it is no doubt very much more efficient than the system in those old times; but it is expensive. I do not say that the cost is more than we ought to be willing, in this important interest, to incur, but I think that we ought to have more to show for it. The system under which our militia men every three years disappear—go entirely out of sight—I think ought to be altered. I have bestowed a good deal of time, since I placed this notice on the paper, in studying the experience of other countries. I have looked over the militia systems of the great powers of Europe, which we may well look to for information. I will not trouble the House with a long list of figures, but I would just briefly begin with the United Kingdom, and I may remark that it is the only power that depends upon voluntary enlistment to keep up its army; but it does not depend upon voluntary enlistment altogether for its other forces. Its regular army consists of upwards of 200,000 men; and the army reserve, older men who have all passed through the army and served a certain number of years, amounts to something over 50,000—altogether 257,000; but behind that there is not only this comparatively small reserve but they have a force of militia who are called out and required to do duty beyond our militia considerably—28 days every year, or not less than 21 days. That body is



bound to do duty like ours in any part of the United Kingdom where their services are required. It consists of 141,344 men. Then there are 14,405 yeomanry who are chiefly, I believe, cavalry; but behind that again there are 251,417 volunteers who are also drilled and disciplined; but I think they act as a local militia not bound to go all over the United Kingdom. Here, then, is a force of 654,193 men, the regular army being only 257,000. There are all these forces at the back of the regular army, as you will observe. In France, again, men are liable to conscription. Every man over 20 years of age and under 40 is liable to do military service. The number of the reserve is not fixed there but every man has to serve. There are two classes; one serves three years, in what is called the active army, and two years in the reserve; another class is only required to serve one year and then go into the reserve. The active force is about 500,000 men; but the reserve is more than double that, although there is no number exactly fixed. Austria has a regular army of about 300,000, the smallest force of any great power, but by recent legislation which I saw notice of the other day in the newspapers, called the Landstrum Bill, they have 330,000 of a Landstrum, which is something like our militia, and they have 270,000 of the Landwehr.

HON. MR. PLUMB—The Landwehr have to do duty—so they all have, in fact.

HON. MR. WARK—It makes altogether 600,000 as a reserve behind the 300,000 regular troops. In Germany, again, the Prussian law has been extended to the whole empire. Every man there is supposed to belong, and in fact legally does belong to the army. They are bound to serve in the army from the age of 20 to 28—that is, 7 years. Three years they serve with the colors, as it is stated, and four years in the reserve. The Imperial army there is about 445,000, but the war footing is 1,500,000; so that in Germany they have a very large reserve. Russia can call out under the laws every year 200,000 into the service, but they cannot afford to keep such a body of men; about half of that number is what is necessary to keep up their forces, which consist of

about 550,000 of a regular army. The men are required to serve 15 years, six years in the regular army and 9 years in the reserve—much longer than Germany. Now what I think would be suited to this country would be a period of service something the length of time that the Prussian soldiers serve—three years in the active militia and then four years in the reserve militia, we might call it—it does not matter by what name it is known, but that would be understood. If we had a force of that kind we might afford to reduce the active militia considerably. We have now 36,290 active militia this year, a few hundreds less than last year, when the force was 37,000 men. I see this year General Middleton recommends that the forces should be reduced, and that the time of service should be extended, and I think very prudently. Suppose, for instance, instead of 37,000, our forces were reduced to 30,000, we would then require only 10,000 to recruit our militia every year, and I think there will be no difficulty in getting that number of volunteers. Our population, which at the last census was 4,324,000—816,136 families—increasing at the same rate that it did during the last decade, would be over 5,000,000 at the next census, and that would indicate the existence of over 1,000,000 families. Assuming that each family would have one man able to serve in the militia, 10,000 out of that number would be just one man out of every hundred. That would not be a very heavy percentage. One out of every 100 men capable of discharging militia duties, would be only one man out of 100 in the active militia, and only seven in both branches of the service. This I propose simply for the consideration of the House, and of the Government. There are a number of military men around me; I would like to hear their opinions, because I am superannuated; but I thought it would be desirable to bring this before the notice of the House to strengthen the hands of General Middleton, and I think it would meet the approval of most people who give attention to the subject. I believe that if we had our active militia reduced from 37,000 to 30,000, and had behind that a force of 40,000, it would be a far more efficient body than it is. We would then have 10,000 entering the ac-

HON. MR. WARK.

tive militia every year, and 10,000 leaving it and going into the reserve, and 10,000 leaving the reserve seven years older than they entered, and much more efficient and capable of serving their country. Before sitting down, I ought to refer to the camp which was formed at Fredericton last fall. I spent an afternoon there, and was much pleased with the efficiency of the militia. There was an infantry corps with them, belonging to the school, which was of great advantage. Col. Maunsell pointed out—and I think he referred to it in his report—the great benefit that the country militia, who came in, derived from the existence of that trained corps, because they endeavored to learn from those young men, who are very efficient in drill. Col. Maunsell is a very energetic and systematic officer, and he had that camp in a state of admirable efficiency. I have not troubled you with many figures because I know they are not very desirable, and I will not trespass longer on the time of the House now, because I want to hear from hon. gentlemen around me who hold a high rank in the militia, and whose opinions would be worth having.

HON. MR. BOTSFORD—In seconding the motion of my hon. friend, I may say that I fully concur in the views he has expressed and the suggestion he has made of rendering available in a reserve force all the members of the active militia who have been drilled at considerable expense. It has often struck me that we have a very valuable force who have served in the active militia and then go out of it and have no further organization, I have no doubt that if a time arrived when we should need the services of these militia men, who have been drilled, they would come forward and be prepared to defend their country; but I agree with the hon. member who moved this address that it is very desirable indeed to have an organization of the active militia who have served their period of three years. In that way it need not be very expensive. At the same time, it might be made very efficient, inasmuch as these persons who have served for three years in the active militia, and been drilled with a good deal of care, would be in an efficient state and require no time or expense to keep up the knowledge which they have

acquired in the active force; and without delaying the discussion on this question, I say that I think it would be most desirable if that system of having a reserve force could be carried into effect. They have it in England; they have in the navy something similar to the reserve force of the army. Men who have been in the service of the navy are at liberty to perform other services in active life, and at the same time they are what may be called reserve forces, when occasion requires it they are liable to be called upon. I think some such system might be adopted with our militia which would not be very expensive, but at same time would make our forces more effective.

HON. MR. DEBOUCHERVILLE—For my part I do not understand how we can have a reserve volunteer force. I understand a regular reserve. I would like to know whether there is such a thing as a reserve militia force in England—a reserve volunteer force?

HON. MR. WARK—I cannot say what the volunteers there are called. They enter the service voluntarily, and they are liable to be balloted as well as any other part of the population; but as long as they remain in the volunteer service they are not required to go into the militia, but if they retire from the volunteers they are liable to be balloted into the militia service.

HON. MR. DEBOUCHERVILLE—I was addressing myself more particularly to the hon. gentleman from Sackville, and enquiring if there was such a thing as a reserve volunteer militia force. I do not think that it could exist.

HON. MR. WARK—The militia force of England is not limited; it is just like the army—Parliament provides for a certain number of soldiers and that number may be enlisted, and no more, because there is no means of supporting them. Every year there is a parliamentary grant for the number of soldiers in the regular army, and it is the same with the militia. They make a calculation of how many men they will get, and can call out any number by ballot that the Queen orders, Parliament having granted the necessary

funds to support the force required. So there is no reserve needed there, as they have the whole of the militia to fall back upon. They can ballot as many as they please.

HON. MR. BELLEROSE—While we are on this question of the militia I wish to make an observation which I made in years past. I have no great confidence in our present system. The volunteer system may do very well in England, but in Canada I do not believe that it is the best. It is well known that last year, when the volunteers were called out, the different battalions were very far from taking their full force. Half the men that left for the field were new recruits enlisted a fortnight before their departure. Now I believe it is hardly right to expose those men, without previous drill, without even a knowledge of firing—some of them had never handled a rifle or a gun before—and our best soldiers and officers unnecessarily. I always thought, and I still believe, that the best system would be if men were balloted from the reserve militia. You have four classes of the reserve militia; you have the first class, young men from 18 to say 26, unmarried men. Why not ballot every three years for ten, twenty or thirty thousand men, or whatever number the Government and Minister of Militia may consider sufficient? Why not ballot amongst that class of men for the number we want and compel them to drill 16 or 18 days each year during the three years of their service? If that were done, and anything should occur that would require the services of the militia, these men would be easily prepared for active service. Even in going to the field they could improve their drill and their position in firing; but under the present system it cannot be denied (I speak more particularly of the Province of Quebec) that the men of each battalion are changed each year so that one-half or two-thirds of them are undrilled men. That system cannot work properly, and though our men have shown the stuff they are made of, they would be much more effective if properly drilled. While this matter was before the House, I thought it only right that I should make this suggestion, and I believe if it were accepted it would be found to work a great deal better than the present system.

HON. MR. WARK.

HON. MR. ALEXANDER—I am glad that we have had the benefit of hearing the views of the hon. gentleman from Delanaudiere. I believe that his suggestions are good, and that if possible they ought to be adopted by the country. As regarding his ideas, however, the difficulty in carrying them out is that the people strongly oppose the policy of the ballot. They have never felt the necessity for having a regular armed force in the country until such a difficulty has arisen as that experienced last spring. They never realize the fact that their country might be invaded. They say as long as you get young men to volunteer, no matter whether they volunteer permanently or for three or four years service, why ballot us? Why should we leave our farms and all our different branches of industry, when plenty of young men are to be found to volunteer for the service? I believe the principle of the ballot will in the course of time be adopted, as in the United States. It is a sound principle, and the sooner we educate the people up to it the better. We saw last spring, in connection with the insurrection of the North-West, the necessity of having a proper force ready for any emergency, and if we had not had young men of energy, endurance and patriotic spirit to volunteer on that occasion, we do not know what the result might have been. And what a small matter it was to cope with—it was only a matter of some three hundred half-breeds, and when such an encounter cost us so much money and so many lives, what would it be if a larger trouble should arise. With regard to the motion of the hon. gentleman from Fredericton, I think he might have extended it so as to have embraced the young men educated in the Military College at Kingston. We are now spending a large amount of money for that college, and educating, in a most admirable manner, under Colonel Hewitt and his staff, a number of young men, fitting them for the position of engineers and officers in the army; and it is a great pity that all that military education should be lost to the country after those young men leave the college. I think the Government should enquire into that branch of the subject, so that such training should, in many cases, not be lost to the country.

I do not see why gentlemen of wealth and position should have the privilege of sending their sons to that college and give them there a useful education at the expense of the country, if they are to be allowed to go to the United States, England or elsewhere, and never to be heard from again.

HON. MR. KAULBACH—Something like the system proposed by the hon. gentleman from Delanauiere was the militia system of Nova Scotia. I remember myself rising from the ranks to the honor of commanding a regiment, and I had a large and efficient force of 900 men under my command, with a company of artillery and a brass band, subscribed for by the county. It is peculiar to that county, because the people there are of German descent, and the military instinct is largely developed in that race. They are fond of military display, and military parade, and have always turned out for camp drill. It was a good system as far as our county was concerned, and very little expense attended it. Except the accoutrements and guns, we had to provide everything ourselves, or nearly so. The suggestion of my hon. friend who has moved in this matter is, I think, a great improvement on the present system. We have established schools of military instruction, and when it was introduced I approved of that system, and it was presumed to be for the different Provinces. The nearest one we have is at Fredericton, and I do not think that many Nova Scotia or New Brunswick young men attend there, or that there are many from Prince Edward Island. In Nova Scotia we scarcely know that there is such a school there. We talk about the Battery at Quebec and know something about that; but it is all important that we should have all our non-commissioned officers in every Province under drill. If we get them thoroughly drilled we can raise a force at any time; and I do not care how unaccustomed to military movements the rank and file may be, if you have well drilled officers and non-commissioned officers they can soon be made effective. I believe three years drill is too short; in fact the twelve days allowed each year are altogether insufficient. The men do not turn out,

and when they do they spend two or three days going into camp and then they shorten the time by substitutes and leave of absence. I do not think it is the most efficient way of drilling men. After three years drill many of them drop out, and we lose them entirely. If there was some new regulation by which those volunteers should have longer drill, their number might be reduced; by that means I think we could make the service more efficient as they would perfect their drill so that they would not easily forget it. Unless they are perfectly drilled, what they learn in camp they lose in a short time. With a longer drill, under efficient officers, and having a reserved force from those men thoroughly drilled and brought out every year, we would at all times have at our command a force sufficiently drilled to rely upon in a case of emergency. I do not believe that this money is wasted. I believe that it is well spent, and that it is essential in this country, if we are to become a nation, that we should be able to protect ourselves in time of trouble.

HON. MR. PLUMB—I am sure the House is under an obligation to my venerable and hon. friend who has proposed this motion, for the very interesting statement he has made. We always listen to him with the greatest pleasure, and although, as he says, he is on the retired list, he still seems to take an active interest in those affairs, and I do not think anyone could have placed the subject before us with more completeness and accuracy. The main question is one that interests us all. I do not think we can undervalue the present system, when we have had such evidence of its efficiency within the last year. I do not think there is anything on record which is more to the honor of Canada—which shows more the efficiency and spirit of our young men, than the manner in which, during an inclement season of the year, and under great disadvantages, they went to the front to meet what, although it turned out not to be a rising of the magnitude which was feared, still threatened the peace and prosperity of the North-West. All credit is due to a system which was found, in a sudden emergency, capable of being worked, as the volunteer system worked, in suppressing the North-West rebellion.

No doubt the system may be improved, and there are many things which may be advantageously changed. In speaking, as my hon. friend did, of the necessity of having trained and efficient officers, and having the nucleus of a trained force, he said what will meet with the approval of every hon. gentleman who heard him. It is well known that in the United States the West Point system has furnished all the valuable and all the efficient officers, with very slight exceptions, that have distinguished themselves in any of the battles of that country. During the prolonged war between the North and South, although there were a great many citizen appointments made, the real work was done by the men who had been thoroughly trained at West Point. All the officers that retained their positions in the army, with very few exceptions, on both sides, were West Point men. General Lee himself was superintendent of West Point for many years; General Hooker was a distinguished officer of West Point—in fact, all the men who took high positions, on both sides, were West Point graduates. It was hoped that something of that kind would be the effect of the Military College at Kingston, and I do not suppose it would have been possible to arrange that the young men who go there and pay for their training could be bound to remain in the country or to be held liable for service at any moment; but I do not think there is one of them, who, if he were in the country, would not respond instantly to the call to arms if he found the Dominion needed his services. I have had some opportunity of seeing camp drill. There is a camp held annually in the vicinity of the town in which I live, opposite my residence, on probably the finest camp ground in this province, if not elsewhere—a large reserve of 700 acres belonging to the Government, quite appropriate to the purpose, with ample range for target practice on another reserve on the Lake Shore. I can bear testimony to the fact that although 2,400 or 2,500 men are brought together suddenly to those camps from various parts of the country, they behave themselves with great propriety, and it is astonishing how little complaint of disorder there is, and it is also astonishing how soon they begin to show the effect of drill. Therefore, I can hardly believe

that the 15 days which they pass together in camp, and which makes them rub shoulders together, as one might say, can be lost on the young men who come there. It is possible that the same men might be enrolled to come year after year for three years; but the system, crude as it may be, is productive of great benefit, and I may say to my hon. friend that I am instructed to remark, in reply to what he has stated and to the address, that the Government have the subject under consideration.

The motion was agreed to.

### THE SHORT LINE RAILWAY.

#### MOTION.

HON. MR. POWER 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 contracts entered into for the construction of the Short Line Railway from Montreal to St. John and Halifax.

He said: It will probably be within the recollection of hon. gentlemen that I have, on different occasions, called the attention of the House to this matter of the Short Line Railway, and it is not necessary to go over the ground that has been travelled over more than once already. There are just a few points which I think attention should be called to again. The first is that this Short Line Railway had its origin in the lower provinces. I think that the agitation in favor of a short line from Montreal to the lower provinces began in Halifax. The object aimed at was to secure for St. John and Halifax a line from Montreal by the shortest and best practicable route: to put those cities, the great seaports of the lower provinces, in communication with Montreal, the commercial capital of the Dominion by the "shortest and best practicable route;" and those words are used in the Act granting the subsidy—this route to be selected after careful surveys by competent engineers. Hon. gentlemen will remember that when last year it was urged that the route which had been reported upon most favorably by the government engineer, Mr. Schrieber, was not the best line, or that at any rate it was not clear that it was the best line, the answer made

was that the country was anxious that this road should be constructed at once, and that even though the line the Government had selected was not the best possible, still it was desirable that the work should be begun immediately, and it was not expedient to waste any more time in trying to find a better line. We were given to understand that the work was to be commenced forthwith upon the passing of the Act last year. Now what is the fact? A year has gone by, and, as far as I am aware, not a stroke of work has been done in connection with the proposed line of railway. That shows clearly that the answer which was given, and the excuse which was made for the Government's neglecting to make such surveys as would determine which was the route entitled to be selected under the terms of the subsidy Act, were not a valid and honest objection at all. It may be well to call attention to another fact with respect to this matter. It will be remembered that Mr. Schreiber's report recommended the route which has been adopted, and he recommended it apparently because according to his calculation it was just a mile shorter than another line which we think is a better one. The "combination route" which was favored by gentlemen from Quebec, and which was also preferred to the route selected by the Government by the people of Nova Scotia, has not been surveyed at all—at least the missing link between the Maine border and Lake Chesuncook has not been surveyed. This whole matter was before the Halifax Chamber of Commerce, at a meeting held on the 20th January last. At that meeting the commercial interest was very fully represented. The two members for the county and city in the other Chamber were present, as far as I remember. I know that Mr. Stairs was there and made a speech, and I think that Mr. Daly was also present. Mr. Stairs gave all the arguments in favor of the decision which the Government had arrived at. There was a very warm discussion—that is, the members present manifested a good deal of interest in what was going on—and finally the Chamber, by a large majority, adopted this resolution:—

“Resolved, that this Chamber of Commerce protest against the adoption line No. 6, or the so-called International route, for the Short Line Railway, as not fulfilling the conditions

promised by Sir Charles Tupper and the Dominion Government, viz., that the 'shortest and best practicable line' should be selected after exhaustive surveys; also, that this Chamber again begs to affirm its former deliverances on the same subject.”

I have read this simply to show that the people who are most directly and deeply interested in this matter were not satisfied, and I may say, are not now satisfied with the action taken by the Government. It is possible that things have gone so far now that the Government cannot change their decision. I do not know that that is the case, but possibly it is; at any rate we ought to know what has been done, and that is the reason why I ask for a copy of the contract. What is being done? We know that up to the present time substantially nothing has been done. The Government might last season have made a survey of that portion of the combination route lying between the Etchemin River and the head of Chesuncook Lake—that is the only portion of the 'combination line' which has not been surveyed. They might have made a survey of that line to ascertain whether or not it is practicable. There is not much doubt that it is, but in order to remove doubt the survey should have been made. The country lying between Richmond and the head of Chesuncook Lake might also have been surveyed; and then the Government would have been in a position at the beginning of this session to know which was the shortest and best practicable route. But they really know nothing more about it now than they did a year ago. The people interested in the International road have had their own way; they have gone on and made surveys in the State of Maine with a view of trying to get a practicable line through there, which the surveys of last year had not found—that is a line with reasonable grades and curves. Those gentlemen do not make their doings known to Parliament, and we do not know now what the position of the matter is. I said that Mr. Schreiber's report gave the preference to route No. 6, the International route. There were two routes which connected with the International Railway: one surveyed by Mr. Duffy went north of Moosehead Lake, and the other went south of Mr. Duffy's line. Mr. Schreiber gave the preference to the southern line, ostensibly

because it was a mile shorter from Montreal to St. John than that which ran north of the lake. What have we ascertained since? That the project for bridging the lake which shortened the road by several miles has been abandoned. They found it impracticable; that the lake could not be bridged, and they would have to get up to the east of the lake by surmounting very heavy grades there. They found that the lake was deeper than they had thought it was; and, as I am informed, the road is to go south of Moosehead Lake altogether. What has become of the argument in favor of this as the shortest route? Because by crossing Moosehead Lake and cutting off some ten miles of the distance, the government route was only one mile shorter than the one running north of the lake. When you add this other distance, arising from going south of the lake, it is some nine miles longer. Then it has been ascertained, which was not admitted last year, that instead of starting at the Victoria Bridge, at St. Lambert, this road is to start from the new Pacific railway bridge at Lachine, which adds some twenty miles more; so that really we have to add something like thirty miles now to Mr. Schreiber's figures to get the real length of the proposed short line; and instead of being preferable to the combination route or to the central route, on the score of length, it is far inferior to either of them. We find that these people who are going to build this road; I do not know exactly by what name they call themselves, as sometimes they are described as the International railway company, and sometimes as the Atlantic & North-Western Railway Company; but by whatever name they may be known, they propose to build the line from Lachine to St. John's, Quebec. They propose to utilize the existing line from St. John's to West Farnham, and then they propose to build again in the direction of Waterloo, until they come pretty near to that town, after which they propose to utilize the Waterloo and Magog road to get into Sherbrooke and Lennoxville. Here we have a large sum of money to be expended in building a road between Lachine and Lennoxville. That was not necessary, because there are already two lines of railway running from Montreal to Lennoxville. The people of

the Lower Provinces do not want a third road there; the subsidy was not granted for that object; the subsidy was granted with the object of bridging over the portions of the route where there is no road now. However this arrangement may suit the plans of the International and Pacific railways, it does not suit the purpose for which it was originally intended, the interests of the people of the Lower Provinces, and the money, so far as they are concerned, is practically wasted. I regret to feel that, after we had apparently succeeded in getting the Government and Parliament to vote this large sum of money which was to secure to us the shortest and best line from Montreal to St. John and Halifax, we are not going to have anything of the sort. It was stated in reply to a question in the House of Commons that the section from Fredericton to Salisbury or somewhere in that neighborhood was to be built. I had been informed that in the contract which was entered into there was no provision as to that; but I am bound to suppose that the answer given in the House of Commons is correct. At any rate, it is to be regretted that so large a sum is to be expended in building additional roads where there are already sufficient roads. A whole year has been spent in trying to find a way through an almost impassable country, while the Government have not thought fit to make surveys of routes which are in every way preferable to the one selected. I say further that, when the Government considered the fact that it was a general topic of conversation amongst parties who were interested in the construction of this road, that the reason why the International road was selected was that a member of the Government, the Minister of Railways, was himself very deeply interested in the International Railway, and that his interest in that road was the cause that prevented the other routes from getting fair play, I am surprised that the Government out of respect for themselves, did not see that the proper surveys were made of those other lines, and that they received fair play. The conclusion which will be drawn by most people—I do not say whether it is a just conclusion or not—is that the Government allowed the Minister of Railways to select the route which suited his own

personal interests best, a thing which I deem most lamentable for the credit of the country. Inasmuch as this information has already been moved for in the House of Commons, and as the Government have promised to bring it down there I do not know that it will be necessary to divide the House on the matter here.

THE SPEAKER—Does the hon. gentleman wish to withdraw the motion?

HON. MR. ALEXANDER—I desire to observe that this is a very proper motion. It is proper that Parliament should know now, before it rises, what has really been done about the letting of the contracts upon the Short Line Railway from Montreal to the Atlantic ocean. It is not a pleasing duty, as the hon. gentleman observed, to refer to all the private scheming of members of the Government and members of Parliament in connection with such projected lines. When any new railway is about to be undertaken, one cannot fail to observe that the casual advantages of public life, under the Government of Sir John Macdonald, have become a study. Some of those parties last session pursued a very unguarded course on the floor of Parliament. They did not hesitate to malign the character of competent and distinguished engineers to serve their purposes. The people of the Province of Quebec and their public journals complained loudly of the injustice done them in this connection. Firstly, they observed that Sir John's great boast in the London clubs was that we have constructed a through line from ocean to ocean on our own territory, so that the Queen's troops at any moment could be carried from the Atlantic to the Pacific without passing through a foreign country. Now I would ask why has the Government not kept within Canadian territory? A line has been recommended by competent engineers to pass through the Province of Quebec—a line with more favorable curves, easier grades, and one which could be more cheaply built and would pass through our own territory to the sea-board. Perhaps the Government are not going on at present with the so-called short line! We do not hear of their having given out any contracts yet. I

have a humble suggestion to make to this House, and I am satisfied that the House will consider it a reasonable one. Our past experience of the surveys, made by the Government, and the contracts given out by them, has been a sad and melancholy one. Do I require to remind the House that three millions of dollars were literally wasted upon the survey of the Canadian Pacific Railway, which survey was never used? What a melancholy commentary on the Government of a country like this that three millions of dollars from the consolidated revenue should be wasted on such survey, while it will be remembered that certain Ministers of the Crown were charged with having become well off from their connection with the construction of certain railways!

HON. MR. ROBITAILLE—They are not known. I never heard of it before.

HON. MR. ALEXANDER—My humble suggestion—and I hope the House will act upon it—is to obtain from Sir George Stephen and Mr. Van Horne their opinion on the projected short line to Halifax and St. John and the contracts connected therewith. Those two gentlemen possess engineering skill, and have rendered services to the Dominion that can hardly be praised too highly. If the Government would submit this matter to them it might save the country one or two million of dollars. We might have some guarantee that the short line would be located properly, and not for the selfish purposes of certain parties. I do not say that this eastern extension should be built now; I cannot see why it should be constructed at an enormous cost before it is required. We have already, at a cost of \$47,000,000, a road extending from Montreal to the Atlantic Ocean, and is the public treasury so full at the present time, that we can build another line which will not pass even through our own territory? That fact is inconsistent with the statement made by Sir John Macdonald in London. How could the Queen's troops ever pass through the State of Maine? Would the Colonial Minister ever dream of sending troops by such a route? I think we might postpone the construction of this line until we see some prospects of securing the Asiatic



trade from Hong-Kong and Japan. There is no harm in cherishing sanguine hopes of future trade from the Asiatic ports, but let us not enter upon increased heavy obligations before such lines of railway are required.

HON. MR. KAULBACH—My hon. friend from Woodstock seems to be very erratic with regard to this matter; his thoughts and fancies take him entirely astray and he is not consistent with regard to his previous utterances on this subject. He speaks of this as if it were a project; he does not seem to know that the railway has already been commenced. He asks to have the contract referred to Sir George Stephen and Mr. VanHorne. I believe that they approved of the route long ago and they are going to extend the line to Sydney, Cape Breton. My hon. friend must have been asleep all this time and not aware of what was going on. He has not a very profound regard for the opinion of Sir George Stephen and Mr. VanHorne. Not more than a year ago he looked upon them as men who were robbing the public revenue. He said they were building something which was a quixotic affair and would end in the ruin of the country—that the Canadian Pacific Railway would be an incubus on the Dominion and would not pay for the grease required for the wheels of its trains. Now he thinks they are such intelligent and far-seeing men that this matter should be referred to them. I agree with the hon. member from Halifax that this was to be the shortest and most practicable route from Halifax and St. John to Montreal.

HON. MR. POWER—The shortest and best.

HON. MR. KAULBACH—The shortest and best, and it was to be a route entirely on Canadian soil. We complain, in the Lower Provinces, that the Grand Trunk Railway Co. have diverted our trade to the United States. We wanted an independent line, and we are getting it, and the interest of the Canadian Pacific Railway Company will be to carry trade as far as possible on their own road. Of course they cannot control the traffic, it will go by its natural channel and as parties intend it to

to go; but as far as the interests of this country are concerned, the Canadian Pacific Railway Company will, in their own interest, carry it as far as they can on their own line. I say with my hon. friend from Halifax that the best route has not been adopted; but I believe, on the whole, considering the position of our country, with the State of Maine extending so far north and dividing New Brunswick and Quebec, that we could not get a shorter line.

HON. MR. PLUMB—The Canadian Pacific Railway Company approve of it and are going to take it over.

HON. MR. KAULBACH—Yes. With regard to the Chamber of Commerce at Halifax it is a partisan club.

HON. MR. POWER—Not at all.

HON. MR. KAULBACH—This meeting was a surprise to gentleman who were opposed to the decision at which it arrived. They claimed that it should be adjourned until the matter could come up with sufficient notice for a full discussion, but the question was sprung upon the meeting.

HON. MR. POWER—My hon. friend will excuse me, but that is a mistake.

HON. MR. KAULBACH—I remember what the press said at the time. I am told by gentlemen who attended the meeting that it was sprung upon the meeting. They had met for another purpose altogether. The meeting broke up in a great deal of discord and instead of tending to benefit the Chamber of Commerce it has had the opposite effect. It is unfortunate for Halifax that little quarrels on political matters should prevent them looking at those questions in a broad, statesmanlike light and in the interest of the public. I believe this line is far more favorable to St John than to Halifax, but that cannot be helped. The geographical position of our country renders it so. Therefore, while I have no objection to the finding of the Chamber of Commerce, yet the manner in which it was done shows the hostility which that Chamber has to anything done by the Dominion government.

HON. MR. ALEXANDER.

HON. MR. PLUMB—The contracts and papers for which the hon. gentleman inquires are brought down or about being brought down to the other House, and, as he has suggested himself, it would be unnecessary to put the motion now. However, the hon. gentleman can put it if he chooses to do so.

HON. MR. POWER—The hon. gentleman from Lunenburg has undertaken to discredit the resolution of the Halifax Chamber of Commerce, which I read here, by calling that institution a partisan club. The hon. gentleman is utterly mistaken. The resolutions of the Halifax Chamber of Commerce were looked upon as very valuable expressions of opinion between 1873 and 1878, because they suited to a certain extent, the views of hon. gentlemen opposite. Now, when the same body, at meetings which are much more largely attended than the meetings held in those days, find fault with the policy adopted by the present government, they are told by gentlemen, like my hon. friend—who may perhaps be excused because he is not familiar with the facts of which he is speaking—that they are a partisan club. This question was not sprung upon the meeting. Mr. Stairs, one of the members of the county, was there, prepared to deal with the question and to make a speech upon it. He did make a speech upon it; and at a previous meeting Mr. Daly was present as well, and I think he was also present at the meeting to which I have referred. Gentlemen representing all shades of political opinion were present. The resolution which I took the liberty to read to the House was moved by the Mayor of Halifax, one of the strongest Conservatives in the Province of Nova Scotia; and it was voted for by numbers of Conservatives, but still my hon. friend who, as I say, can only be excused on the ground that he does not know the facts of the case, undertakes to tell us that this was a partisan club, and that the question was sprung on the meeting, which was all one-sided. The hon. gentleman was completely and utterly wrong, and if he has stated what he has said without having obtained the information from some other person, then I hardly know by what language to characterize the speech he has made.

HON. MR. KAULBACH—I got the information from members of the Chamber of Commerce.

HON. MR. POWER—All I can say is that any member of the Chamber of Commerce who described that meeting in that way, stated what was an unmitigated untruth. I did not, as the House know, care to trouble them long on this subject to-day, but I wish to say this with respect to the so-called short line.

HON. MR. KAULBACH—Senator Power was present and made a speech.

HON. MR. POWER—Yes.

HON. MR. KAULBACH—And a very decided political speech too.

HON. MR. POWER—When the members for the county were present there was no reason why I should not be there and reply. I repeat it that my views were better received than the views advanced on the other side. The feeling in the city of Halifax and of the people in that neighborhood, who were the first to originate this cry for the short line railway is that the Government, by the course which they have taken, are going to divert a large amount of business from the Intercolonial Railway—that they are going to increase very largely the yearly deficit on that railway and to do that without serving in any way the province of Nova Scotia or any point east of Moncton. I admit that this road, as about to be constructed, will make the distance from Montreal to St. John considerably shorter than it is; but the combination route would have made the distance still shorter and given St. John a good deal better line.

HON. MR. PLUMB—There is no evidence of that.

HON. MR. POWER—The hon. gentleman from Niagara is very fond of making statements that he is not quite prepared to substantiate. The evidence was furnished the House last year. If the hon. gentleman will take the report of the government engineer of last year, and take into consideration the fact that the scheme

for the crossing of Moosehead Lake has been abandoned, and that the railway is to start from Lachine instead of St. Lambert, he will find that this route is about thirty miles shorter than the route adopted.

HON. MR. BOTSFORD—The hon. gentleman has stated that already.

HON. MR. POWER—A good thing cannot be stated too often. I was just going to say, as has been stated by the hon. gentleman who is in charge of the House just now, that this return has been moved for and the motion has been carried in the other House, and it is not necessary that I should have the papers brought down, and with the consent of the seconder I would ask leave to withdraw it.

HON. MR. KAULBACH—I ask permission to make an explanation. My veracity has been brought in question and the article in the paper has been referred to. I will just read three lines of this report:—

“Mr. D. F. Power said it appeared that the matter had assumed such a clear party complexion, and the Liberals seeming to be in the majority in the meeting he had no doubt the motion would carry.”

That is the very resolution which the hon. gentleman has quoted.

HON. MR. POWER—I wish to say in reference to that, that the Mayor contradicted Mr. Power, and that the Mayor, who is as strong a Conservative as Mr. Power, moved that resolution.

HON. MR. KAULBACH—The meeting was a bear garden.

The motion was withdrawn.

### AN ADJOURNMENT.

#### MOTION.

HON. MR. PLUMB moved that when the House adjourns this day it do stand adjourned until Tuesday next, the 25th inst., at 3 o'clock in the afternoon.

HON. MR. ALEXANDER—I rise to oppose this motion, and in doing so I am

HON. MR. POWER.

going to make a very humble request of Mr. Botsford, that in any remarks I make he will not, as he usually does, interrupt me by rising to points of order on every occasion, and creating disorder in the House. It is well known there is no gentleman of his name in New Brunswick, who is not in some Government office—

HON. GENTLEMEN—Order, order!

THE SPEAKER—The hon. gentleman laughs at the disorder he creates. The hon. gentleman has no right to address these personal, offensive remarks to any member. He is now in his seat and cannot resume without the leave of the House.

The motion was agreed to.

### THE BRITISH COLUMBIA SECTION OF THE CANADIAN PACIFIC RAILWAY.

#### INQUIRY.

HON. MR. MACDONALD (B. C.) inquired

Of the Government at what date the British Columbia Section of the Canadian Pacific Railway will be sufficiently completed for regular traffic?

He said: My reason for asking this question is that the work of a company in British Columbia depends upon the completion of this portion of the Canadian Pacific Railway. The financial agent is out from England and he wants to have an official answer from the Government so as to fix the time when this work referred to in my inquiry will be completed so that from that information the company will have a date for the completion of other works in the province.

HON. MR. PLUMB—I may say, in reply to my hon. friend, that it was contemplated to open the road through on the Queen's Birthday. There has been some slight delay, which was unexpected and unavoidable in a great work like that, and the Government is unable, I am instructed, to say when the road will be completed; but they expect it to be completed at a very early day.

HON. MR. MACDONALD—About the 1st of June?

HON. MR. PLUMB—I could not fix a date—I am not instructed.

## CHINESE IMMIGRATION BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (106) "An Act to amend and consolidate as amended the statutory provisions respecting Chinese Immigration."

In the Committee,

HON. MR. ALLAN—This is a Bill to amend and consolidate the Act relating to Chinese immigration which was passed last year. The Bill contains several new provisions, but the greater part of it is the same as the Act; but the existing law and amendments are consolidated in the Bill. The principal changes are as follows:—The first is transferring the management of this department, if I may so express it, to the officers of the Customs Department. It charges the Minister of Customs with the administration of this Act and the general superintendence of the matters to which it relates. Then there are certain exemptions from its operation, and provision is made for applying the same regulations relating to arrivals of Chinese by railway to the arrivals of Chinese by steamer. There is another provision for the passage of Chinese through the Dominion of Canada from one foreign country to another. There are also some new regulations as to registration and the manner in which it shall be done, and some new regulations as to the returns which shall be made of vital statistics. Those are the principle features of the bill which are new.

On the sixth clause,

HON. MR. POWER—Before that clause is adopted I wish to make one or two observations. It may be that this is an old clause, but it is of some consequence, and attracted a good deal of attention in the other House, where a division was taken

upon it. In the Act of last year provision was made for an interpreter at a salary of not more than \$3000 a year. It was alleged then that one could not state at what salary an interpreter could be got. It was admitted by the Secretary of State, who had charge of the Bill in the other House, that during the year the Government had secured an interpreter—one of the subordinate officers of the Customs Department in Victoria—at a salary of about \$700 a year, and it was contended, and I think very justly and properly contended, that there was no excuse for putting in this large salary of \$3000 a year, and a suspicion was very freely expressed there, which perhaps it would not be right for us to express here, where we are so much more moderate than they are in the House of Commons,—that behind this there lay an intention to provide for some friend of the Minister. We cannot change this under the ruling of his Honor the Speaker—a ruling which I am not questioning at all. We cannot touch a money vote but we can simply remark on it as I now do. I think that it should have been a salary of not more than \$1000 a year instead of \$3000.

HON. MR. MACDONALD (B.C.)—In the House of Commons the name of Mr. Church was mentioned in connection with this office. I am very sure that he would not look at the position. He is a man of means and is going to leave the country very soon. As far as he is concerned I do not think he would look at it at all.

HON. MR. NELSON—Mr. Church could not act as interpreter anyway.

HON. MR. ALLAN—As has been explained by the hon. member from Halifax, we cannot interfere with the clause. I can only, in reply to what the hon. gentleman has mentioned, say that it was stated in the other House that there was no intention to spend any such sum of money, so long as any person could be found to act for a lower salary.

HON. MR. KAULBACH—I presume there will be nobody appointed, if there is no necessity for it. This has been on the statute book for a year or two and nobody has been appointed yet.

HON. MR. POWER—Yes, somebody has been appointed.

HON. MR. KAULBACH—No salary has been paid. It seems to me that the policy adopted by the Provincial Legislature of British Columbia is to actually starve out the Chinese. They will not permit them to have anything to do with any work under the control of the local legislature. I say that the policy adopted there, if carried out, will relieve the Government of paying such a salary before long, if the time has not already arrived.

The clause was adopted.

HON. MR. NELSON—I think there must be a mistake in sub-section C of clause 2. The expression "Chinese" means in this Bill a person born of a Chinese father. I think it would be better to have it "of a Chinese mother."

HON. MR. ALLAN—The clause excited some learned criticism in the other House; and I would not like to make any change in it without consulting the hon. gentleman who had charge of the Bill there.

HON. MR. MACDONALD—This clause is, no doubt, the result of an incident which happened last year in British Columbia. An English gentleman came to our province from China; he had married a Chinese woman and had several children; when they came to the province he had to pay a tax on these children and on his wife as well. Now, such an incident might occur again, and I think the children ought certainly to be of the father's nationality. The father in that case was an Englishman, and his children were certainly half English.

HON. MR. ALLAN—I think what was intended by this clause was to meet just such a case. It was intended to trace the genealogy on the father's side only.

HON. MR. NELSON—I think the word "parent" should be used.

On clause eight,

HON. MR. MACDONALD—I propose to move an amendment to that section

and to speak at some length upon it. In dealing briefly with this Bill I propose to state a few facts bearing on the question, rather than appeal to the sympathy of hon. gentlemen and to their sense of fair play. If some of the provisions of this Act should be found oppressive and not quite British in their character, I fully exonerate the Parliament of Canada and the Government of Canada from all blame, as this legislation has been forced upon them by the province from which I come. It is well known to hon. gentlemen that all the pressure for this legislation comes entirely from British Columbia. There is a certain party there who advocate this restriction, and who accuse the Chinese of all kinds of depravity and immorality, and of being slaves. No doubt those parties fancy that by putting these restrictions on Chinese immigration and by keeping up this agitation, that they are doing a great deal of good to the community in which they reside; but I cannot reconcile the actions of those persons with that of British subjects living in a colony of the British Empire, in the nineteenth century, under the British flag, where every one under that flag is supposed to be as free as the air we breathe, and where all are supposed to stand on an equality. I believe immorality and depravity have nothing at all to do with this question; it is entirely a question of monopoly and of labor. The laborers in the country desire to keep labor scarce and wages high. That is at the bottom of the whole thing. The Chinese, no doubt, are immoral, as white people are immoral; but there is one thing they do not do: they do not flaunt their immorality in the face of the public as you see it done in civilized Europe, and in the towns of America; and unless you seek out that immorality, although it exists, you cannot and will not see it. This agitation first of all commenced in California, and such a pressure was brought to bear on the politicians and public men in that country, that the legislature of that State finally appointed a commission to inquire into and take evidence as to the charge so frequently brought against the Chinese of immorality and slavery, and having secret tribunals for the trial of offenders, and I will read brief extracts to the House, which I hope may be of some interest and will help to clear away some

doubts as to the habits of those people. Colonel Bee, the Chinese Consul at San Francisco, has recently published, in a memorial to the Congress of the United States, a statement of facts. He sets forth that in 1862 the Legislature of California appointed a committee to investigate the Chinese question, which reported:—

"That after the most thorough inquiry they were satisfied that there was no system of coolieism or slavery among the Chinese of this State, and that they are as free as any person in the State."

The same charges were again brought forward in 1876, and an exhaustive inquiry was made by the Congressional Committee, of which Senator Morton was chairman, who reported that:—

"Chinese labor in California is as free as any other—they all come as free men, and are their own masters absolutely. The Chinese seeing that white miners in the gold mines of California were organized into societies for mutual protection and for charitable purposes, giving aid to new comers, and aid to the sick, did the same thing. Their organizations are simply benevolent, and the only foundation for the charge that they maintain tribunals outside our law is the fact that the presidents of the companies act as arbitrators to settle difficulties between their countrymen, although neither party is ever bound by their findings."

Before the Morton Committee, Mr. Joseph A. Goolidge, secretary and manager for ten years of the Merchants' Exchange, testified that:—

"They are intelligent, shrewd, courteous, gentlemanly and honorable in their business transactions."

Richard G. Sneath, president of a bank, and a merchant for twenty years, said on this point:—

"I have dealt a great deal with the merchants in this city, and have always found them truthful, honorable and perfectly reliable in all their business engagements. I have never had one of them fail to live up to his contracts. I never lost a dollar by them in a business amounting to several millions of dollars. We commonly accepted a Chinaman's word as good for a cargo of merchandise, while a written contract was demanded of a white man"

So much for merchants, now for labourers. Mr. Justice Hydenfeldt, associate of the Supreme Court and a resident of California for 27 years, testified that,

He considered the Chinese the best laboring class we have among us—more faithful, more reliable and more intelligent than an equal

number of European immigrants. Nearly all can read and write.

Donald McLellan, manager of a woollen mill and employer of 300 Chinese, testified:

"I never found a case of theft among them. I have never seen a drunken Chinaman in my life."

Col. W. W. Hollister, one of the largest farmers in California and a long time employer of Chinamen, testified:

"As a labourer he is most submissive and kindly, ready to do what you want done with entire good will. I have found him honest and very intelligent. Who ever saw a drunken Chinaman?"

HON. MR. NELSON—I have.

HON. MR. MACDONALD—He must have had an example before his eyes of some white man. Col. Hollister continues:

"His moral condition is so good that out of the 400 Chinese population in Santa Barbara there have been but five arrests in a year. I never saw a better population in my life. If the teaching of paganism makes honest men, as I find Chinamen to be I think seriously of becoming a pagan myself."

As to their personal habits, Mr. Goolidge said:

"In cleanliness of person they are remarkable. I have observed them closely on various occasions and cannot call to mind an instance of dirty face or hands, or soiled garments.

William F. Babcock, employer of 120 Chinamen, said:

"Every night of their lives Chinamen bathe themselves from head to foot. They are in this respect different from the lower white classes."

I now give the following extract from the writings of an eminent Frenchman:

"M. Eugene Simon was French Consul in China during several years. Not content with simply discharging his duty, he has visited the towns and inspected the country districts; he has penetrated into the stores of merchants, the shops of artisans, and the cabins of the peasants—cabins that many rural laborers in France might well envy. He gained the confidence of the natives, and so has been able to study, to anatomize, their social existence. He commences—where China must be commenced—with individual and family life. That is the source of Chinese organization and vitality. The Chinese realize the principle of the 'greatest happiness of the greatest number.' They have all the liberty, justice, and security they require—or demand. They pay only three francs per head, annually, in taxes, while France, who plumes

herself, according to M. Simon, on being the head of civilization, pays one hundred francs per inhabitant. The Chinese peasants, too, are better lodged and fed than those in France; have more copious and varied repasts; no meal but is followed by cakes at the dessert; and the laborers are more gay and blithesome to boot.

As to secret tribunals, the Morton Committee report:—

“There are no lawyers, no police, in China, because every family decides its own disputes and each individual is a policeman. M. Simon regards Chinese society as the ideal of perfection, because peaceful, happy and prosperous. Perhaps China resembles France between the sixth and twelfth centuries. She then vegetated and was lapped in repose.”

That, hon. gentlemen, is testimony that cannot be contradicted, I believe, and these are, the people who come to our shores, these are the people who are invited to our country by our contractors and others. Now what do we find? That our provincial government, urged on by the working classes, are forcing these men into beggary and starvation and fill up our jails, because they must live, and work they cannot get, as every contract given out by the Government contains a clause that Chinese labor cannot be employed under it. The effect of it is that these people must resort to robbery and thieving in order to live, and our jails are full of them. I am sorry that such a law should come from the country to which I belong. I express the hope that this House and the Dominion Government will not bend or yield any further to demands for legislation of this kind. I am in favor of a certain moderate restriction, for two reasons; one reason is that we do not want Chinamen to colonize our country, but we ought to treat them fairly and justly when they are here. The next reason is if they come to our country now they cannot find employment on our public works, and will have to starve, and they can do much better in their own country. I do hope that the Government will not yield any further in that direction. I propose to move an amendment to this clause.

HON. MR. ALLAN—In the Bill as it originally stood, merchants were included amongst the exemptions, and the objection was raised in the House of Commons that parties had entered the country with certificates showing that they were mer-

chants, and who really turned out to be laborers and paupers; therefore it was considered necessary to make this restriction apply to their case as well to prevent representation and improper advantage being taken of it. I confess I think that the hon. gentleman's amendment, as it is worded, guards against all that, because it not only provides that in case a Chinaman entering Canada, who is furnished already with a certificate from the consular agent from the port from which he sails, and in the event of his having deceived that consul or the authorities by his representations, that he shall pay fifty dollars upon entry; but that if it is proved to the satisfaction of the Comptroller, after residing twelve months in the country, that he has *bona fide* carried on the business of a merchant during that time, that the \$50 will then be returned to him. I think I might exercise discretionary power in acceding to the amendment, because it will remove a substantial objection, which may be urged against the Bill, that in seeking to keep out and exclude an objectionable class of Chinamen, whom it is considered a misfortune to allow into the country, we also prevent those men of respectability, who are engaged in trade, from establishing themselves in the Dominion.

HON. MR. DEBOUCHERVILLE—This provides for a refund of money; have we a right to make such an amendment in the Senate?

HON. MR. ALLAN—That is a question I am not prepared to answer, and I would ask the hon. gentleman from Victoria to allow his amendment to stand over until the third reading of the Bill.

HON. MR. NELSON—I must say I am rather astonished at the stand my hon. friend from Victoria has taken to day. Of course we all believe, and all people under the British flag believe, that any colony under that flag should be free to all comers, and more particularly on the continent of America. As far as that policy is concerned, the policy of freedom is a good one, and is a policy that has aided not only in the development of this country and the Republic to the south of us, but in the development of all the

colonies of Great Britain; but when we find a people differing very materially from ours coming into the country as the Chinese come into the Dominion and into the United States, banding themselves together and holding themselves aloof from all other classes of the people, I think it is time for us to consider whether a people of that kind are allowed to come into the country without restriction for the general welfare of the State. It is time for us to consider whether those people are likely eventually to become part and parcel of our own people. At a very early time in the history of the United States a policy was adopted by which a certain alien class was brought into that country—I refer to the African negro. They, of course, were brought into America as slaves. They continued for many years in that country as slaves, but I am happy to say that slavery has ceased to exist on this continent. In 1800 there were about 1,000,000 of those colored people in the United States of America. In 1870 they had increased to within a fraction of 7,000,000. During the existence of slavery the growth of those people was very small indeed; but when slavery was abolished they had increased to nearly 4,000,000. From that time until 1880 they increased very rapidly in number. I ask this House to-day if a people of that kind, totally alien in feeling and sentiment to the people of the United States are not a source of great danger to the future peace of that country? We can scarcely peruse an American newspaper that is not filled with details of foul outrages committed by that class of people upon the whites and accounts of fearful retaliation upon the perpetrators of them. It only shows that the importation of a people differing in feeling, in character, in culture and manners and customs, into a country with the population of which they cannot by any possible means assimilate, is calculated to be a great source of danger to the State. I believe to-day that one of the coming troubles in the United States, a trouble that has not as yet possibly been seriously considered by the great statesmen of that country, but one of the great and growing troubles to-day is arising out of the fact of having a large colored population in that country. There are indications that a

strong feeling exists amongst that class against the white races, and we may look forward at no distant day, when that population has materially increased, to a war of races in the southern states, and what may be the result of such a war is a thing we do not exactly care to contemplate. The increase in the negro population of the United States to-day, from births alone, equals in proportion the entire increase in the white population from births and immigration. We may readily understand that in such a rapid increase as that there is danger to the state. With this experience before our eyes, in opposing the Bill what are we proposing to do to-day? We propose to allow into the Dominion of Canada just such a class of people—a class who will always be in opposition to the European and American races. The hon. gentleman shakes his head, but I tell him it is so and I assure him that there can be no real fusion—no production of a mixed race between us and the Chinese.

HON. MR. MACDONALD (B. C.)—I propose nothing of the kind.

HON. MR. NELSON—There can be no real fusion between those people and ours; at the end of centuries they will stand out just as separate and distinct from our population as do the negroes of the United States of to-day, and we all know that the Chinese are just as menacing and aggressive as the negroes are where they are in the ascendant. Looking at the question from this point of view, and considering the vast numbers of those people in China, some five or six hundred millions, and the result of throwing open our doors to such an immigration as that, I think before we allow those people to come amongst us freely, every year in increasing numbers, we should pause and reflect upon what is likely to be the result of such a policy. Then with regard to the question of labor, my hon. friend says that this legislation has been brought about as a question of labor between the whites and the Chinese. I say it should be a question of labor. How do those people come amongst us? Do they come with their wives and families with the intention of settling



amongst us and spending their earnings in the country? No, they come as single men; and while our workmen have their wives and families to feed, clothe and educate, these Chinamen have only themselves to support. As a consequence they can work more cheaply, and they do work for less wages; but they only work just so much cheaper as to give them the preference over the white population. I say it is against our interest; it is against the interest and the development of the country. It is against the development of our manufactures and against the future prosperity of the country to allow such an alien element to come in and tide back our working classes who have wives and families to support, and who are bringing up those families to assist in populating and developing the country. What do the Chinese live upon? They live upon rice principally, brought from their own country. What do they wear? Their clothing is of the most inexpensive description, the greater portion of which is brought from their own country. Has not my hon. friend from Victoria seen troupes of Chinamen coming out from the factories in Victoria clad in the paper-made shoes of China? As a population they leave nothing in the country, and take all they can earn out of it, and are in every respect a most undesirable class of immigrants.

THE SPEAKER—It being 6 o'clock I now leave the chair.

#### AFTER RECESS.

The Committee was resumed.

HON. MR. NELSON—At six o'clock I had just been mentioning that I saw a troupe of Chinamen coming out of one of the boot and shoe factories in Victoria wearing shoes with paper soles imported from China: they were not even wearing the boots and shoes that they themselves were employed to manufacture. I might ask what these people give in return for the hire that we pay them. Of course, the answer to that would be they give us their work, but that is simply a direct return. The people of our own race give us not only their work, but the amount of their wages is spent within the country in the support of their wives and families in

various ways. The Chinese give us absolutely as little as they can in return for their work. Their money is hoarded up and sent out of the country. From this point of view I would draw your attention to what would be the effect of having these people employed on all our works throughout the Dominion of Canada. A very large proportion of the products of our factories in the country is consumed by the wives and children of the workmen, and the workmen themselves. But this would all be done away with and trade would soon be paralyzed if these people were largely employed in the country. The main objection to the Chinese is that they are not of our race and cannot become a part of ourselves. We cannot build up a homogeneous people in Canada with races of that description, a population totally alien to ours. The hon. gentleman from Victoria thought fit to quote certain statements in regard to the character of the Chinese; I did not exactly hear the source from which he got them. Why does he do this? Has he not had sufficient knowledge of the Chinese in British Columbia himself during the last 20 or 25 years to know their character without having to refer to statements made by British consuls in Hong Kong and other parts of the world? He has also told us that this agitation against the Chinese commenced in California. Does not the hon. gentleman and the House know that such is not the case—that the people of the colony of Victoria legislated against the Chinese many years ago—that the people of New South Wales, of Queensland and of New Zealand legislated against them long ago.

HON. MR. MACDONALD — What dates?

HON. MR. NELSON—I cannot give you the dates. These facts are known to everybody. The first legislation of the colony of Victoria, restricting Chinese immigration, was disallowed by the Imperial Government. They legislated on the subject again, and again it was disallowed, and the third time when they legislated intimation was sent home that any further disallowance would be disregarded. Our fellow colonists knew what they wanted better than the authorities in England did,

HON. MR. NELSON.

and I say to this House and to the eastern provinces of Canada to-day that the people of British Columbia have not taken any new action on this matter; they have had the same experience precisely as the people of New Zealand and the Australian colonies and the people of the United States. This is no new legislation. The hon. gentleman from Victoria has spoken of the various good qualities and virtues of the Chinese. I have no desire to detract from their good name, but the hon. gentleman's statements I think are by no means correct. In the first place he has made the assertion that they are a very sober race. I believe in general they are, but when he says that no one has ever seen a Chinaman drunk I say that is entirely incorrect. I have myself seen them drunk time and again. Another remark which the hon. gentleman has made is that if they have vices they do not flaunt them. I do not know whether any change has taken place in the state of affairs which existed not long ago in San Francisco, but in the Chinese quarter of that city they flaunted their vices so openly that the local authorities had to legislate specially on the subject. A respectable person could not walk the Chinese quarter of San Francisco, and no lady would attempt to go in that direction.

HON. MR. PLUMB—There are many parts of the city of New York through which a lady could not walk.

HON. MR. MACDONALD—And of London too.

HON. MR. NELSON—I am aware of that, but the hon. gentleman has claimed that these people do not flaunt their vices—that they are almost perfection. Such is not the case. No place in London, New York, or among the European population of San Francisco can be found anything like the Chinese quarter of San Francisco. I only state this because the hon. gentleman has made statements about the Chinese which I know, from my own knowledge, to be absolutely untrue. But to my mind the whole point in this question lies in one fact—that the Chinese are not like ourselves, that they never can become part and parcel of the Canadian people. They always will be a separate nationality

in the Dominion, just as much so a century hence as the negroes of the South are to-day. We have had experience with the negroes and with the aborigines of this country, and that experience tells us that no such thing as a mixed race of the Indian or negro and white races can exist. We have half-breeds, quarter-breeds and so on, but we have no homogeneous race out of materials that are so separate and distinct. The Chinese do not want to become a part of our people. They regard themselves as superior to any race on earth, and hold themselves aloof and will continue to hold themselves aloof from our population, and I submit that they are not a desirable population in our country. We do not want to create a second Chinese Empire on this continent; we have not built railways and opened up the North-West to fill it with a people of that character. I do not know that I need dwell much longer on this matter. I do not suppose that I would have said anything on the subject at all if the hon. gentleman had not provoked a discussion on the principle of the Bill, and proceeded to condemn the restriction of Chinese immigration. I say here to-day that I am in favor of that restriction. I say more, I am in favor of going further—I favor the total prohibition of that race coming into our country. It has been argued by some gentlemen again and again that England forced the Chinese to open their ports and admit our people into their country, and that we should therefore let them come to ours. It is true that Great Britain did so, but I do not think the sins of the father should be visited on the children in this matter. Canada had no share in the opening up of the Chinese ports, and I do not see why we should be compelled to receive an undesirable population in our country because of the past policy of the Imperial Government. To what extent have the Chinese opened their ports and allowed our people to land on their shores? We have never been able to penetrate into their country; we have merely established a couple of colonies like Hong Kong on the coast, and in those colonies there is but a small European population. I believe it is not increasing, that it is absolutely being driven out by the Chinese, and that a great deal of the

trade in those places, of Hong Kong in particular, that was enjoyed by Europeans is being taken from them and monopolized by Chinese merchants. I submit, from my point of view, that these people are not the proper population to bring into our country. If we give them the opportunity they will enter in very large numbers, and now is the time to prevent the influx. It would be too late to talk of such legislation fifty years hence when they would be in our country in such numbers as we find the negroes in the southern part of the United States to-day.

HON. MR. MACDONALD—I am sure the hon. gentleman would not wish to attribute to me anything that I did not say. The hon. gentleman says that I would encourage these people to come to our country; on the contrary I said I would favor restrictions for two reasons—that we do not want those people to colonize our country, and that if they came we could not give them employment. I said further that I never had seen a drunken Chinaman in 25 years, in my experience; and if the hon. gentleman has seen one, it must have been in a different class of society from any that I have met. I have never seen a drunken Chinaman.

HON. MR. NELSON—I may say I have seen drunken Chinamen; but the hon. gentleman's remark is an insinuation that I have been in that class of society that he has kept away from. I have seen drunken Chinamen on steamers going up and down the river.

HON. MR. HAYTHORNE—It seems to me that neither the preamble nor the title of the Bill affords much insight into its objects. You find only that a series of obstructions of every sort and kind, to the last degree vexatious, are placed in the way of Chinese immigrants entering any part of the Dominion and seeking to earn an honest livelihood by labor. One is naturally led to enquire, independent of all prejudices, what can be the meaning of all this? Is it that the Dominion does not need labor? I have always considered that land and labor were the true sources of wealth in any country. There is no lack of broad acres in British

Columbia, no lack of gold and other valuable minerals, which form such an important source of wealth elsewhere, no lack of fisheries or fertile lands; but what is needed is labor, the very thing that this Bill seeks to limit and exclude. It is a rather singular circumstance that in a country where labor is most necessary for the development of its resources, that very thing many of those sent here to represent that province seek to keep out. I am quite ready to admit that it would be just and proper for the Parliament of the Dominion to take any measure that may be shown to be necessary to exclude a bad class of Chinese, just as they would a bad class of European immigrants; and I very much doubt, myself, if any Chinese immigrants could be introduced into the Dominion more turbulent, seditious and dangerous to the community than those European immigrants who led the disturbance not long since in Chicago. What has fallen from hon. gentlemen in this House bears in two different directions. One gentleman from British Columbia affirms that the Chinese are evilly spoken of; another that you cannot say anything too bad about them. Not taking either of those grounds as precisely correct—

HON. MR. NELSON—I beg the hon. gentleman's pardon. I have not attacked the character of the Chinese in any way. I simply replied to my hon. friend who said that if they had vices they did not flaunt them. I said it was a well known fact that these vices were flaunted in a bare-faced manner; but I did not charge them with being more vicious than any other people.

HON. MR. HAYTHORNE—I think, if I remember rightly, the hon. gentleman referred to the Chinese quarter in San Francisco as being exceptionally bad.

HON. MR. NELSON—I did.

HON. MR. HAYTHORNE—In reply to that I say you may go to certain quarters of Liverpool, and almost any large city of Europe or America, and there you will find the refuse of all nations fully as vicious; more so, perhaps, than the Chinese themselves. I am not going to stand up here as the advocate of Chinese morality at all, but I say they

possess what we want, which is labour, and we should act very unwisely if we attempted to keep them out, and the more so if we kept them out on false and vexatious grounds. Reference has been made to Australia and Australian legislation; and it has been sought to establish the fact that those provinces and colonies have entertained the same objections to the Chinese which have been urged to a certain extent in this House; but I think we must look for other causes—look for the same causes perhaps operating in British Columbia which operated in the Australian colonies. Let us enquire for a moment what these causes are. I say that this is only another phase of the labor question which is agitating the United States to-day, and will agitate all this continent, as well as the old world, much more than it has yet done. If the labouring classes are to govern their employers; and if they are to reverse the natural order of things, and place themselves in the employer's position, such legislation may naturally be accepted. The parties who really moved in Australia and elsewhere with a view to prevent or render more difficult the influx of Chinese labor are the laborers themselves, the men who earn their ten to fifteen shillings (from \$2.00 to \$2.50) a day wages. Such men as that naturally are very reluctant to see competition step in amongst themselves, as competent as they themselves are, and able to work for less money. This is the origin of this agitation against the Chinese. It has been the same in Australia, and yet good authorities describe to us the state of things in the Australian colonies, without raising any objection whatever to Chinese labor. A recent author, whom I have quoted in this House before on this question, tells us that he found Chinese labor employed not only in the public gardens of Australia but in the garden of the Governor of Victoria, and doing their work better than white men could; and probably had not those men been at hand the work would not have been done. He found them employed on board the mail steamer between New Zealand and San Francisco. The seamen of that ship were men from the north of Europe exclusively; but the stewards, the cook and that class of men

were all Chinese. Surely in the course of a voyage an intelligent author like James Anthony Froude, having an opportunity of discussing the Chinese question, would be able to come to an intelligent conclusion upon it, and has he come from the voyage impressed against the Chinese or in favor of them? In favor, like any intelligent man who sees that all those colonies want is labor to develop their resources, and still they are excluding the labor which would make them rich. This is the cause of the agitation, and though I would be one who would be willing and glad to lend my aid towards any legislation intended to control Chinese immigration in the same way as you control any other subject, I think this legislation is against the progress of civilization and the spreading of light amongst the Chinese. A certain proportion of the Chinese who come here have an opportunity of seeing one phase of our civilization. Another class of Chinese come who see our civilization in another light, but all see that it has an improving tendency; and the consequence of the frequent return of Chinese to their native land with new light shed upon them, is that their prejudices wash out, and they themselves return better men than they went; that surely would tend to civilize the Chinese. Some one has reminded me that comparatively few miles of railway would be built in British Columbia, and in the Pacific States of America without the Chinese; I think this perfectly undeniable. The same argument might have been used 30 or 40 years ago with regard to the eastern seaboard. How many great improvements such as canals and other public works involving heavy labor would have been accomplished in the eastern portions of America without Irish labor, and yet a prejudice, just as ignorant and unwise as this prejudice which exists on the western slope against the Chinese, prevailed then in the United States against the Irish. Combinations of labor rose against them and sought in fact to prevent the access of Irish laborers. Yet they went on. Do we not know—every Englishman knows it—that the Irish did the same thing for England; they reaped the English harvests; they worked at canal digging; it was through them, I think, the name of navigators was given

to that class of workmen. Without Irish labor I believe comparatively few of the great English railways and great Scotch river improvements could ever have been carried out; yet there was a great prejudice against the Irish laborers. Is it not probable that with proper precautions you could introduce a class of Chinese into this country, who would increase the production of its fields, fisheries and mines, develop all its resources and convert a country, poor at present, into a rich one.

HON. MR. NELSON—I would like to ask the hon. gentleman opposite if the laborers that come from Ireland to our shores do not join with the rest of the people and become part of the general body politic? They are white men and mix and mingle with us. They do not stand out as a distinct race like these Chinamen.

HON. MR. HAYTHORNE—You cannot find an exact parallel between a race of Mongolians and a race of Celts; that is not to be expected, but we know that a mixed race already inhabits the plains of the North-West. We have heard a good deal about them this Session. They are by no means an ignoble race. I have yet to learn that the half-breeds of Manitoba and the North-West are inferior in any quality of physical strength, or powers of endurance, or anything else—even in eloquence—to other people, and yet they are a mixed race.

HON. MR. NELSON—They are not a race at all.

HON. MR. HAYTHORNE—How can the hon. gentleman pretend to say what the future result will be from the introduction of Chinese here, provided always that they are honest, good, moral, industrious people? Those are the kind of men you want. You have a right by law to ensure that those you allow to enter your province shall be of that character. Keep those that are not so out of your country; but circumstanced as you are, and circumstanced as China is, looking back at the history of the dealings of the Imperial Government with China, I do think that we are following too much in the old bad ways in attempting to pass a Bill like this.

HON. MR. O'DONOHUE—With regard to the present Bill it seems to me that it bears upon the face of it marks of great looseness deserving our attention; but since the privilege is allowed of speaking on the principle of the Bill in Committee, I have a few remarks to make. It seems to me as if we were reversing the order of things in saying to any race all over the world that they should not have a part of our soil. We are told by the one hon. gentleman that those people are not a race at all. He has not enlightened us by telling us what they are.

HON. MR. NELSON—Who said so?

HON. MR. O'DONOHUE—You.

HON. MR. NELSON—The hon. gentleman is mistaken. When the hon. member from Marshfield referred to the half-breeds I said they were not a race; that you have your half-breeds and quarter-breeds, but you have no really mixed race. I referred to the half-breeds, not the Mongolians, who are a distinct race.

HON. MR. O'DONOHUE—The question before us to-night is a large one, deserving our very best thought. It is perhaps one of the weightiest that has come before us in this House in the years that I have been a member of it. We are raising an opposition to the influx of labor into this country. Where have we got the great right that a few men scattered over British Columbia should say: "We will hold this land; we will hold it in its original state." And while thousands of people are hungry for the soil in various parts of the world, because they are a shade different from us in color, or there is some other feature in them that does not please us, we are asked to say to them that they shall not come here. Where do we get this paramount right to the soil of British Columbia and the plains and forests of the North-West? Nature provided this soil, not for a few men to put chains round it and to keep it to themselves, but for all who want to bring forth these products for the benefit of mankind. Here are the sea, the land and the mountains, with their fish, products and minerals, and we are told that cheap labor may not be allowed to come in lest it

should interfere with a few people that now inhabit that province. We know as a fact that from Europe and America armies of missionaries are sent out to the east to convert these people, and yet when the Chinese attempt to come under the genial influence of Christianity and civilization, they are told "You cannot come here; we will spend our money, we will send you missionaries to convert you, but we will not let you come under the British flag and the influence of the gospel in our land; we will keep you out." The policy, in my opinion, is a wrong one in principle. It is one that would not be tolerated in any part of Europe, and the moment that we give effect to it, that moment will the thousands of people who have gone into the east to live find themselves on uncertain ground; they may meet with retaliation to which we could not say a word. Supposing the British people who are to-day in Hong Kong or other parts of Asia or the east were told, "You must leave here; your color does not suit us; your pilfering, your robbing, your mode of carrying on commerce don't suit us; you must leave here." What answer could we make to them? Could they not say to us, "That is the way you are treating us on British soil in America." We could make no reply. This is a very serious question, and I must confess that I have not sufficiently freighted myself with the knowledge that should be brought to bear on this question; but to-night doubts I have had on the subject were almost dissipated by the report read by my hon. friend from Victoria. There we find the opinions of persons best qualified to judge—men of position, men of the legislature of San Francisco, having a knowledge of this question, of all others the best and most ample—what do we hear them say? "We say that these are thrifty, hardworking, honest, industrious people." That is what they say of the Chinese. Is that a characteristic of a people that are not desirable in a country like ours? It seems to me not. Even in sobriety they excel us. We cannot in any country, under the British flag to-day, make such a statement on behalf of the people as has been put forward for the Chinese. There are no drunkards among them. My hon. friend from Burard Inlet

says he has seen some of them drunk, but he admits that they are generally sober. The exception only proves the rule. They are a sober people. We have them in the city from which I come, and there are no more orderly people in Toronto. You never see them in the Police Court; you never see them drunk or disorderly. They are industrious and thrifty. Very often they are disturbed and molested, their houses are broken into and robbed, and a hundred other offences committed against them—none by them against those who commit those offences. We should hesitate before passing this measure. In this House, where we have ample time to reflect upon its provisions, it should be no concern of ours how it originated or how it came here; we should look at the effects it is certain to produce. Is it good for this country or bad? Are a few thousand white people scattered throughout British Columbia to hold that land unproductive? If so, let it be known and let it remain there. That country has cost us a very large amount of money so far; we have had no equivalent yet for the expenditure, and the only way we could have it is by allowing free and cheap labor to go in and develop its resources. I have heard it said that although the Chinese are a powerful and numerous people in their own country, they are not acquainted with the arts of arms, and therefore that they never can resist innovations upon them. That is a point open to dispute; but we know as a fact that the weakest things in the world, if their numbers are sufficiently large, are able to overthrow that which is extremely strong. I remember seeing a cloud of grasshoppers stop a train—stopping the very ideal of power. The grasshopper is but a very small insect, still by its numbers it succeeded in stopping a train. The redundant population of China, as soon as we resist them here, may take a leaf out of our book. I see in one of the clauses of the Bill here it is laid down that

"Every Chinese person raised in Canada at the time of the coming into force of this Act shall register himself and the members of his family with the chief controller or with one of the controllers authorized to keep registers, and shall pay to such officer therefor a fee of fifty cents for each person so registered; and for willfully failing to do so before the thirty-first day of December, one thousand

and eight hundred and eighty-six, he shall be liable to a penalty of fifty dollars, or to imprisonment for a term not less than three months at the discretion of the court."

Now hon. gentlemen just think of a people knowing nothing of our language, scattered through the wilds of British Columbia, called upon within a certain time to register themselves before an officer of the Government, no matter how distant they may be from the office, no matter how unable they may be to read our language, under penalty of being thrown into prison under this Act. Is it possible for a civilized people, and a representative body like this, to stand by an enactment of that sort? Those poor people that have been working on our railways, that are to-day working in the mines—who may be in parts of British Columbia, where they will not hear of this provision for years—without ever hearing of this legislation, without receiving notice or information of it, are to be seized and put into prison, or made to pay \$50 for failing to register themselves in the controller's office. I have no doubt that other hon. members of this House will comment upon other portions of this Bill; but the one clause to which I have referred shows that it is a measure which demands the serious attention of this honourable body. Surely if it were intended that every man should register himself and his children they should have received some intimation of it! They have been there for years and years and this Bill is made to apply to a people who have been in British Columbia for that length of time and to children born there. Within a short period after the passage of this Bill they are required to register themselves. Surely it would not be too much to say that no Chinese resident of British Columbia should be brought under the provisions of the Act until notice was brought home to him in a language which he knew. The arrangements which I have made for tonight will not permit me to make any further remarks at present on the subject.

HON. MR. ALEXANDER—I do not feel, as a citizen of one of the Eastern Provinces, that I am competent to pronounce an opinion upon this Bill. If I am rightly informed, it has been intro-

duced by a member of the Government and has arisen from representations made by the people of British Columbia to the Dominion Government requiring such legislation. It is rather an enigma to me how there should be such a difference of opinion between the hon. gentleman from Victoria and the hon. member from Burrard Inlet. If my memory is correct, there has been much excitement over the question of Chinese immigration on the Pacific Coast. Representations were sent to the Dominion Government that the people required them to come to their aid and assist them in preventing the influx of Chinese population. It was on this representation that a member of this Government visited British Columbia and has caused this Bill to be framed. I feel great delicacy in expressing any opinion on the subject. The question is this: We have a beautiful Province on the Pacific Coast; we desire to settle that Province, certainly if possible, with a civilized race, with a population from Europe or from our own Provinces. Then the question is: Do the people coming from Ontario and Europe desire to be surrounded by a Chinese population? If it is manifest that they do not desire that, then why should the Chinese be forced upon them, or why not aid them to prevent such races coming in? The Chinese have nothing in common with us; they do not inter-marry with our people; they work and receive their money, and that money is all amassed to be sent back to their own country. Is that a desirable population to have? I cannot understand any member of this House not having a proper regard for the feelings of those who have cast their lot in British Columbia. If we desire the prosperity of our Pacific Province, why then we ought to meet their views. We should be exceedingly careful not to throw out a Bill brought in by a Minister of the Crown, who went to that province and consulted the feelings of the great majority there. If any one, like the hon. member from Victoria, takes the responsibility of advising the House, let him do so; but he knows that this Bill brought in by a Minister of the Crown is in accordance with the view of a large majority of the people of British Columbia.

HON. MR. ARMAND (in French)—I do not understand the dread and apprehension which some people entertain about the influx of this population. It is not long since legislation similar to this was adopted in the United States, and our intelligent and far-seeing neighbors find that in handling this question they have burnt their fingers. They find that they have lost the services of a patient, industrious and law-abiding population. In a country like ours, which has so much need of laborers to clear our forests, to work in our mines and to till the soil, one would suppose that every encouragement would be given to the laboring classes of other countries to make their homes amongst us. It should also be remembered that we have a treaty of commerce with China, forced upon them by the Empire of which we form a part, and that we have hopes of developing a trade between China and Canada. For these considerations I shall vote against this Bill and in favor of every amendment which tends to throw open our ports to these industrious people.

HON. MR. VIDAL—The hon. member from Woodstock throws out the challenge "who is there will venture to oppose a bill originated by the Government and sought for by the people of British Columbia?" I do not hesitate to say that I will oppose it; that I would do it alone if I had no support from others, and will resist with all my power a measure of this kind. It is a bill which I regard as an outrage upon humanity and a sad blemish upon Christianity, a bill calculated to lower us in the eyes of all the civilized nations of the world. Look at China, whose people are spoken of so lightly and with some contempt, and see what they are doing today? They are setting us an example we should do well to follow in this very matter. Why does not China shut her doors against us western people in the same way that we propose to shut our doors against their countrymen? Have Englishmen any more right to go into China and take possession of their ports or their trade than Chinamen have to land in Canada? By what royal right have we and our fathers crossed the ocean and taken possession of this western continent? What right had we to come here and dispossess the Indians, native

proprietors of this country, and take possession of their lands? Do hon. gentlemen think we have a perfect right to come in here and dispossess the native inhabitants of their country? and not only to consider that we have a better right to it than they have, but to consider it so exclusively our own as to shut out from sharing in the advantages of this country others of God's people who have as much right to it as we have? I regard it as utterly inconsistent with our professions as Christians and with the vaunted freedom we profess to cherish as a British people. The idea of saying that we of the Caucasian race who have carried civilization to all parts of the world are not able to hold our own against a Mongolian race? Where can such a fear originate? What has been the experience of the Anglo-Saxon race in every part of the world where we have gone? Have we not carried all before us? Have we not taken possession wherever we wished to go, not because we had any special right to do so, but because we believed that where our civilization and enlightenment have been introduced we have carried with us the blessings of Christianity to the people amongst whom we have settled, wherever the English language is spoken it has carried with it the teachings of the Gospel.

HON. MR. MACDONALD—And big guns also.

HON. MR. VIDAL—And as long as our countrymen are fulfilling the purposes for which the Almighty has given them such great power, so long will they prosper; but let us once take this false step which is proposed by this Bill, and it will be the first retrograde movement. What would we think if the Chinese people thought fit to put upon their Statute book such legislation as we propose to put upon ours?

HON. MR. NELSON—She has done it for all time.

HON. MR. VIDAL—Has she not a perfect right to say we will allow no European, no Englishmen, and especially no Canadian to settle amongst us, or touch on our shores without paying a tax of \$500? Has she done anything of this kind?



Has she passed any legislation against the citizens of the United States or of Canada? Has she taken any retaliatory step in that direction? No, nor is she disposed to do so; but she is setting us a better example than the Christian people of this continent. She is tolerating the introduction of western men, western thoughts, and western plans into her own country, and the least she could expect at the hands of western people is that her citizens should at all events have the right to go in and enjoy the privileges of living in our country if they wish to do so. I think it is a great mistake, a blot on our Statute book, that such legislation as this should be put upon it. I must express my great surprise that the British Government should allow such legislation. Do they not see that China might retaliate against us, and against British trade and British people? We say, "No, England is too powerful for them to do so." But is that a good argument, that because we have the power to err and are able to do wrong without suffering for it, that therefore we should do wrong? I say the reason why that power has been given to us and that success has attended us in all our efforts in foreign lands, is that we have used it with Christian effort, and with Christian objects in view in order to raise those whom we think are ignorant to a higher level, and to make them a better, a purer and a happier people. The hon. gentleman from Burrard Inlet has spoken of the impossibility of mixing the races. I do not know that it is of any consequence, or that it is desirable that they should be mixed, but I would remind the hon. gentleman that it is not such an impossibility as he seems to imagine. I dare say he may have some little acquaintance with the Missionary work that is being done in China; I will only speak of the work of the church to which I belong, and which has a missionary in the Island of Formosa who has had wonderful success in his mission. There are now thousands of those people converted to Christianity, who are more earnest, more zealous and more thoroughly consistent Christians than many who can be found amongst us. That missionary married one of his own converts, a Chinese woman. She came into Canada with him a few months ago and passed through many of our cities

and towns where she met with many of our people, and wherever she went she attracted the sincere love and esteem of all with whom she came in contact. She is a most interesting woman, with all the charms and graces of education and refinement. She is doing a good work in educating the young classes of her fellow-countrymen, and she is one of the most efficient assistants to her husband in that great work in which he has been engaged so successfully for so many years. She has done more to elevate the Chinese of Formosa and to bring them to a knowledge of Christian truth than perhaps a score of Englishmen could do. I know as far as I and my friends were concerned it was delightful to meet her. She is just as accomplished and as graceful in her manner and conversation as any of our women in Canada; so that these arguments are entirely out of place and have no weight in my mind at least. I do not wish to trespass upon the patience of the House, but I wish to put upon record my protest against this Bill and my determined and unceasing hostility to any legislation of this kind.

HON. MR. McCLELAN—As several hon. gentlemen have anticipated me in the remarks which I would have made, and have said them so much better, I will not occupy the time of the House. However, I may say with regard to this legislation, there appears to be a great many striking anomalies. In the first place the Chinese Empire or Chinese people undertook a good many years ago to surround themselves by a wall of protection to keep out European civilization and the commerce of other nations. We all know very well how the great British Empire, at the expense of much treasure and much blood, compelled those very Chinese people, about whom we are talking to-night, and whom we are traducing to some extent, to open their ports and admit the commerce and trade of Great Britain. I say it is an anomaly that we here, one of the most enlightened colonies of the British Empire, should be legislating calmly and deliberately to drive those Chinese back, whom we have induced to come out—to drive them back behind their own walls, restrict them from commerce and prevent their proper intercourse

with the world. We all know, too, how the effect of that intercourse has not been so much for their advancement in science and manufactures as to some extent to lead them into practices and vices which are most to be condemned. Then there is the rather singular circumstance connected with this legislation, that while we are spending half a million dollars, more or less, every year, in attempting to get immigrants from Europe to come to our eastern shore and settle in this new Dominion, many of whom are spoken of as pauper immigrants, doing more injury to the very classes of people who are getting up this feeling against the Chinese than any other—I say when we are spending so much money out of our own treasury to encourage immigration in order that this country may be settled, we are on the western shores, spending a large sum annually to keep the eastern people out of this country. We all know the expense attendant upon the commission appointed to go to British Columbia and take evidence regarding the character and habits of the Chinese people. The item of expenditure connected with that commission, appointed to gain information on which to found some such legislation as this, is of itself a very considerable sum of money. Then again, in this very Bill now under consideration, we have sections providing for very large salaries—a maximum of \$3,000 for an interpreter, and smaller salaries for other officials, and these are only items connected with the expenditures which the Government of this Dominion are now proposing to make in order to exclude the Chinese from our western shores, while at the same time we are expending enormous sums by way of assisting immigration from the east, a small fraction of whom remain in the country and the larger number of whom cross over to the United States. Then another thought occurs to me: we are about completing the Pacific railway, upon which so much money has been expended, and we are about inaugurating the opening of that great work—a railway which reaches from ocean to ocean—a work that is calculated to extend our commerce to an enormous extent, to take in the trade with China, Japan and Australia, the extent of which we have heard so much and in connection with which fast running steamers, which I trust may be Imperially

subsidized, are to be established. All this vast trade, glowing accounts of which we have had from time to time, which is to swell the coffers of Canada and produce so much prosperity in this Dominion is to spring from the opening up of commerce with the very people we are now legislating to keep out of this country. These are three things that present themselves to my mind as anomalies of a very singular character. Then we all know that the British Empire and British dependencies have always been recognized as the home of the free—an asylum for all nations—a land where slavery is not allowed to exist, and where a system of exclusion such as we are now putting on our Statute books could find no footing. Yet we, one of the most enlightened colonies on the face of the earth, are undertaking to do, in the face of all these principles that we have learned from infancy to admire and love, and which accord so well with our British institutions—I say we are by this legislation doing violence to all those nobler instincts which have actuated us in the past. My impression about all this is that if all the Chinese who have come in and who have by their perseverance and by their thrift secured a footing in the Dominion of Canada, had the privilege of the franchise, and had somebody to speak for them in this Parliament—somebody who would be interested in their welfare—legislation of this kind would not be so freely pressed through Parliament. But they are not allowed the privilege of voting. Even those who are settled in the country are not under our franchise law, to be allowed the privilege of voting—a privilege which ought to be extended to all classes of subjects of whom we are endeavoring to make good fellow citizens. We have failed to extend to them the privileges which other classes possess; therefore they are without spokesmen; they are without representation, and they are at the mercy of other classes of people who think perhaps that their pockets may be interfered with. From the observations made by my hon. friend from Victoria, and from the evidence which he has quoted, I discover in the character of the Chinese, that they are not only an industrious people, but that they are a thrifty people, a frugal people, and that being

industrious and willing to work, it may be for the purpose of laying by for old age or for a rainy day—being willing to work every day, they can afford to work for lower wages than many who, perhaps, work one-quarter of the time and use the other three-fourths in grumbling or complaining or getting up seditious movements. As far as the usefulness of the Chinese is concerned, the hon. gentlemen, who so ably represent the western provinces, have scarcely appreciated them sufficiently. We all know that British Columbia, although not very densely populated, is a province where the climate is very salubrious, and where there is every advantage of fertile soil, valuable timber, and every facility for extended commerce, and we should look for a considerable manufacturing industry and enterprise in the white population that exist there. Although that Province has been settled for nearly half a century, it is a matter of astonishment to eastern people that with the advantages British Columbia is said to possess—and the statement of which none of us are disposed to doubt—it is surprising that the population of that province, considering it in connection with its mining as well as its other capabilities, remains so limited; and even now, with the extension of our railway, and with the facilities given for the construction of the railway on Vancouver Island, we are not informed of any particular rush of people into that country, except those very people about whom we are going to so very much expense to exclude from that province. I have been informed that operations of certain canneries in connection with the salmon fisheries of British Columbia are impeded for want of these very people; that if the Chinese had not been, by the legislation of last year, prevented from coming to that country, the business of canning salmon would be carried on now to a very much greater extent than it is—that in fact the business of canning salmon is almost stopped in that province for want of these very laborers. Then while the Local Government have provided a charter for the New Westminster branch Railway, a work of considerable importance, earnestly demanded by the people, and opens up a field for the employment of Chinese labor, the people have insisted

that Chinese shall be employed on it, because it is the only practicable way of building it. British Columbia is the only province from which the complaint comes of the immigration of the Chinese people. I have listened with great pleasure to the speeches of other hon. gentlemen, especially to the speech of my hon. friend from Marshfield, and I think the expression of opinion that we have had on this Bill has not been without interest, and I trust will not be unprofitable.

HON. MR. ALLAN—It is only right that I should say a few words on the remarks which have fallen from the hon. gentlemen in the discussion in committee. The Bill was only given to me yesterday evening, and I have not had much time to make myself thoroughly acquainted with its contents; but on looking over the Bill I found it was a measure to consolidate and amend the Act of 1885, and that there were only certain clauses in it which are new clauses. It seemed to me therefore that it was a bill which the House should hardly refuse to accept if they were of opinion that the modifications and changes that were made in the existing law were satisfactory to them. I sympathize very heartily with a great deal that has been said by hon. gentlemen who spoke in opposition to this Bill, and especially with the remarks of the hon. gentleman from Sarnia; and I quite acknowledge that it is extremely difficult to argue against the theoretical view of the question as to the principles which ought to guide us in a matter of this kind and to deny altogether the proposition that seemingly, in the first instance, legislation of this kind is contrary to British principles and British practice. While I acknowledge that theoretically many of those views cannot be impugned, yet when we come down to a practical view of the question we have to put it to ourselves in this way: very great dissatisfaction exists in certain parts of the Dominion in reference to Chinese immigration. A great deal of trouble has arisen in reference to this same matter in other colonies of the Empire, especially in Australia. Speaking for myself at all events, I think the central Provinces of Canada do not feel any inconvenience from this immigration. It does not affect us; it does not touch us; but I

do not know that because such is the case with us we should shut our eyes to the very strong representation made by our fellow subjects from the other side of the Dominion. Before the Act of 1885 was introduced into this House, I read, with very great interest and with a very earnest desire to inform myself of the truth of the case, the very excellent and exhaustive report made on the subject by the hon. gentleman who introduced this present Bill in the House of Commons, and the conviction left on my mind certainly was not quite of such a strong anti-Chinese type as seems to be impressed upon the mind of the hon. gentleman from Burrard Inlet; but I came to this conclusion, that undoubtedly where the Chinese came over in large numbers, and where they formed large communities of their own, that they did become, to say the least of it, a very objectionable population, and that they were in many ways injurious to the parts of the country in which they settled, and it seemed to me that in view of the strong representation made on that point by hon. gentlemen from the part of the Dominion specially affected by this immigration that some legislation was called for. While, therefore, I should feel very reluctant in any way to acquiesce in anything that looks like a know-nothing system—a desire to shut out any race from coming to this continent, we cannot shut our eyes altogether to the representations made by those who are more immediately affected. We have made certain progress on the Bill in committee; it is merely a recast of the Bill of 1885, with some few new clauses and others where slight verbal alterations are made. It seems to me, therefore, the true course for us to take is to go on with the Bill in committee and if there is any clause which hon. gentlemen think is decidedly objectionable and requires alteration, that alteration can be discussed, but there is a great deal of the Bill which may safely be allowed to pass as it is precisely the same as the old law and introduces no new matter.

The clause was agreed to.

On the fifteenth clause.

HON. MR. ALLAN—This is a new clause; it is to make regulations respect-

ing Chinese arriving by railway the same as those applying to Chinese arriving by vessel.

HON. MR. POWER—It seems to me that it is carrying the thing pretty far, when you provide that every conductor of any railway train bringing Chinese immigrants into Canada shall be personally liable to Her Majesty for the payment of the duty imposed by this Act. Under that clause, unless there is some special provision somewhere else in the Bill, a conductor of a train coming from New York to Montreal for instance, that had Chinese on board would be liable to this fine.

HON. MR. ALLAN—I think where it says “in respect to any such immigrant,” that the clause would apply only to immigrants.

HON. MR. POWER—A Chinaman coming from New York to Montreal would be considered an immigrant. I can understand that where Chinese come in vessels from China to British Columbia the Captain should be made responsible, because they are under his control and he knows all about them, but to say that the conductor of an ordinary passenger train coming from, New York or Chicago or some other place in the United States, should be made liable to the penalty set forth in this section because a Chinese passenger happens to come on his train is really going too far altogether. It is just one of those things that is calculated to cause this country to be held up to scorn and contumely and ridicule abroad. That clause needs modification and I hope my hon. friend will let it stand over.

HON. MR. SCOTT—When this Bill was introduced last year I felt a great deal of repugnance to it and many hon. gentlemen who viewed it in the same light that I do accepted it only because it was assumed to apply solely to British Columbia. Now the the intention is to apply it to all other parts of the Dominion, and as pointed out by the hon. gentleman from Halifax, here is a clause which applies almost to our very doors. There are Chinamen in Canada going backwards and forwards continually, and are we to say that no Chinaman can come in from

the United States or if he goes to the United States he cannot return to Canada without payment of this duty? I think the idea is perfectly monstrous, and I for one will test the sense of the committee before allowing it to pass. I do not propose that we should allow the whole of Canada to be placed in the humiliating position that British Columbia occupies on this subject. It is so repugnant to all that is English, and honorable or right that one can hardly discuss it in a proper frame of mind. To say that British Columbia will press us into this kind of legislation is absurd; I for one protest against it and I ask that the sense of the committee be taken on this clause. We acquiesced in the proposition as far as British Columbia is concerned, but I for one will test the sense of the Committee on this clause and I shall oppose it at every stage of the Bill.

HON. MR. ALLAN—I would not like my hon. friend to feel so much outraged at this proposition; but so far as I can understand the clause I should say it applies only to cases of immigrants coming into the country in a body. I will be very glad to allow the clause to stand over to see if it cannot be amended.

HON. MR. SCOTT—I will take the sense of the Committee on it, as every Chinaman living in Canada has occasion to go backwards and forwards between this country and the United States, and he would under this clause be classed as an immigrant.

HON. MR. POWER—I hope the hon. gentleman from Ottawa will not insist on dividing the Committee now, because the hon. gentleman who has charge of the Bill says that he will not press this clause and will see if it can be modified. I can understand how it can be modified so as to prevent Chinese from being brought in by railway to British Columbia and shall not apply to other provinces. If the people of British Columbia wish to prevent Chinese from going in there I am not altogether disposed to insist that the Chinese shall be allowed to go in, but I think that they should allow us to permit the Chinese to come into the eastern provinces, so long as we do not object to them. I would call the

attention of the hon. gentleman who has charge of the Bill to another very objectionable feature about this clause. Supposing that a single Chinese passenger from New York comes in here by an express train; under this clause, the conductor has immediately on his arrival to leave his train and report this Chinaman to the Collector of Customs. That would be putting the conductor to a very great inconvenience and trouble. It might do in British Columbia but it certainly will not suit the circumstances of the older Provinces.

HON. MR. WARK—There is a stronger objection than that: supposing a Chinaman finds his way to Nova Scotia and goes to a ticket office in Halifax and buys a ticket to travel over the government road to St. John, are you going to fine the conductor of the train on the government road for not putting that man off who has bought his ticket and paid for it to be transported from Halifax to St. John? This is bringing the matter home to ourselves.

HON. MR. HOWLAN—I hope the hon. gentleman who has charge of the Bill will see the propriety of allowing this clause to stand over. There may be some explanation of it that we have not got.

HON. MR. SCOTT—I think it should be understood that this Bill is only to apply to British Columbia, because I see the following clauses are quite as objectionable as this one.

HON. MR. ALLAN—I hope the hon. gentleman from Ottawa will not divide the committee, but will allow the clauses 15 and 16 to stand over. I am just as anxious as the hon. gentleman to make this Bill as good a measure as it can be to commend itself to the support of the House. I am not particularly anxious to see improper clauses pass, and I will be very glad to see this clause recast to meet the views of the House. I would suggest that the clauses from 15 down to 18 shall be allowed to stand.

HON. MR. SCOTT—And clause 19 I shall insist on standing also. Clause 19

is, I think, one of the most objectionable clauses of the Bill.

HON. MR. PLUMB—The registration system prevails everywhere. There is no hardship in asking a man to register himself—at least it would be no hardship if he were not a Chinese. Why should he not register?

HON. MR. SCOTT—Because the Chinamen in British Columbia are scattered throughout the mountains in remote places where they may never hear of this Act. They are living amongst a population that are prejudiced against them, and who are prepared to incarcerate them in prison the moment they can do so under sanction of law; and I say it is entirely un-Christian-like and not in harmony with anything that is fair or right to expose those unfortunate people to be taken by the throat and put in jail for not doing a thing of which they are entirely ignorant. It would be extremely unfair for us here to put on record such legislation. I would say that no Chinaman ought to be subject to that penalty—a penalty of \$50, or to imprisonment for a term not less than three months—for an offence of which he may not be wilfully guilty. I say that unless the Chinaman refuses to register after his attention has been called to it there should be no penalty. The mere fact of his failing to do it ought not to subject him to so severe a penalty. We do not punish criminals even unless they intentionally and wilfully commit crime. This is not a criminal offence of any kind whatever. These people are living in total ignorance of our present legislation, and the moment the 31st of December next arrives, these poor people in the wilds of British Columbia are liable to this penalty, or to be incarcerated in jail if they have not registered. I ask if it is reasonable, or fair or just? If they are aware of it, and their attention is called to it, and they refuse to register, then attach any penalty you please. But until they refuse with the knowledge that it is necessary with our law to register, they should not be liable.

HON. MR. NELSON—The hon. gentleman has made a statement in regard to British Columbia that cannot in any way

be substantiated. The people of British Columbia are not at all of the character that the hon. gentleman has stated. They are known to treat the Chinese very well. All that the people of British Columbia ask by this Bill and by former Bills is that the coming of those people into the province shall be restricted; but as far as any improper conduct towards those who are in the country is concerned, the hon. gentleman is mistaken—he can substantiate nothing of the kind. Although the time may be a little short for a knowledge of this law to reach Chinamen, still the Chinese throughout British Columbia are in constant and continual communication with the Chinese in Victoria, and a knowledge of this law can reach almost every Chinaman in the Province.

HON. MR. MACDONALD (B. C.)—Does not the hon. gentleman know that Chinamen are continually attacked in the streets by boys, their baskets of clothes taken from them and thrown in the dirt, and their heads broken with stones. I have seen it done myself over and over again.

HON. MR. NELSON—I say that cases of that kind are occurring in every community, but as a people the Chinese are well treated in British Columbia. The statement the hon. gentleman has made here to-day in regard to the matter he would hardly care to make to any community in Victoria. Boys in every part of the world are boys. Boys commit outrages here and in all parts of the world; but as far as the treatment of the Chinese in British Columbia is concerned I say they are not improperly treated. I say it is entirely a misstatement and entirely traducing the character of the people of British Columbia to say that they ill-treat the Chinese.

HON. MR. HAYTHORNE—I do not know that I have ever before taken part in any legislation which imposed penalties, in which there was not some element of mercy; but I look in vain for anything of the kind in this Bill. Generally, if a man offends unwittingly against a law, there are gradations of punishment provided for it; but I look in vain for anything of the precious principle of mercy in this unhappy Bill.

HON. MR. SCOTT—I would suggest that the clause should be amended so as provide that the Chinaman shall be punished only for wilfully and knowingly refusing to enroll himself.

HON. MR. ALLAN—It would seem, reading clause 19 alone, that it would be a hardship to impose a penalty on a Chinaman if he did not register himself within the time specified by the clause, as he may be entirely ignorant of the law. Of course our own fellow-subjects are supposed to take notice of the law, and no provision would be made in that respect so far as white men are concerned; but clause 20 provides that where the Chinese are scattered throughout the country the Chinaman may make that declaration for registration of himself and his family before a Judge of the Superior Court, stipendiary magistrate, a justice of the peace or the mayor of a municipality.

HON. MR. SCOTT—But he must know of it.

HON. MR. ALLAN—I do not see myself that there could be any objection to amending the clause as the hon. gentleman suggests, but I would prefer to allow the clause to stand over and consult the hon. gentleman in charge of the Bill in the other House before adopting the exact phraseology.

The clause was allowed to stand.

The twenty-eighth clause was also allowed to stand over.

On the preamble of the Bill,

HON. MR. POWER—I would at this point make a suggestion to the hon. gentleman in charge of the measure: this Bill appears to be desired only by the people of British Columbia; I do not think that any desire has been expressed for such legislation from any other Province, and the suggestion I was going to make is that in the concluding clause of the Bill the Government should be given the power to put the Act in force in any Province they please by proclamation; so that if they do not think it desirable to bring it into operation in any other Pro-

vince they need not do so. I think the better way would be to let the Act go into force only upon the issue of a proclamation of the Governor in Council; perhaps that would be a better way of getting over the difficulty.

HON. MR. HOWLAN—I should decidedly object to that. I do not think the Maritime Provinces will accept such a clause.

HON. MR. PELLETIER—Why not limit the operation of the Bill to British Columbia alone?

HON. MR. POWER—I am not saying that I want to apply it to the Maritime Provinces; as it stands now it applies to all the Provinces, and my suggestion is that the Bill should be so worded that it shall only go into force in any Province on the issuing of a proclamation by the Governor in Council, bringing it into force only as to that Province; and I presume the Governor in Council would not bring it into operation in any Province except those who desired it. Then as to clause thirty-two I think it is exceedingly unreasonable, considering the comparatively ignorant character of Chinese immigrants, that the burden of proof should be on the immigrants that he had registered. His registration will be in the hands of the proper officer.

HON. MR. GIRARD, from the Committee, reported that they had made some progress and asked leave to sit again on Tuesday next.

#### SECOND READING.

Bill (87) "An Act to incorporate the Kootenay & Athabasca Railway Company." (Mr. Macdonald) was read the second time without debate.

#### CANADIAN PACIFIC RAILWAY AMENDMENT BILL.

#### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (131) "An Act further to amend an Act respecting the Canadian Pacific Railway." He said: This is a Bill

for the purpose of authorizing the Government to receive back from the Canadian Pacific Railway Company a loan amounting to nearly \$20,000,000, which it will be remembered had been advanced to that road two years ago. It also authorizes, upon the payment of that \$20,000,000, that the Company shall be released from a debt of \$9,880,900, by permitting the Government to retain out of the land grant a sufficient quantity of lands at \$1.50 an acre to cover that liability, those lands to be of the same average quality as the land already taken by the company. It also provides that the sum now held by the Government to ensure the running of the road, which is a sum of five millions of land grant bonds, shall be released to the company. These are the provisions of this Bill, with a minor provision about the issue of bonds on the Algoma branch which, in a former Act, was not clearly defined. It simply allows them to issue bonds, which shall be a first lien on the branch railway. As far as I can see, there could be no objection to that. The mode of securing mortgage bonds is such as is described in the charter of the company. They also have the power to issue land grant mortgage bonds to such an amount as they deem fit, not to exceed \$2 an acre. The amount shall be approved by the Governor in Council. Then it also provides that the lien on those lands through the mortgage bonds shall be the same as in the original Act. There is no change in that. Then the surrender of the five millions bonds under the provisions of this Act—the land grant bonds—shall be made when, according to the contract, the road has been duly completed and is open for traffic, and that at that time the disqualification of the shareholders from becoming members of the Senate or House of Commons, because of being such shareholders, shall be removed and determined, because by the operation of this Act the connection between the road and the Government will be severed. One great object in this legislation is to have a final settlement with the Canadian Pacific Railway Company, and to let them stand as any other corporation, except the control the Government has over that as over any other corporation in regulating its tariff. The two points in regard to this—of course as to the

receiving back the money which we have loaned I do not suppose there can be any very serious objection—but the points to be considered are, first the taking back of the land and surrender of the debt—the cancellation of the \$9,800,000.

HON. MR. DEVER—We are buying back our own lands.

HON. MR. PLUMB—The next is the surrender of the five millions of land grant bonds; the next point is the permission to the Company to issue upon their land grant, at not less than \$2 an acre, an amount such as they desire to issue, having first the sanction of the Governor in Council. Another point is that those who have been heretofore disqualified from entering Parliament shall have that disqualification removed. Those are the points of the Bill. I may say in regard to the first that it does not need discussion. In regard to the second, it will probably be satisfactory to those gentlemen who have all along predicted that the road would not pay anything. It pays a substantial amount of its debt back, and the lands are taken at a valuation which certainly has been put upon those lands—in fact a much higher valuation has been put upon them. The receiving back of the lands, therefore, is to a certain extent sanctioned by the estimate which has been made of the lands by those who have discussed the Bill from time to time in the other House. As to the question of surrendering the five millions of bonds held for ensuring the running of the road, I may say that the road now has arrived at a position where it will be almost, one might say, unnecessary to hold any such security. The road is one of the most important on this continent. It will be within a very few days, as I am assured by the report of the company adopted at its last meeting, running from ocean to ocean. It is understood to be a first class road in every respect, and the stock itself is now selling in the market at 65 to 67 cents on the dollar; the bonds are selling at 104 to 106. The credit of the company is ample and it is desirable for the road that this legislation shall be obtained as quickly as possible, in order to enable them to perfect their negotiations and make their arrangements for their



summer traffic. I can say that when a company like this shows us, as this company does, that they have 336 locomotives, 289 first class carriages, 7,838 freight and cattle cars and other equipment of that kind, it is very evident that they are not only prepared, but expect to do an enormous business. I may say that this equipment is larger than that of the Northern Pacific—larger than that of either the Union or the Central Pacific—and that the earnings of the Union and Central Pacific together last year were \$40,000,000. I do not know that this road will ever come up to that; but I think it will be a safe, fairly paying line, and I think there are so many interests concerned that it is impossible that that line, once opened, will ever be closed, but that it will be kept open and continue to run. Its earnings are increasing. There is every encouragement for those who have anything to do with it, and the keeping back of \$5,000,000 of land grant securities is almost, I will not say an insult, but something approaching it, to an undertaking like that which is, to a large extent, a national undertaking, which is the most important work for the benefit of Canada that has been made, or is likely to be made in our day. It cannot be too often repeated that this road controls by a single line under a single management, and controls with a very moderate stock account, with a very small bonded debt, a traffic from ocean to ocean, and that there is no other road on this continent that can make a price from ocean to ocean without being hampered by the demands, not only of competing lines but of connecting roads, because all the Pacific railways extend only to the Missouri and Mississippi Rivers, and take their start from there to the Pacific coast. For instance, the Union Pacific Road is only 746 miles long. The Central Pacific is 864—that is 1,610 miles altogether. This road of ours is about 2,679 miles in length. The Northern Pacific is 1,831 miles long. Therefore all the rest of the connections of those roads in the United States to get to the Atlantic seaboard must be made over half a dozen different lines. The advantage that the Canadian Pacific Railway has is that of controlling the traffic and of making a low price for through freight, having its termini at Liverpool and

Hong Kong, because a line of steamers will be placed on the Pacific Ocean and another on the Atlantic to connect with both ends of the railway. Both of these are suggested and foreshadowed by the report of the directors of the company. I need not enlarge upon this. The questions to be considered are the taking back, or rather the reserving of land enough to cover the nine millions, and releasing the five millions of bonds. All the other matters are merely matters of detail to which there could be no objection, and I imagine that the House, upon hearing the statement, will be prepared to allow me to move that the Bill be now read the second time.

HON. MR. ALEXANDER—I desire to define my position in respect to the vote which I shall give upon this Bill. As regarding the rapid completion of the whole of this public work to Port Moody before the year 1891, my views respecting that policy of the first Minister, Sir John Macdonald, are well known. I believe the large majority of our practical commercial men, are of my opinion that it would have been more prudent to have constructed the line first as far as Regina, or Calgary, and then build the Rocky Mountain portion gradually during the next five years, with a view to the colonization and settlement of our Pacific Province British Columbia, employing no Chinese but the labour of European immigrants or Canadian citizens who may choose to go there. By such a policy our Pacific Province would have been far more benefited. The millions expended would have, during those five years, promoted the colonization of that province and many of those employed would have taken up locations around Kamloops and other fertile portions of those valleys. My feeling was that we must act upon our past experience of the ever recurring jobbery of this Colonial Government, in connection with every projected public work; and having before us the practical fact, that the capital account of the short line known as the Intercolonial Railway at the time of completion, amounting to \$22,500,000 has since been swollen to \$39,000,000. It was from such considerations, apprehensive that the hurried completion of such a colossal line

as the Canadian Pacific Railway, 2,900 miles long, might overburden our people with taxation and create discontent. Now hon. gentlemen, if those natural apprehensions have not been realized, I naturally ask myself, whom have we to thank for the great achievement of having carried to successful completion this great public work, without embarrassing, as yet, the public finances of the Dominion? It is certainly due to the leading minds of the Canadian Pacific Railway Syndicate—namely, Sir George Stephen, the Hon. Donald A. Smith, Mr. W. H. VanHorne and Mr. Angus. We must confess that their great financial skill—their engineering talent and prudent management in the execution of this enterprise, have surprised everyone—I may say have surprised the whole world, and their success may well command the gratitude of the people of this Dominion. The manner in which they have done the work which they undertook, has relieved the public mind of much anxiety. And I would only express the hope that if these gentlemen continue to operate this great highway with the sparse population now existing, they may not personally suffer financially to such an extent as to swallow up everything they possess.

That being in my humble judgment the position, I do not think that this Parliament should act unworthy of itself and refuse to grant this Bill; I believe the sentiment of the country is that we should grant any fair and reasonable demand to sustain a road which is calculated in the course of time to rivet in indissoluble bands the western and eastern portions of the Dominion. Population has not gone into our North-West as rapidly as was expected, from several causes; one of the most prominent of those causes was the well-known neglect and mismanagement of our North-West by the Department of the Interior, leading to widespread discontent and to the fatal outbreak at Prince Albert. In dealing with the Pacific Railway syndicate in future, we must in common justice take this into consideration: that from the acknowledged partisan appointments throughout our North-West, and consequent wrongs and evils growing therefrom, which led to such a disastrous insurrection, immigration has been seriously checked, and of course the Canadian Pacific Railway Company

have materially suffered. They have not, in consequence of this, been able to sell their lands, and we cannot wonder that they should come to Parliament now with the proposition set forth in this Bill. Before announcing that, upon these grounds, I shall conceive it my duty to support this Bill, I desire to take this opportunity to acknowledge that the First Minister, Sir John Macdonald, displayed unsurpassed judgment in placing this enterprise, as he did, in the hands of such men of integrity, of engineering skill, and undaunted courage as the Canadian Pacific Railway Syndicate, to enter upon such a Herculean task. I have only to express the hope that their enterprise may be crowned with success, and I most heartily support the Bill now before us.

HON. MR. POWER—The hon. gentleman from Woodstock has broken out in a new place this evening. He comes before the House as a humorist. When I heard him describe the wonderful skill with which Sir John Macdonald selected the Canadian Pacific Railway syndicate, I could not help thinking that he was a perfect Mark Twain. The fact is that if there was any selection it was the Syndicate that selected Sir John Macdonald. We all know the sort of relationship that existed between Sir John and the majority of the members of the Syndicate at a comparatively recent date. We remember the closing scenes of the session of 1878 and what took place there between Sir John and a very prominent member of the Syndicate, one of the gentlemen whom the hon member from Woodstock has held up to our admiration; and it seems a highly improbable thing that he was the sort of person to whom Sir John Macdonald would have chosen to hand over a great contract if he had had his choice. The truth is that the Government were very anxious to get rid of the task of constructing the Canadian Pacific Railway. They had sneered at the manner in which their predecessors had tried to do the work; and then they tried for a year or two themselves to carry it out, and found that they were making a bad job of it, and looked around for somebody to do it, and it happened that the gentlemen who constitute the Canadian Pacific Railway Company of the present day—at

least a majority of them—those who composed the Syndicate of 1880, presented themselves and indicated their capacity to go on with the work. The Government were delighted to get anyone to take it off their hands, and they handed it over to the Syndicate. I think it a huge joke, even for the hon. gentleman, to say that Sir John showed his usual skill and judgment in selecting the members of the Syndicate. I thought it was not a bad jest either to say that the Pacific Railway had cost the country a very small sum. I was under the impression that it had cost the country a very considerable amount. I have not the figures by me, but if I say that it cost \$70,000,000 in cash, and at least half as much more in land—

HON. MR. ALEXANDER—The whole line will cost us about \$80,000,000.

HON. MR. POWER—\$80,000,000 in cash?

HON. MR. BOTSFORD—That is not correct.

HON. MR. POWER—I have not the figures before me, but I can go pretty near that amount now. The Government had spent some \$35,000,000 themselves in constructing portions of the Railway before they handed the work over to the Syndicate. They gave the Syndicate what they had done. They gave them \$25,000,000 in cash as a subsidy—that makes \$60,000,000. Under this measure before us we are allowing them to retain a sum of about \$10,000,000 which we had loaned—that makes \$70,000,000, and unless I am mistaken there was another sum besides.

HON. MR. BOTSFORD—We get land back.

HON. MR. POWER—They have received from this country \$70,000,000 in cash. As to the lands, that is a matter to be discussed some other time. Then we gave them exclusive privileges in connection with railways in the North-West country which were of considerable value to them and involved considerable loss to the settlers of the North-West. Under these

circumstances, I think my hon. friend cannot be serious when he wishes us to believe that this road cost the country only a small sum. Nor can I, with all respect to the ability of the gentlemen who make up the directorate of the company, see that there is anything so very marvellous in the way in which the work has been done.

HON. MR. BOTSFORD—The whole resources of the British Empire, we were told, could not do it in the time.

HON. MR. POWER—I am not responsible for what others have said. I am only responsible for my own opinions about this matter; but my opinion is that at the present day, and with labor abundant as it is now, and with the material for railroad building exceedingly cheap, as they have been during the past few years, with unlimited means almost anything can be done, and that has been practically the position of these gentlemen. They have had all the money they wanted and when they wanted it. Under these circumstances I do not think there is anything very marvellous in the work they have done. I do not want to decry their ability. Their financial ability has been shown in other fields; and I think they got the work through very fast, but still I do not marvel at it. They deserve credit; but they are not objects of wonder by any means. As to the merits of this Bill I do not propose to say very much. I suppose it is not a bill that we could very easily vote against *in toto*; because it proposes to refund to the Government of Canada \$20,000,000. I may say that my honest feeling, when we were loaning that money to the Canadian Pacific Railway Company, was that we should never see it again; and I am very glad to find that to that extent I have been disappointed. The money has come back and we are so much better off than I expected. That fact is due to the success the Company have met with in disposing of their bonds in the London money market. The main fact of this transaction is the refunding of this \$20,000,000. Then the other point, to which the hon. gentleman who is in charge of the House just now did not make much reference, is the remitting by Canada of nearly \$10,000,000 to the Company on receiving back lands.

HON. MR. POWER.

HON. MR. PLUMB—I stated it clearly.

HON. MR. POWER—The hon. gentleman stated it, but did not lay much stress on it. I think for all practical purposes, that is making a present to the Canadian Pacific Railway Company of \$10,000,000 or thereabouts. I shall try to make it clear. Hon. gentlemen smile at this, but what are the facts. The facts are that we now have a great deal more land in the North-West than we can find takers for. Getting 10,000,000 more acres into our possession is no advantage to us, at the present time at any rate. We know that up to the present time the lands in the North-West have not paid the Government the cost of surveying and laying them out and the cost of administering them. What financial gain is it to the country, with hundreds of millions of acres on our hands, that we should get ten millions more? It is no gain at all.

HON. MR. PLUMB—It is this gain. These lands are in the vicinity of the railway. The settlement there has taken up a very large amount of the railway lands. The Railway Company itself has not sold much land, but the alternate sections have been sold to a very large extent, and in Southern Manitoba and west of Southern Manitoba the lands are to a large extent taken up and absorbed. So this is very different from taking lands in the general area of the country away from the railway, and the hon. gentleman will remember a valuation was put on these lands given to the Canadian Pacific Railway, and these are among them—higher than we took them back at.

HON. MR. POWER—I am looking at it as a business transaction to-day, and we know the Railway Company, who ought to be able to dispose of their lands better than the Government have not been able to sell much of these lands; consequently I am not far out when I say that the lands to-day are of very little practical value to the country.

HON. MR. PLUMB—They have sold very nearly \$10,000,000 worth.

HON. MR. POWER—The country will not make \$10,000,000 out of them. If

settlers go in there that will be an advantage to the country, and the settlers would go there as quickly—probably more quickly, if that land were in the hands of the Railway Company than otherwise. I have already stated that I did not expect the company would refund the \$20,000,000; that is more than I thought we should get, but I think it is only right that we should look at the true nature of the transaction; and it is practically that we are remitting to the company \$10,000,000 of the money they have borrowed on our credit. There is another point that the hon. gentleman did advert to, and I think it deserves some notice. The Government hold now a security—not a large security, but a respectable security—for the operating of the road after its completion. They propose in addition to giving the company ten millions of dollars to release the security of five millions of bonds, which they hold as security for the operation of the road. Now I feel that the Government in this matter are trustees for the public, and I do not think they are justified in releasing that five millions because it may be that the Government fancy to-day and the people believe, that the road will be operated satisfactorily; but supposing we dissolve the connection between the Government and the company, and the latter find it is not to their advantage to operate the British Columbia section of the road—and I believe it will happen, that the company will not find it to their pecuniary interest to operate the British Columbia section—what lever have the Government to oblige them to carry out their contract, if we surrender this security? There is none. I do not think the Government in this matter are doing their duty in surrendering that lever. The hon. gentleman gave as a reason why we should surrender this security that it was to sever the last link which connected the Government and the Company. I think it is a very good thing that the Government and the Company should be severed; but the hon. gentleman has forgotten another very important link, that is, the restriction upon the right of the people of Manitoba to construct roads south of Canadian Pacific Railway. That monopoly it was understood was not to extend beyond the completion of the road

north of Lake Superior, as regards Manitoba at least; and it is a very important link of connection between the Government and the Company; and I think that the monopoly should be surrendered before the five million dollars in bonds are surrendered. This is a very important question; but the hour is late and I do not propose to detain the House any longer. I only wish to say that a feeling seems to have got abroad that those members who take the liberty of criticizing the transactions between the Government and the Canadian Pacific Railway Company were enemies to the country and enemies to the members of the Canadian Pacific Railway Company individually. Nothing of the sort is the case. The members of the Canadian Pacific Railway Company or rather of the Board of Directors are very shrewd, able, enterprising business men. They are able to look after their own interests, and it is the duty of Parliament and the duty of the Government to see that in the transactions between the company and the Government the country gets fair play; and any criticisms that have been directed at these transactions have been directed at the Government and not at the company. As a matter of business any company will try to make the best terms they can with the Government or any other body, and I think the Government in many of those transactions with the company have laid themselves open to criticism. In the present transaction the Government are open to criticism: first, because they are remitting ten millions of dollars which the company owe to the country; secondly, because they are giving up unnecessarily the security which they hold for the operating of the road, and in the next place that they allow a monopoly to continue, which is an injury to the North West.

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

The Senate adjourned at 10.30 P.M.

HON. MR. POWER.

## THE SENATE

*Ottawa, Tuesday, May 25th, 1886.*

THE Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

### SECOND READING.

Bill (119) "An Act to amend the Act relating to the Winnipeg and Hudson Bay Railway Steamship Company." (Mr. Girard.)

### THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbors, were read the third time and passed without debate:—

Bill (86) "An Act to incorporate the North American Telegraph Company." (Mr. Sullivan.)

Bill (87) "An Act to incorporate the Kootenay and Athabasca Railway Company." (Mr. Macdonald, B.C.)

## THE RIEL QUESTION.

### ENQUIRY POSTPONED.

HON. MR. TRUDEL rose to

Call the attention of the House to the grave errors committed in the statements of two of the Honorable Members of the Government in two manifestoes, one of which has the character of an official document, which have been printed and publicly circulated, the one being entitled "In re Louis Riel convicted of treason and executed therefor;" and the second "The Riel Question—Letter of the Honorable J. A. Chapleau." And to inquire of the Government whether it is their intention to correct these errors, by an additional declaration upon the same subject or in any other manner?

He said: This matter is of considerable importance, and I feel some difficulty in bringing it before the attention of the House at this late period of the session. I may explain that I was ready to bring the matter up at an earlier period, but at the request of the leader of the House I postponed it until after the adjournment. After the adjournment we all had to regret the illness of the leader of the House, and

I thought proper, under the circumstances, to postpone the matter until to-day. If I go on with it now it may interfere seriously with the business of the House, and as I do not wish to impede the public business, with the consent of the House I will allow it to stand for the present.

The motion was allowed to stand.

## WORKS CONSTRUCTED OVER NAVIGABLE WATERS BILL.

### THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (130) "An Act respecting certain works constructed in or over navigable waters."

HON. MR. POWER said: The hon. member in charge of this Bill was good enough to say the other day that if the hon. gentleman from Alberton and myself could arrange with the Minister of Justice as to certain amendments which we thought desirable, the Government would have no objection to them. I wish to say that since that time the hon. gentleman from Alberton and myself have seen the Minister of Justice and shown him the amendments which I am about to move. He said he had no objection to them; in fact he seemed to think was necessary, I therefore move, seconded by the Hon. Mr. Howlan,

That the said Bill be not now read a third time, but that it be re-committed to a Committee of the Whole House, for the purpose of amending the same by adding the following words to the first clause: "and 'lawful work' means and includes any 'work' not contrary to the law in force at the place of the construction thereof at the time of such construction;" and also of inserting after "contained" in the first line of the seventh clause the following words: "except the provisions of the first and fifth sections."

I may say there is a reference to lawful work in the fifth clause, and lawful work is not defined. Although a court might define it, as we propose to define it by this amendment, it is not clear on the face of the Bill, and it might lead to doubt and difficulty which it was thought better to remove. Then clause seven provides,

Nothing hereinbefore contained shall apply to any work constructed under the authority of any Act of the Parliament of Canada, or of the Legislature of the late Province of Canada, or of the Legislature of any Province now forming part of Canada, passed before such Province became a part thereof.

Clause five is as follows:—

Any lawful work may be rebuilt or repaired if the interference with navigation is not increased by such rebuilding or repairing.

Of course it is necessary that the provisions of that sixth clause should apply to these works mentioned in the seventh clause as well as to the other works. The Minister of Justice saw at once that it was a necessary and desirable amendment.

The motion was agreed to and the House resolved itself into a Committee of the whole for the purpose of making the amendments.

HON. MR. BOTSFORD, from the Committee, reported the Bill as amended.

HON. MR. POWER moved that the amendments be concurred in.

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

## BILLS INTRODUCED.

Bill (137) "An Act respecting the Carleton, City of St. John, Branch Railroad." (Mr. Plumb.)

Bill (136) "An Act further to amend the Act respecting fishing by foreign vessels." (Mr. Plumb.)

## CHINESE IMMIGRATION BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (106) "An Act to amend and consolidate as amended the statutory provisions respecting Chinese Immigration."

In the Committee,

HON. MR. ALLAN said: When the Committee rose the other night and reported progress, there were certain clauses in the Bill which were reserved for further consideration, and I propose now, with the

permission of the House, to go through those clauses, and state what alterations I propose to make in them. The first is in sub-section C of the second clause. "The expression Chinese means any person born of a Chinese father." I propose to amend that by inserting the words "Offspring of a Chinese father." Then, in clause B, section eight, an amendment was suggested by the hon. gentleman from Victoria with regard to merchants. I propose to carry out that suggestion by inserting the word "Merchants" so as to read "merchants, tourists, men of science, students, etc." Then, with respect to clause fifteen, which has excited a good deal of discussion, I propose to amend it so as to make the conductor liable only when willfully contravening the law.

HON. MR. HOWLAN—Supposing the company requests the conductor to carry the Chinese passengers through, he is bound to obey, as he is the company's servant.

HON. MR. ALLAN—The conductor is merely made responsible under this clause for that which he will have no difficulty in doing—to furnish the controller with the number of Chinese on board, and there is no difficulty in his making a declaration that they passed through Canada on that train or car. Clause nineteen seemed to me to be one of the harshest clauses in the Bill; it provides that every Chinese person resident in Canada at the time of the coming into force of this Act shall register himself and the members of his family with the chief controller, etc., under penalty of \$50, or imprisonment for not less than three months. It was urged with great justice, and I felt the point very strongly myself, that many Chinese residents at present in the country would not be aware of the passing of this Act, and would know nothing about the provisions of this clause; it would be a very harsh measure to expose them to such a penalty if they failed, from want of knowledge, to register themselves before the 31st December. I thought it was but right, if this is to be enforced, that those to whom the carrying out of this Act is entrusted should be the parties to see that the Chinese are notified; therefore, I have amended the clause so that it will read,

"For wilfully failing to do so before the 31st December, after having been notified by the controller or person authorized to carry this law into effect."

HON. MR. HOWLAN—How are you going to notify them—in writing?

HON. MR. ALLAN—It is not provided whether they are to be notified in writing or not. Then, I propose to amend clause twenty-one so that it shall not apply to the children of Chinese who have become permanent residents in the country.

HON. MR. HOWLAN—Supposing that an Englishman is married to a Chinese wife and she has children?

HON. MR. ALLAN—A case of that kind is covered by the expression "offspring of a Chinese father." Those with other trifling amendments are the alterations I propose to make in the Bill, and I think with those changes the Bill will meet with the concurrence of the House. When I spoke on this subject the other night I frankly confessed that my sympathies did not run very strongly with the Bill, and I was honestly desirous, while acceding to what was supposed to be the very strong wish, to which some respect should be paid, of the residents of a part of the Dominion that this Bill should not be made to bear with undue harshness upon this race all over the country. I think, with the amendments I have suggested, the Bill will be a fairly good measure and if it meets with the approbation of the House I would now move the adoption of the first amendment in sub-section C. of clause two by striking out the words "Born of" and substituting "Offspring of."

HON. MR. HOWLAN—I must confess the more I look into this Bill the more convinced I am that it is the most iniquitous measure that I have ever seen introduced into Parliament. Take for instance the 12th clause: What does it amount to? For \$50 you can bring into this country the worst man in China: the payment of that amount condones all his offences and removes all his disabilities. The Chinaman never came to this continent unrequested. The history of Chinese immigration into America is well

known to all who have paid any attention to the subject. In 1849, when labor was very dear in California, and everything was in a sort of chaos there, thoughtful intelligent men looked abroad for cheap labor for the purpose of developing the industries on the Pacific slope. The American Government selected the Hon. Anson Burlingame to proceed to China to request the Government of that country to send some of their people to the United States. What did the Chinese Government do? Did they accept the offer and promise to send their people to this continent? No. They said very properly "We will send a delegation of intelligent and competent men amongst ourselves to examine your institutions and study your habits, customs and manners and your regulations with respect to the industries of America and the labor employed in them, and if, when they report back to the Government of China, we see fit to recommend the emigration of our people to your new country we will do so." When that Chinese delegation came to the United States they were dined and wined in all the leading cities they visited: they were received in Washington, San Francisco, Chicago, Philadelphia, Cleveland, Detroit, New York, Buffalo and Boston. The papers teemed with the great blessings which were going to flow into the United States by having this cheap labor, especially in California and some of the western States, which were not at that time so much developed as they are now. Those who remember the condition of affairs in the United States at that time know that the whole of the manufacturing towns of New Hampshire, Vermont and Massachusetts were thrown into a turmoil of discontent, worse than we have at the present time in Chicago with strikes. The manufacturers of boots and shoes, hats and caps, ready made clothing, hardware of every description, cottons and woollens looked upon it as a great advantage to be able to procure this cheap labor. Between 1854 and 1859 very strong opinions were held with regard to what was termed the "foreign" population in the United States—that they were forcing what was called the Americans out of the labor field. Those ideas led to the formation of large organizations of what were then called the "Know Nothings". It was no uncommon

thing to find in the railway cars in the New England States ladies and gentlemen travelling accompanied by Chinese servants; it was no uncommon thing to find five or six hundred operatives in a manufacturing industry in Lynn or other New England manufacturing towns turned out of employment to be replaced by Chinese. It was thought at that time that all avenues, social and otherwise, were open to the Mongolians. The press of the country, daily, weekly and monthly, welcomed them into this new country, and they did come in myriads. When the gold fever died out in California, many men, owing to the existence of this cheap labor in the country, launched forth into the cultivation of many products that have become more productive than even the rich gold mines of the State in their best days. Three years ago the export of wine from California was larger than the largest yield of gold in the State in any one year. Tobacco, silk, cochineal, indigo and other products have been brought to perfection through Chinese labor; the Union Pacific and Northern Pacific could not have been built without the Chinese, and I have very grave doubts if our Canadian Pacific Railway could have been constructed so rapidly but for the same race.

HON. MR. NELSON—Yes it could.

HON. MR. HOWLAN—What California was then, British Columbia may be very soon. Those who have paid attention to the present position of that Province know that the products for which its soil and climate are particularly suited cannot be produced without cheap labor. They have untold millions in valuable minerals wrapped up in the mountains; they have also along their river bottoms most productive soil which can be made exceedingly valuable by means of cheap labor. Yet here, at the very outset, when we boast that we have completed a railway 3,000 miles in length, opening up a vast area of fertile lands, we are asked to exclude the Chinese, the very people we want in this country. We have heard a good deal about the vices of the Chinese. We have heard about their prostitution, as if there were no vices and prostitution in the great cities



of this country and Europe. It is questionable whether, under the high civilization of which we boast, we are any better in that respect than they are. We are told that in the United States legislation similar to this has been adopted; but it was only after having had the benefit of the labor of these people for years, and after the completion of the works to which I have adverted. Take the arid plains in the western part of this continent. Take southern California and other sections of the neighboring republic, and you will find that the Chinese have conducted more than any others to make them productive—that to them mainly is due the successful culture of the mulberry tree, and the production of silk, and yet we are asked to pass a Bill of this kind to exclude that industrious population from our country. What do we find in the United States? The most rigid laws there only exclude the Chinese after ten years; but here we exclude them at the very outset, unless they pay \$50; but on payment of that amount they are entitled to all the rights of citizenship. Under this Bill the man who, by chance or accident, brings a Chinaman to the country is subject to a severe penalty. How difficult it is for any of us to draw a distinction between a Malay and a Chinaman dressed in a sailor's garb. How difficult for the master or mate of a ship to tell the difference; and yet the master or mate of a ship is subject to a very heavy fine if he allows a Chinese sailor to go ashore in this country.

HON. MR. MCINNES—You can tell by the queue.

HON. MR. HOWLAN—I have seen hundreds of them without queues. I have seen them with the hair cut as close as yours or mine.

HON. MR. NELSON—Not one in 500,000.

HON. MR. HOWLAN—Perhaps I have seen fewer Chinamen than the hon. gentleman from Burrard Inlet; but in opposition to his statements, I take those of the hon. member from Victoria (Mr. Macdonald). No reason has been shown why this legislation should be adopted.

HON. MR. HOWLAN.

It is iniquitous in all its provisions, and I am only sorry that the Parliament of Canada should put such an Act on the Statute book, one which is not in keeping with nineteenth century civilization. The feelings that exist in Canada to-day, and in certain portions of the United States against the Chinese are the same as those ideas and opinions that opposed the influx of the Irish into the United States in the period between 1854 and 1859.

HON. MR. NELSON—No.

HON. MR. HOWLAN—I say yes. The placards which were posted then called upon the people to "Turn out the Irish population and take the Chinese; the Irish are drunken, brutal and ignorant; take the Chinese who are peaceable, intelligent and industrious"; but when the war cry sounded through the New England valleys, the Irish were valuable then, and know nothingism broke up. Gentlemen of high standing in the Catholic church, like the late Archbishop Hughes, advised their people to follow the flag which had adopted and succored them. The same prejudice existed then against the Irish that prevails to-day against the Chinese. I feel, as a member of this Parliament, disgraced to be asked to vote for such a bill—a measure so antagonistic to the views we entertain of the best mode of building up this country. There are people to-day who may hold the same views of the Irish that were held in the United States thirty years ago, but the Irish have representatives here to defend them; who have we here to defend the Chinese? Who has had sufficient experience of them to be qualified to represent their views? All I have heard of them, and all I can find about them, is to the effect that they are sober, that they save their money and send it home, and are trustworthy. That is what you are told about them; and yet, because in certain portions of Canada labor would be cheapened by the employment of those Chinese, the whole Dominion from end to end is to be subjected to this legislation. If it is the experience of members in both Houses from British Columbia that the Chinese should be restricted from entering their province, well and good; but let the restrictive legisla-

tion apply to that province only, and not to all the rest of Canada. Who says that in Ontario, Quebec, Nova Scotia, New Brunswick, or Prince Edward Island, there is any necessity for a law of this kind? There is not a man who holds that opinion.

HON. MR. NELSON—Yes; petitions have been sent in against Chinese immigration—petition after petition has been presented in the House of Commons against it.

HON. MR. VIDAL—Where from?

HON. MR. NELSON—From Ontario.

HON. MR. HOWLAN—I heard of a man who thought he was dying of brain fever. When he said so to a friend, he replied, "No man ever died of brain fever who had not a brain." Now there are no Chinese in Ontario, and there can be no ground for petitioning against them.

HON. MR. MCINNES—Yes, there are a few Chinamen in Ontario.

HON. MR. HOWLAN—Very few, if any. I say this legislation is a step in the wrong direction. You invite the Russians into this country and give 160 acres of land to each settler. On the other hand, you say to the Chinese "You are not wanted in this country unless you pay \$50, and then we do not care what your character may be, you are welcome." That is not in keeping with the spirit of the age or with the views and ideas of the Canadian people, or their representatives. It is a question in my mind whether these Chinese are not superior to the Russians, so far as their cleanliness is concerned, and from reading the history of China and the accounts of missionaries who have labored in that country, I doubt whether they are not quite equal to a great many of those who are supposed to be their betters. Until we have some cogent and valid reason—something that can be relied upon—for granting such legislation as this, I say we ought to oppose it. What is the case of the Chinese to-day may be quoted as a precedent for excluding some other race in the future—some race that a few members of the House of Commons

may think antagonistic to the industries of the country. There are some 16,000 white men I am told in the Province of British Columbia.

HON. MR. MCINNES—Double that number.

HON. MR. HOWLAN—I wish there was a million. I do not wish to say anything disrespectful of the Province of British Columbia, and I do not wish my hon. friend to suppose that I do, but I think he will agree with me that there is plenty of room in his province for four times the population that it contains at present, and if the labour in British Columbia can be cheapened by the influx of the Chinese, surely other races may come in and reduce the prices of labour in the same way. So far as I am individually concerned, I have heard nothing to warrant this legislation—nothing to induce me, at all events, to vote for certain clauses of the Bill. There are some portions of it which are necessary. I have no doubt. The Government, I suppose, has found it necessary to make provision for the appointment of an interpreter, to give the Custom House officers control of these matters, etc. I find no fault with those parts of the Bill, but to sub-section C. and sections eight ten, and eleven, I have most decided objections. It is usually laid down by all legislators and by all authorities that the penalty must be somewhat in keeping with the crime, and here for a non-payment of \$50 a man is imprisoned for twelve months. Now where is the analogy between the Act and the penalty?

HON. MR. ALLAN—The very clause to which the hon. gentleman now refers is already on the Statute Book—it is already law.

HON. MR. HOWLAN—So much the worse for the old law. The next objection I find is to clause twelve, which provides that no master of any vessel carrying Chinese immigrants shall land or disembark any such immigrant or permit any such immigrant or member of his crew being a Chinese to land or disembark, etc., etc., and the master who permits it is liable to a penalty of \$100.

HON. MR. ALLAN—That is in the old Act too.

HON. MR. HOWLAN—But the old law is confined to British Columbia and to immigrants arriving in vessels.

HON. MR. ALLAN—It is word for word with this clause.

HON. MR. HOWLAN—For \$500 the master of a vessel can bring in ten Chinese no matter how bad they may be. If the Chinaman comes by train and has not got his \$50 he cannot be let off the train, or he may starve there on the train unless the tax is paid.

HON. MR. ALLAN—This clause is word for word as it is in the Act. The Bill does not introduce any fresh matter with respect to that, and whether these clauses now in the Statute book are wise and good is another affair. Whether we reject this Bill or not those clauses in the old Act will stand.

HON. MR. HOWLAN—If we alter them they will not stand. Another thing I may say is, while conditions of that kind might have been necessary a few years ago, now that we are extending our commerce and expecting to have a line of steamers running from Victoria to China and Japan, it will be almost impossible for masters and owners of vessels and ships not to have, at some time or other, to employ Chinese sailors, and Chinese sailors are not to be despised.

HON. MR. McINNES—I am very sorry that I was not present on Friday when the discussion on this Bill took place. Owing to my being absent on that occasion, I am laboring under a disadvantage, not knowing what has fallen from hon. gentlemen who took part in the debate. The hon. gentleman who has just taken his seat, thinks that it is our duty to attract all classes and all nationalities, even the Chinese, to our shores in order to build up this new country. I have been a resident of British Columbia for twelve years and my experience is, that the Chinese are a very undesirable people to go to any country, especially a young country, inasmuch as they do not come with the inten-

tion of remaining and becoming citizens. They come for the sole purpose of making a few hundred or a few thousand dollars, and then returning to their native land to spend or enjoy the proceeds of their labor. They enter into few industries that have even a tendency to develop the great natural resources of our country. British Columbia would be to-day much further advanced than she is—she would have a much larger white population—were it not for the many thousand Chinese who monopolize the labor market and thereby exclude the laboring classes of our own race. While I contend that the Chinese have been an injury to the country and have retarded its material progress, yet I am free to confess there is at least one very important industry that could not be successfully prosecuted without Chinese labor. I refer to the salmon canning industry. That industry although only started a few years ago is one of the most important in the country, and can be expanded to almost any extent, but cannot thrive and prosper without Chinese labor. Their sober, steady and industrious habits peculiarly fit them for that particular industry. But with the exception of that industry I contend British Columbia would be in a much more prosperous condition if she had not one-quarter the number of Chinese she now has. My hon. friend from Alberton referred to the white population of British Columbia as being very small. It is true we have a small white population, but we have twice the number that he gave us credit for, and I can assure that hon. gentleman that one of the principal reasons why we have not a larger white population in British Columbia to-day is the very fact that there was no restriction placed upon Chinese immigration. I took the liberty of making a few remarks in reply to the Speech from the Throne, and some hon. gentlemen may possibly remember that I took the ground then in referring to this promised legislation that there was now very little necessity for any additional legislation of this kind; that the time had gone by when it was absolutely necessary—that the mischief had been done—the country had become flooded with Chinese coolies and as a consequence white people have been kept out of the country. The

Canadian Pacific Railway has been completed and a very large percentage of the many millions spent in the construction of that great national highway has found its way into the pockets of the Chinese and has been sent out of the country. The representatives from British Columbia seven or eight years ago urged very strongly upon the Government—before the Canadian Pacific Railway contract was let—that a clause should be placed in the contract excluding Chinese labor from that great national undertaking. Unfortunately the advice of the representatives of British Columbia was disregarded, and a contractor imported some four or five thousand Chinese coolies—brought in almost as many Chinese as we had there in 1881. According to the census of 1882 we had under 5,000 Chinese population in British Columbia, now we have something like 20,000; but I am happy to say that instead of increasing the last year, it has decreased. Consequently, I repeat, there is very little necessity for this amendment to the Chinese restriction of last year. On the second March last when I made a few observations on this subject stating that there was very little necessity for any further legislation with respect to the Chinese, a couple of days afterwards the following letter appeared in the *Ottawa Citizen* which I shall read to the House :

#### THE CHINESE IN BRITISH COLUMBIA.

Editor of *The Citizen*.

Sir,—I notice in your paper this morning that Senator McInnes is reported as having said the Chinese were not now coming into the Province of British Columbia. Sir, such a statement is incorrect, and if the Senator will take the trouble to look into the official returns he will see that he has been misled. He also states that there is no need for any further legislation on the Chinese question. Such a statement is in direct opposition to the already expressed desire of the people of British Columbia. Public meetings have been held during the past year, at which resolutions were passed praying the Government to make the Chinese Restriction Act more restrictive. But, then, Mr. Editor, it is a little excusable for the Senator to make these statements, because he is not now a resident of that Province, having taken up his abode in the city of Toronto, and hence how can he know anything about the feeling of the people or the wants of the Province.

Yours, etc.,

NOAH SHAKESPEARE, M.P.  
House of Commons, March 3rd.

Although the writer of that letter states that I am reported to have said such and such things about the Chinese, he was then occupying a seat on the floor of this House, and heard every word that I uttered, and what I stated was, that after the completion of the Canadian Pacific Railway in December last, thousands of Chinese were thrown out of employment and a great number of them were in a starving condition, and that Chinese immigration to British Columbia had entirely ceased. When I read this letter of Mr. Shakespeare, I at once wrote to the Mayors of the cities of New Westminster, Victoria and Nanaimo asking them if in their opinion the Chinese population had increased or decreased since the 1st of August last; and if the Chinese population had decreased, was it owing to the Chinese Restriction Act of last year, or was it in consequence of the completion of the Canadian Pacific Railway? I received replies from each of those gentlemen, two of whom came out very strongly and stated it was not owing to the Chinese Restriction Act of last year, but to the fact that the Canadian Pacific Railway was completed and three or four thousand Chinese laborers were thrown out of employment. I find also from a return brought down to the House of Commons a short time ago that the number of Chinese that arrived in the Province of British Columbia from the 20th of August to the 30th of January last, was 285. They paid \$8,450 of a poll tax. Of these sixty-four Chinese were entered as tourists, merchants and students. During the same period 688 Chinese left the Province—in other words only 169 came to the Province for the purpose of remaining, whereas 688 left Province—or there were 519 Chinese more left the Province than came into it during that time. I also find from a statement made by the Secretary of State that during the months of February and March there was not a solitary entry—then none came to the Province at all; so that my statements were correct in every particular, notwithstanding the demagogism of Mr. Shakespeare, as the evidence I have adduced clearly shows. This being the case there is little use for this legislation; the day when it would have been of the greatest use has gone by. As I said before, there are

certain industries in British Columbia that are dependent upon the Chinese to be carried on profitably, and I think this Bill, taking it as a whole, is a harsh, arbitrary and un-Christian one, especially the clauses from 18 to 24. I have always taken a moderate and I think a reasonable view of this question. I believe that after we allow any people to come in amongst us it is our duty to treat them justly and even kindly, no matter if they are Mongolians. The fault is not with those poor people, but with ourselves in allowing them to come to our country. Once they are among us I claim it is our bounden duty to treat them justly and to exercise that spirit of charity and Christianity we so loudly proclaim to the world.

HON. MR. NELSON—In speaking on this question before, I took strong grounds against Chinese immigration, and I see no reason to change my mind of the subject from anything I have since heard. My great reason for taking ground against Chinese immigration is almost entirely the question of race. I was told when I advanced that argument that it was not a question of race, but a question of labor. I admit that to a certain extent it is a question of labor as well as one of race, but I contend that the great question here to-day is the question of race—that by allowing the Chinese to come unrestricted to our country now will be just the commencement of the condition of affairs that at present exists in the Southern States in regard to the negro population. On a previous occasion I tried to illustrate my views in regard to this Chinese question by referring to the negroes of the Southern States. At that time I did not know that anything had been written on the subject, or that it had been taken up seriously by the statesmen of the United States in the manner it has been. Since then I have discovered a work on the subject which has enlightened me a great deal. The negro question is the great and burning question in the United States to-day. I propose to read a few extracts from a work on that subject which will probably give a better illustration of my views on this subject than I am able to give myself. I will first quote from an article in the *Week*, a Canadian journal, on this subject:—

“No more tremendous problem was ever presented to a nation than that of the two races in the Southern States. Even the problem with which England has to deal in Ireland is less desperate. It is brought before us in its full magnitude and complexity in ‘An Appeal to Cæsar,’ the last work of Judge Tourgee, whose first work, ‘A Fool’s Errand,’ threw a sudden flood of light on the situation in the South. Judge Tourgee declares the division of race to be the one dominant and all-pervading influence in Southern politics, as it is in Southern society. Instead of being obliterated by slavery, it seems to have become deeper and more hopeless than ever. Intermarriage is impossible; it is in fact more than ever banned and execrated, and without intermarriage real union can never take place. The social line has even been drawn with increased sharpness since the superiority of the dominant race has ceased, and the slave has become a pretender to equality.”

By allowing the Chinese to come into our country, unrestricted, we are laying the foundation of a similar question in the future for the Dominion of Canada. I propose reading a few extracts from a work on the subject, “An Appeal to Cæsar,” by Albion W. Tourgee. That writer says:—

No two races thus distinctly separated by color and by marked natural characteristics have ever yet dwelt side by side without conflict. That they should ever do so is accounted by very many as an impossibility.

The second factor in our argument is the impossibility of fusion between whites and blacks. The latter have been, and must continue to be, a distinct and alien race. The fusion of races is the resultant from social equality and intermarriage, and the barrier to this is here surmountable.

The Irish, German, French, etc., who come to these shores, readily intermarry among themselves and with the native population. Within a generation or two the sharpness of national feature disappears, and the issue is the American, whose mixed blood is the country’s foremost hope. It cannot be—a fusion like this between whites and blacks. Account for it as we may, the antipathy is a palpable fact which no one fails to recognize—an antipathy not less strong among the Northern than among the Southern whites. However the former may, on the score of matters political, profess themselves special friends to the blacks, the question of intermarriage and social equality, when brought to practical test, they will not touch with the end of the little finger. Whether it be that the blacks, because of their former condition of servitude, are regarded as a permanently degraded class; whether it be that the whites, from their historic eminence, are possessed

with a conscious superiority which spurns alliance—the fact that fusion is impossible no one in his senses can deny.

Certain it is that the influences now existent will render his words as true a hundred years from now as they are to-day.

Gradually, and not so slowly either, the colored man is driving the white man out of many of the avenues to self-support in the South. The white blacksmith is becoming a more and more infrequent object even in the upland regions of the South. Masons, carpenters, even contractors for the plainer sorts of mechanical work, are so common that they have ceased to be at all noticeable among the colored people of the South.

A gentleman from one of these states called upon the writer not long since, on his way westward with his family. We had known him for years as a successful planter, a man of moderate means, of large and exceptional intelligence for one of his class. We were curious to know why he was going to Kansas, and asked the reason.

"Wal," was his reply, "you see I have a big family of children—nine of them now—and when I look things squarely in the face it don't seem to me that the South is going to be just the pleasantest place for white folks, not over an' above rich, to live in. You see the niggers are free now. I don't object to that—never owned but two, and they were mighty poor ones. I've nothing against them, free nor slave, but they are getting a mighty strong hold all through that country, and somehow I've a notion my gals and boys will have a little better chance out West, where there isn't but one sort of folks. I don't suppose I'll ever find a place where I'll make a better living or make it more comfortably than I did on the old plantation; but we've lived through one pretty rough time that lasted for four years. I was in the army, and the wife and babies at home. That war was all about the niggers. There's no use denying it North or South. They were at the bottom of it, though it wasn't none of their doings that brought it on. That was slavery, of course. That's what everybody said, and what everybody don't know ain't worth anybody's finding out, they say. So now everybody says there can't be no more trouble just because there ain't any more slavery. As if that was the only thing human beings ever fell out about, and came to blows over! Of course, I don't know as ever there will be any more trouble—I hope there won't. But it does seem to me that its going to be a hard matter to keep out of difficulty where there's just about as many niggers as there is white folks, or perhaps a few more, and one is just as free as t'other. In a way, there's a heap more bad blood atween 'em now than most people takes any note on, and me and the old woman just agreed we'd better sell out, seein' as we had a

good chance, and take the boys and gals out West where there would be no likelihood of of such trouble, whatever else there might be."

"The fact is," he continued, "I don't see what's a-comin' when the niggers git a little better off, and a little more education, and are really able to take care of themselves. They'll out-vote the white man, outokr him, and I don't see why they shouldn't out-grow and out-rule him—unless they're killed off or kept down."

As I stated before we are just laying the foundation for this state of things in Canada, because if we allow the Chinaman to come into British Columbia the white man will be kept out. My hon. friend from New Westminster says that the Chinese have been leaving British Columbia lately in greater numbers than they are coming into it, but I ask him what is the reason for it? It is simply because they could not come eastward, in consequence of the Canadian Pacific Railway not having been finished. If the Chinese had had the opportunity of crossing the Rocky Mountains and getting into the North-West, they would have come east. Their reason for leaving the Province was, a great work had been inaugurated in British Columbia requiring a large amount of labor, and that work having been finished, and the Chinese laborers having no inclination to settle themselves down to other pursuits had to leave the Province. Had the Canadian Pacific Railway been opened up these people would not only have found their way into the North-West Territories and have obtained a foothold there, but other Chinese would have followed in their footsteps and would have done the same thing.

HON. MR. MCINNIS—Why do they not come east on the Union Pacific Railway?

HON. MR. NELSON—The reason why they do not do so in greater numbers at the present time in the United States is because the law there is almost prohibitory. My hon. friend has referred to the value of Chinese labor in establishing industries in California; but it is the people of California who have brought about the present law in the United States. They do not believe in Chinese immigration.

HON. MR. MCINNEN—A certain number of them do not, it is true.

HON. MR. NELSON—A large proportion of them do not. There can be no doubt if we allow those people to come into this country unrestricted they will come in ever increasing numbers; they will remain a distinct and separate race from ours, and as they increase in numbers and power they will be an opposing race—they will be a more opposing race when they are in greater numbers than the negroes of the South are to-day. I say that now is the proper time to restrict Chinese immigration if we do not want to have trouble in the future

HON. MR. MCINNEN—Seven or eight years ago was the proper time to have done it.

HON. MR. NELSON—It is not too late yet. Speaking of the introduction of European labor into this country, it is a totally different matter altogether. The Irish and all European people who come into this country retain their nationality for one generation; the next generation become American, and part and parcel of the people amongst whom they are settled. The Chinese never can become a part of our people; they will forever stand out distinct and separate and hostile, and as they increase in power they will become a danger to the country. I want to point out the rapid growth of the negro population in the South.

HON. MR. DEVER—There is no analogy between the Chinese and the negro of the South. The negro was forced to this continent—brought here as a slave.

HON. MR. NELSON—It makes no difference how they come; once implanted on the soil they have increased in numbers and they have increased more rapidly since they have become free men, though it was at one time believed that when slavery was abolished in the United States the negroes would die off absolutely from the face of the earth. On the contrary, however, their increase has been unprecedented, and the people of the United States are beginning to realize that they are a source of danger. At the present

rate of increase it is calculated that in 100 years from now there will not be less than 190,000,000 of colored people in the United States.

HON. MR. PLUMB—And how many whites?

HON. MR. NELSON—Over 300,000,000 of whites. In the latter case all the immigration is taken into account; and it is naturally concluded that after the United States has to a certain extent become filled up—all its wild lands settled—that immigration will not continue, and that then there will be a greater proportionate increase in the black population than in the white.

HON. MR. MCINNEN—How much will the proportionate increase be among the blacks?

HON. MR. NELSON—The blacks double their population in less than 25 years, whereas the white population double their number in 37 years. This is a calculation made from recent statistics. There is another fact which is well worthy of our consideration here and that is, not only the increase of these people, but their effect upon the white population as well.

HON. MR. POWER—That is all right; we shall take that for granted.

HON. MR. NELSON—The effect is to degrade the white population.

HON. MR. MACDONALD (B. C.)—Dispense!

HON. MR. NELSON—Not at all, I propose to read it. This is a subject of the greatest importance to the country, and should not be treated lightly. The extract which I propose to read is as follows:—

The North has thirty millions of a population and a million and a half of illiterates.

The South has eighteen millions of population and five millions of illiterates.

Five and three-tenths per cent. of the people of the North cannot read and write.

Thirty-six and a half per cent. of the people of the South cannot read and write.

Five and two-tenths per cent. of the white people of the North cannot read and write.

Nineteen per cent. of the white people of the South cannot read and write.

When we take into consideration the fact that among the Northern population only five and two-tenths per cent. cannot read and write, while nineteen per cent. of the white people of the South cannot read and write, we must feel and know that that state of ignorance is brought upon the people of South by their contact with the negro race. I can foresee that there is great danger in the future if we admit the Chinese. I am sorry that hon. gentlemen are not able to see it in the same light as I do. I have given a great deal of attention to the subject and I see in the future serious danger from the influx of a people which cannot become a part of our population. There are five hundred millions of people in China within easy reach of us, and if we admit them they will come to our country. To-day there are probably three hundred thousand of them on the Pacific Coast; if we do not restrict their immigration you will find in ten years they will have increased to a million, and in ten years more to three millions, until they over-run the country. That is the history of the negro race in the South, we will repeat that history in Canada unless we exclude the Chinese to-day. I feel strongly on this question. I feel that the people in Eastern Canada, not having had the Chinese among them, as they are on the Pacific coast, are not aroused to the danger. The same indifference was manifested in the North some time ago, when there were only eight or ten black men in every thousand of the population: but it was a very different matter with the South where the negroes were as numerous as the whites. In British Columbia to-day the Chinese are almost as numerous as the whites: there are twenty thousand Chinese while the whites number between twenty-five and thirty thousand. I know that the people in the eastern part of this country do not appreciate the importance of this question yet, but the time will come when they will recognize the fact that the admission of the Chinese to the country is a mistake.

HON. MR. ALLAN—I am afraid that if we go on debating the principle of

the Bill, as we are doing just now, we shall occupy the whole time of the House probably until 6 o'clock. I have tried honestly to put this Bill into as good a shape as possible by the amendment which I read when the House was moved again into committee of the whole; but there are many difficulties which surround the subject and one especially in reference to our powers to deal with any fine or tax, or any sums of money mentioned in the Bill—for instance, to reduce a fine, to increase it, etc. I think it would be better, as the feeling of the House pretty generally is certainly not in favor of the Bill as it now stands, that I should move that the Committee rise and report progress and ask leave to sit again to-morrow. That will give me an opportunity of consulting with the Government on the subject, and perhaps it may result in the Bill being withdrawn altogether.

HON. MR. GIRARD, from the Committee, reported that they had made some progress with the Bill.

HON. MR. O'DONOHUE—I have an amendment to propose. I wish to move that the chairman leave the chair.

HON. MR. SCOTT—You will have an opportunity of moving it to-morrow.

### DOMINION LANDS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (94) "An Act further to amend the Dominion Lands Act, 1883."

In the Committee,

On the second clause,

HON. MR. POWER—Perhaps the Minister *pro tem* will tell us what the effect of this clause is—what changes it makes in the existing law.

HON. MR. PLUMB—The changes made in the Bill are that it repeals sub-clauses 3 and 4 of clause 2 of the Dominion



Lands Act. It alters the appointment of certain officers. As I stated at the second reading of the Bill, it was received very favourably in the House of Commons; no amendment was moved to it, and it passed the third reading without discussion.

The clause was adopted.

On the third clause,

HON. MR. POWER—This is a very extensive power to give to the Government, to alter all those forms which have been solemnly agreed to by Parliament. These are the forms used by parties applying for lands. It gives the Governor in Council power to alter the whole of them. I am not objecting to it, only I think we ought to know why this extensive power is given.

HON. MR. PLUMB—I am told that the reason is that it is intended to give greater facility for homestead entries. It will work practically in favour of the settlers who intend to make homestead entries.

The clause was adopted.

On the fifth clause,

HON. MR. POWER—I understood that the hon. member from Kings (Mr. Reesor) has an amendment to move to this clause.

HON. MR. REESOR—I have had a pretty long interview with the Minister of the Interior and he seems to agree with me in regard to the principle that would be involved in the amendment which I wished to introduce, but he thinks it preferable not to have it statutory, but to leave it for a departmental order. As he expressed himself freely and confidently to be disposed to carry out the principle I urge, I am not disposed to press the amendment.

HON. MR. SCOTT—The opinion I have always entertained of this legislation has been that it is too much of a cast iron character. Having had some experience myself in the administration of public lands, provincial and federal, I have felt that much discretion should be allowed to the person administering the affairs of the Department. It is utterly impossible

HON. MR. PLUMB,

to prescribe by Act of Parliament for the numerous cases which will crop up, in the administration of these lands. The amendment which the hon. gentleman proposed to bring under the notice of the House I thought was in the right direction—it was to give the Minister discretion, where all the conditions but one had been fulfilled, to sell the land to the settler at \$1 per acre. I go further than that—I say where there are eight conditions and seven of them have been complied with, it would be hard to apply the law rigorously because the settler has failed in one of the conditions. The hon. gentleman says that the head of the Department proposes, where a contingency of that kind arises, to deal liberally with the settler. That is all we desire to do. It may be remembered when the other Bill was before the house, Sir David Macpherson was in charge of it, and the desire was manifested on all sides that unbounded liberality should be exercised towards actual settlers. Suppose the speculator does eat up four or five per cent. of the lands of that country, are the settlers to be punished? You cannot defeat the speculator in all cases, and you may so hedge round the details of the management of the Department that it is impossible for the Minister, or whoever is charged with the administration of the lands, to meet the cases which arise. I have felt it myself in administering the public lands, more particularly in the provincial department, and I have at times violated acts of Parliament. I did not hesitate to do so, or to tell the House that I did so, because I felt that the utmost liberality should be exercised in dealing with the settler. If you make a lot of cast-iron rules you cannot carry out the administration of the department. Cases will arise in which they would operate harshly. We have had more legislation on the land department of the North-West than any other subject, simply to meet numbers of cases which arise. I say, give the land department the widest possible liberty to do the best they can. Let the impression go abroad that it is the desire of the people of Canada that the land department of the North-West shall be conducted in the widest and most liberal spirit. I have always laid down the principle that when a man went on land he had a right

to it, and that no one could take it from him without paying for his improvements, and if the Commissioner should in any case make a mistake, the occupant at all times should have the land. To-day you cannot locate a lot in Ontario unless you swear positively that no one is in possession or has made a dollar's worth of improvements upon it. No man can file a claim or has the right of pre-emption or purchase without making such an affidavit and if he files his affidavit and it is found that he has taken advantage of an unfortunate man who has not reported himself to the Department, the Minister has the right to cancel the patent. The same right ought to exist here. That is the broad principle which ought to be laid down as the fundamental basis of the administration of land in the North-West—that the man who puts labor on the ground is not to be deprived of it until he has an opportunity of purchasing or rejecting the terms which are given to everybody. Therefore I have always advocated the greatest latitude in the administration of the Department. You cannot meet all possible cases that arise; and if you hedge them around with all manner of stipulations and conditions you will only interfere with the settlement of the country.

HON. MR. TURNER—I congratulate the leader of the Opposition on his broad and statesmanlike speech. The more latitude that is left to the Minister, the better for the country. It is impossible, at the great distance at which we are from the North-West, to have everything done just right and according to rule, and if there is any clause introduced into this Bill giving the Minister wide discretion, having confidence in the Minister as we all have, I say let it be done.

HON. MR. POWER—The hon. gentleman from Kings (Mr. Reesor) spoke of amending sub-clause D of clause 5, which is as follows:—

“(d) That he erected a habitable house upon his homestead before the expiration of the second year after his homestead entry, and has *bona fide* resided therein and has cultivated the land for three years next prior to the date of his application for his patent.”

It is one of the several conditions under which the patent is granted. Now, I think

that the great object in view is that the land should be cultivated: that is provided for in the previous paragraphs. It is provided that a habitable house shall be erected on the homestead; but it may be that the applicant is not able to establish that he has fulfilled this condition of *bona fide* residence for three years next prior to the date of his application. But he must have some one living on the land, because he builds his house and his land is cultivated, and the country gets the benefit of the work; and it does not seem to me that it is reasonable to require that he should have resided on the land himself for three years prior to the application for his patent. I was happy to hear that the present Minister of the Interior intends to administer the law in a liberal spirit, but I think we ought to so word the statute that he could do that without violating the law. When law and justice collide one may be excused for setting the law to one side; but the Minister should not be placed in such a position that he should be obliged either to be unjust or to violate the law. In order to give a Minister the discretion that he ought to have, this paragraph should be amended in that direction. As it stands now, the Minister cannot do what he is apparently willing to do, without violating the law.

HON. MR. REESOR—I will just read the amendment that I had intended to propose, but if there is any want of unanimity on the subject I shall not press it:—

“Provided also that any person claiming a patent under a homestead entry or under a homestead pre-emption entry who shall have complied with all the other conditions, but the personal residence, for the full period required, shall be entitled to his patent on the payment of \$1 per acre.”

I think it would be a very good provision, and would have a wholesome effect. It would make farmers feel safe that they would not be liable, in the event of their not being able to fulfil entirely the condition of residence, that they would not lose all they had invested and all their improvements. In a conversation that I had with the Minister of the Interior, he gave me to understand that the Department were really acting upon the principle that I am urging in cases that have hitherto come before them. With that assurance I do not feel like pressing the amendment,

but I think it would be better if the House should consent to it, that it should be adopted.

HON. MR. PLUMB—I think the hon. gentleman will see that the whole of these sections are in favor of the homesteader. As my hon. friend from Ottawa has said, these are all tentative matters; we are trying to get at this thing as well as we can. The experience of the Minister has led him to make those changes in favor of the settler. There is no antagonism on his part, and it is to give him support in every way to carry out the settlement principle, and to assure that the man who goes on to the land will do something with it. I think we are safe in trusting to the examination and large experience which the Minister has had, because he approached the matter in a right spirit when he made his extended tour through the North-West. This Bill is a relaxation in every particular of the provisions of the first land Act. It has been improved as far as it seemed possible to do so in favor of the settler. Any further concession which will promote the great object which this country has in view, the rapid settlement of the North-West, will be adopted from time to time. I trust hon. gentlemen will pardon me for not being as fully conversant with the details of the department as I would be if I had been the Minister there or a member of the Council who have had this Bill under consideration. It is a complicated Bill, and it would be very easy for a hypercritical gentleman to embarrass me by asking questions which would require me to look at the original record. I can find out if necessary, but it would cause delay. I may say also that every one of these clauses met with full approval in another place when they were proposed and were received with great cordiality.

The clause was agreed to.

On the ninth clause,

HON. MR. PLUMB—By an error when this Act was under consideration in the other House there was an omission of a very important section which I wish to insert here, and I will explain it in

a very few words. I wish it to be inserted between sections eight and nine and to become section nine. It is a provision to the effect that the Act as it now stands shall be changed in regard to the lien for advances on homesteads. Under the law, in case a settler should lose his claim before he became entitled to a patent, there was a loss of the lien—there was nothing by which it could be enforced. Practically only some 8 or 10 per cent up to this time have lost their liens but the fact that such may be the effect of the law is a disability upon the settler in obtaining advances. Of course that has not been very generally the case, but now it is proposed to enable the person making the advances to put on another settler, in order to secure him, in the place of the settler who has left the land and given it up, and complete the settlement duties, in which case the patent covers and carries the lien with it. In the event of the settler not being replaced the party advancing can get the patent, but is bound to sell the land at any time within two years if the purchaser offers the sum which has been advanced and the expenses. The limit of the amount which may be advanced is also increased by this amendment from \$500 to \$600. The object of that is a very simple one, and I think will commend itself to the approval of every gentleman in this House. It is for the purpose of preventing the lender of the money from coming down upon the settler for the interest of the first two years. The Act restrains him from proceeding against the settler if there is no payment of interest for two years, and in order to provide for that the lien is raised from \$500 to \$600, so that the accrued interest for the two years may be added to the lien. It is certainly a step in the right direction, for we want to facilitate the operations of the poor settler in every way. The rate of interest is also raised from 6 per cent. to the privilege of charging 8 per cent. if necessary. The rate of interest in that country generally is from 8 to 10 per cent., and it has been found that the rate of interest being only 6 per cent. very often cuts off the settler from obtaining money at all; and it was supposed it would benefit him by allowing interest at 8 per cent. on advances made to him. The clause I propose is this:—

HON. MR. REESOR.

Page 4, line 25.—After “patent” insert the following as Clause A.

Clause A of the Dominion Lands Act, with the sub-reactions therof, is hereby repealed, and the following section with the sub-sections thereof substituted therefor:

38. If any person or company shall be desirous of assisting by advances in money intending settlers to place themselves on homestead lands in Manitoba or the North-West Territories, and of securing such advances, such person or company may make application to the Minister of the Interior, stating the plan or project intended to be acted upon, the steps to be taken in furtherance thereof, and the amount to be advanced to such settlers, and the Minister of the Interior may sanction and authorize such plan or project, or refuse his sanction and authority thereto.

(a) If such plan or project be so sanctioned, and such person or company shall thereupon place any settler upon a homestead, a statement of the expense incurred by such person or company in paying the actual *bona fide* cost of the passage and of providing for the subsistence of such settler and his family, of erecting buildings on his homestead (to which purpose at least one-half of the advance made shall be devoted) and of providing horses, cattle, farm implements and seed grain for him, together with an amount in money sufficient to cover the interest on the amount advanced for a time to be agreed upon, to enable such settler to obtain a return from the cultivation of such homestead, shall be furnished to him, and upon his approval thereof, shall be submitted with proper vouchers in support thereof to the local agent, who shall examine and verify the same both by such vouchers and by an examination of such settler, and of such person or company, or their representative; and shall certify the result of such verification by a writing upon such statement signed by him, and thereupon such settler may make and execute an acknowledgment in writing of the amount so advanced to him, and may by such writing create a charge upon such homestead for the amount of such advance, not exceeding the sum of six hundred dollars, and for the interest thereon, at a rate not exceeding eight per cent. per annum.

(b) Such acknowledgment and charge shall be in the form of Schedule Q, hereto appended, and a duplicate thereof shall be deposited with the local agent, and thereafter the holder of such charge shall have the right to enforce payment of the amount so advanced and of the interest thereon by ordinary legal proceedings. Provided always, that the time to be fixed for the payment of the first instalment of interest upon such advance shall not be earlier than the first day of November in any year, nor shall it be within less than two years from the establishment of such settler upon such homestead. And provided also, that such settler shall not be bound to pay the capital of such advance or any part thereof within a less period than five years

from the date of his establishment upon such homestead.

(c) Upon such acknowledgment and charge being duly executed and duly registered in the Registry Office for the Territorial Division in which such homestead shall be situated, the same shall constitute and be and remain a first charge upon such homestead after the issue of the patent or certificate of patent for such homestead, until duly satisfied and extinguished according to law.

(d) If such settler shall not perform the conditions of settlement required to entitle him to a patent for such homestead within the time and in the manner provided by the Dominion Lands Act, and shall thereby forfeit his right to obtain a patent, the holder of the charge created thereon may apply to the Minister of the Interior for a patent of such homestead and upon establishing the facts to the satisfaction of the Minister shall receive a patent in his name therefor, and such patentee shall be bound to place a *bona fide* settler on such homestead by the sale thereof to such settler or otherwise within two years from the date of such patent, and in default of so doing within the said period shall be bound and obliged on demand to sell the said homestead to any person willing to become a *bona fide* settler thereon for such sum of money as shall be sufficient to pay the amount of such charge and interest, and the expenses incurred by the patentee in obtaining such patent and in retaining the homestead, on pain, in case of refusal, of an absolute forfeiture of the said property and of all claims thereon and of the patent or other title thereto. But if the settler has acquired a right to receive a patent for the land so charged and does not apply for the issue of the same, the holder of such charge may obtain such patent, or certificate for patent, in the name of the person entitled to receive the same or of his legal representatives, and thereafter the said charge become a statutory mortgage on such homestead.

Section 5 of the Act 43 Victoria, chapter 42, intituled: “An Act relating to interest on Moneys secured by Mortgage on Real Estate,” and all amendments to the said clause, shall apply to all charges created under the provisions of this Act.

FORM Q.

Acknowledgment and Charge.

I, the undersigned, A.B., holding as a homestead the N.W. quarter of Section \_\_\_\_\_, Township \_\_\_\_\_, Range West of \_\_\_\_\_ meridian, hereby acknowledge to have received from C.D. as an advance, under the provisions of the Dominion Lands Act and the amendments thereto, in aid of my establishment upon the said homestead, the sum of \_\_\_\_\_ dollars, as shown by the statement thereof, as hereto annexed, certified by the Local Land Agent of the Dominion Government, which sum of money I undertake to pay to the said C.D., his representatives or assigns, within \_\_\_\_\_ years from the date

hereof, with interest thereon at the rate of per cent. per annum, payable half-yearly, on the first days of and in each year, the first instalment whereof will become due on the day of next, and as security for such payments, I hereby create a first mortgage and charge upon the said homestead according to the provisions of the said Act and amendments.

And I, E.F., the wife of the said A.B., hereby bar and relinquish my right of dower upon the said homestead in favor of the said C.D.

In witness whereof, the parties hereto have executed these presents in duplicate this day of , 188 .

HON. MR. REESOR—Is the object of this clause to authorize parties occupying unpatented land, and for which they have not yet earned the patent, to borrow money on the land?

HON. MR. PLUMB—Yes, the object is to facilitate the borrowing of money by the settler, and to secure the persons who advanced the money.

The clause was agreed to.

On the 13th clause,

HON. MR. POWER—Perhaps the hon. gentleman will be good enough to tell us the general effect of these alterations as to the examinations of Dominion Land Surveyors. There are a number of clauses repealed and others substituted.

HON. MR. PLUMB—The change in sub-section five is for the benefit of Canadian candidates. It provides that one member of the Board will hold examinations for commissions as Dominion Land Surveyors, and it saves expense and trouble. It does not require them to come to Ottawa, or to any central point for examination.

The clause was agreed to.

HON. MR. VIDAL, from the Committee, reported the Bill with certain amendments.

The amendments were concurred in and the Bill was then read the third time and passed.

THE SPEAKER—It being six o'clock I now leave the Chair.

HON. MR. PLUMB.

## AFTER RECESS.

### REPRESENTATION OF NORTH-WEST TERRITORIES BILL.

#### IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (115) "An Act respecting the Representation of the North-West Territories in the Parliament of Canada."

In the Committee.

HON. MR. POWER—I propose to move an amendment to the fourth clause, which as follows:—

4. Every person qualified to vote at the election of a member under this Act shall be a *bonâ fide* male resident and householder, of adult age, who is not an alien or an Indian, within the electoral district, and who has resided in such electoral district for at least twelve months immediately preceding the issue of the writ of election.

I find that the qualification is substantially the same as the qualification of voters for members of the North-West Council. I shall just read the provision in the Act of 1880 on that subject:—

"The persons qualified to vote at such election shall be the *bonâ fide* male residents and householders of adult age, not being aliens or unenfranchised Indians, within the electoral district and shall have respectively resided in such electoral district for at least twelve months immediately preceding the issue of the said writ."

You see they give the Indians some chance. The amendment that I propose is to say that the persons qualified to vote for the election of members under this Act shall be persons entitled to vote at the election of members to serve in the Council of the North-West Territories. The result will be substantially the same and the expense of appointing Government enumerators and of working the electoral machinery provided in this Bill will be got rid of. There is nothing gained by having a second list of electors made up in that country. A list is now made up for the elections of members in the North-West Council; that is quite sufficient. While I presume that possibly there may be some ground to suspect unfairness in both cases, still there is less risk of unfairness if we take the franchise for the North-West Council.

HON. MR. PLUMB—I am somewhat surprised that my hon. friend, who is desirous of extending the electoral franchise as far as he can, and who, I know, does not want to hamper this Bill, should propose such an amendment and say that it is in conformity with the Act of the North-West Council. The hon. gentleman must know very well that in an enormous district, such as the North-West Territories, to which we are now giving representation, it would be utterly impossible to ascertain who has the right and privilege of voting without having some means of reaching the people who are to be voters. I think it would be very well to say, in connection with this—although I have no idea that such a motion will carry here—that the appointment of enumerators is one of the questions in this Bill. There is no other way that I can see to ascertain who shall have the right to vote. The hon. gentleman knows that it is carefully guarded by providing that any person who is not on the list can come to the polls and make the necessary declaration

under oath and be entitled to vote. I cannot conceive anything that would be more restrictive, and more objectionable in the way of hampering voters, than to go back to the proposition which the hon. gentleman makes here. The amendment, so far as I can see, would be objectionable in every way, and certainly I shall be obliged to vote against it.

HON. MR. SCOTT—I am sorry that I cannot support my hon. friend. We are now, and have been for some time past, quarrelling with the Government for making up lists. I think my hon. friend would be subjecting us to that of which we complain. I think the proposition to give universal suffrage with a year's residence there is safer. All parties will be on an equal plane. If the Government have practically the control of the lists, they may not make them up more satisfactorily than the lists in the older provinces, and therefore I should much prefer the clause as it stands.

HON. MR. POWER—I cannot understand the reasoning of the hon. member from Ottawa. The difference between the two propositions is this: I propose

that we shall take the lists which are made up for elections in the North-West Council, and that are now made up in the North-West Territories.

HON. MR. SCOTT—Which are subject to the influence of the Government.

HON. MR. POWER—I admit that. The hon. gentleman says he prefers to that a new list which shall be made up by officers of the Government.

HON. MR. SCOTT—Everybody is entitled to vote under this clause.

HON. MR. POWER—The qualifications are exactly the same. I prefer to take the list made up for the North-West Council to taking the list made up by enumerators appointed by the Dominion Government. I think it is choosing the less of two evils.

The amendment was declared lost.

HON. MR. POWER—I move to strike out the words "and householder" in the second line of the clause. It is quite sufficient, considering that the immigrants going into that country in four cases out of five are men who have come up from the older provinces and who are settled and residing there. I think the fact that a man is a resident is a sufficient qualification, if he has been a resident there for a certain time. I think perhaps the hon. gentleman in charge of the Bill will be ready to accept that amendment. For the older provinces a man does not require to be a householder to be a voter. This is a more restricted franchise for the country where the population is small than that which has been adopted for the older provinces where the population is larger. At best the vote there will be a small one, and we should endeavor to make it as large as we can, so that the members who come from these new districts shall be as far as possible representatives of the country.

HON. MR. TRUDEL—There is no qualification specified, except this one of being a householder. I think we should retain some qualification.

The amendment was declared lost.

HON. MR. POWER—I give notice that I will move these amendments on the third reading of the Bill when they can be placed on record.

The clause was adopted.

On the seventh clause,

HON. MR. POWER—I think an amendment ought to be made in the twenty-eighth line. It has happened quite recently in the Province of New Brunswick in the local election in the County of Albert that two candidates who would probably have been elected were disqualified on account of some slight clerical error in the nomination papers, and up in the North-West Territories things are likely to be done in a somewhat rough-and-ready way. I think the people ought to be protected against an accident of that kind happening, and I presume there can be no objection to inserting after the word "Act" the following: "or to the like effect."

HON. MR. PLUMB—The general election law prescribes that in the schedules, particularly that relating to the nomination paper—the claim of a nominee shall not be invalidated on account of any technical error.

HON. MR. POWER—If my hon. friend can show me that a particular section of the general election Act makes that provision applicable to these elections I shall admit that it is enough.

HON. MR. PLUMB—The election law generally applies to this Bill.

HON. MR. POWER—There are certain sections of the Dominion Elections Act made applicable, and my hon. friend should be in a position to state whether that clause is one which is to be applied. If so, the amendment will not be necessary.

HON. MR. O'DONOHUE—I would suggest to look into the matter, and move an amendment at the third reading.

HON. MR. SCOTT—It states "according to Form F"—that is very definite and

absolute, and as the hon. member from Halifax has observed, if there was a deviation of one word it would be sufficient to set aside the nomination paper, which would be highly improper. There can be no objection to putting in "to the like effect." In a country where forms are not easily procured and where people are not so particular, if the spirit of the nomination paper is preserved, it should be received. If the section is allowed to remain as it is the error of a single word in a form would warrant a partisan returning officer in throwing the nomination out, and that would be very unfortunate. The forms ought to be given simply as a direction to the people and not as an arbitrary rule.

HON. MR. PLUMB—I am quite in accord with the hon. gentleman, and if I find I am not correct as to what I stated about the General Election Act, I approve of some such amendment.

On the nineteenth clause,

HON. MR. POWER—There was a question raised by the hon. member from St. Boniface as to the amount of deposit—that the amount specified here was rather too large for a new country.

HON. MR. GIRARD—I explained the other day that the sum was too large, but at this late period of the session I do not propose to offer any amendment. I should prefer to have the Bill as it now stands to having its passage imperilled by any amendment.

HON. MR. PLUMB—I do not think the people in the North-West are so poor as to require a special provision to be made in their favor.

The clause was adopted.

On the twentieth clause,

HON. MR. POWER—If it is found that the general election law does not apply to this clause, the same amendment which I suggested just now will be required in the fifteenth line so as to prevent a man being defeated from his affidavit not being in the regular form.

HON. MR. PLUMB—It is hardly probable that a man who is fit to be a candidate there will be without a copy of the Election Act, and it is not likely that any mistake will occur.

HON. MR. POWER—My hon. friend has run two or three elections and must know that clerical errors are of frequent occurrence, and I have mentioned the fact that in the Province of New Brunswick, where there are plenty of lawyers at hand and where lawyers were actually employed, mistakes were made by which good candidates were shut out.

HON. MR. OGILVIE—Perhaps that was the reason—that they did employ lawyers.

HON. MR. POWER—The hon. gentleman from Niagara says it is absurd to suppose that a man would be a candidate who would not have the forms at his fingers' ends. The hon. gentleman himself does not show such familiarity with the Bill as one would expect from the way in which speaks now.

THE SPEAKER—Perhaps the difficulty could be obviated by inserting the clause of the Dominion Act if it is found not to be made applicable.

HON. MR. POWER—Yes, that would be the better way.

HON. MR. PLUMB—That would be satisfactory.

The clause was adopted.

On the twenty-sixth clause,

HON. MR. MCINNES—I would move that the two last words be struck out and the word "ballot" substituted. I see no reason why open voting should prevail in the North-West Territories, when we vote by ballot for the elections of members of the House of Commons and members of the local legislatures throughout the Dominion. I do not see why this anomaly should exist, or rather be created, and I therefore move to strike out the two last words—"open voting"—at the end of the clause, and to substitute in lieu thereof, "ballot."

HON. MR. GIRARD—I think open voting would be preferable to any other system in that country. The population is scattered and the people do not understand voting by ballot. We had this provision in the Province of Manitoba, and when an attempt was made to change the law it was found very difficult or nearly impossible to bring the ballot system into operation with the half-breed population. They are as intelligent as any people, but the system of voting by ballot is new to them and not as satisfactory as open voting. I am sure it will be the same in the North-West Territories, when for the first time they are called upon to vote by ballot. I think open voting is more in accord with what the people of that country want. Perhaps in large cities such as Winnipeg, the ballot would be preferable but there are no towns in the North-West, and for a rural population open voting is preferable to any other system. I see no necessity for the proposed change.

HON. MR. MCINNES—I cannot agree with the hon. gentleman who has just spoken. I know the first voting by ballot in British Columbia took place in 1878. I happened to be a candidate for the House of Commons at that election myself. Of 900 or 1000 votes cast there were only some twelve or fifteen rejected or bad ballots. I have been in Manitoba and the North West Territories and certainly the great bulk of the population there are not natives of that country, but are people who have exercised the ballot in the eastern provinces and are as competent to use the ballot as any people in the Dominion. I think in point of intelligence and in the exercise of the ballot they are quite equal to most of the people in the Eastern Provinces. They are young men, intelligent men who have gone out there, and I think there will be no difficulty, or hardship or inconvenience in allowing them to vote by ballot instead of by open voting. There is also the objection that three or four candidates may be in the field, and their very names, and their presence may enable the Government or their officers up there to elect those men, and the settlers dare not come out and vote against them. I contend that these men, in point of intelligence,



are quite as capable of voting by ballot as the people of the Eastern Provinces; and to do away with any doubt or any suggestion of improper influence, I think the ballot is the proper mode of voting for the people of those territories.

HON. MR. HAYTHORNE—Under ordinary circumstances, whatever may be the relative merits or demerits of the ballot system, as compared with open voting, in this particular case I think open voting is preferable. These electoral districts must necessarily be divided into a great many polling divisions, and it may not be so easy in the North-West to find competent individuals to run polling booths. It requires persons of expertness as well as experience in such work, and able to write and figure properly; it requires persons of considerable experience in public work, and it may not be very easy to find a sufficient number of men with those qualifications to conduct the polling booths over each district. For that reason, whatever opinions I may hold as to the best means of polling in a general way, I think perhaps in this instance open voting is preferable.

HON. MR. PLUMB—The adoption of the hon. gentleman's amendment would be of no use whatever. There are 25 sections that are necessary to insert in this Bill to provide for the operation of the ballot. We cannot by merely saying that the ballot is the system adopted, introduce that system into this Bill. This is merely tentative, and it is time enough when there is a larger population in those Territories to provide for the ballot, and I have no doubt that at no distant date the whole of the elections of the country will be brought into harmony with the ballot system.

HON. MR. POWER—I think the hon. gentleman is quite wrong, and I am surprised at the position taken by the hon. gentleman from Marshfield. Our ballot law is not the very complicated one that the hon. gentleman from Marshfield has suggested. We should not require any more deputy returning officers under the ballot system than by open voting, and the man who is competent to act as deputy returning officer under the system of open

voting will be quite competent to seal up a ballot box and make the necessary return. There is not any force in the objections of the hon. gentleman from Niagara either; because all the House has to do in order to get over the difficulty that he speaks of is simply to insert a clause to the effect that the ballot should be taken in the manner prescribed by the general election law. I think that the ballot is peculiarly necessary in the North-West Territories, where the number of voters is so small, and the number of Dominion officials and of men who are dependent upon the Government in that country is disproportionately large and need to be protected. Out of 150 voters at the election of a member to serve in the House of Commons, perhaps fifty are men who are directly under the control of the Government.

HON. MR. OGILVIE—Oh! oh! oh!

HON. MR. POWER—The hon. gentleman may say "Oh!" and shake his head, but there are a great many Dominion officials in that country.

HON. MR. OGILVIE—There is no such proportion as that.

HON. MR. POWER—There are probably fifty out of every one hundred and fifty householders in those Territories who are more or less dependent upon the Government, and who cannot go up and poll an open, independent vote under the eye of a government officer. It is not much use appealing to the Government on any ground of principle. Last year almost the only reason given for introducing a system of electoral machinery which is going to do no good, but which is going to cost the country half a million of dollars a year, and to put everyone connected with elections to a great deal of trouble and expense, was that we should have one uniform system from British Columbia to Nova Scotia. In the face of this we are departing from that uniformity without any reason whatever; and, in a case where there is the strongest reason for preserving uniformity, in this matter of the ballot we depart from it. If there is any place in the whole country where secret voting is necessary it is in the North-West. If we are going to establish open voting

out there under the conditions set out in this measure, a simple way would be to pass a bill with one clause to provide that the Governor in Council are hereby authorized to appoint four persons, who will be supposed to represent the North-West Territories. That would save a great deal of trouble and expense.

HON. MR. MCINNIS—We have three electoral districts on the mainland of British Columbia, each of which is about 200 miles wide and 600 miles long, and certainly if the objection of a sparse population will hold good with respect to the North-West Territories, it will certainly hold good in the case of British Columbia; yet we have never had any inconvenience there in connection with the ballot. The district I have had the honor of representing and also the one formerly represented by my hon. friend from Burrard Inlet, extends from Washington Territory on the south to Alaska on the north. The district of Yale is about as large and so is the district of Cariboo, and I never heard any complaint of hardship or inconvenience there under the ballot system.

HON. MR. O'DONOHUE—I cannot vote for the Bill as it stands. I see no reason advanced for changing the uniform system that has prevailed to the system here proposed. One of the strongest reasons for introducing the ballot was its uniformity. I cannot sustain this Bill on the reason advanced by the gentleman in charge of it, that the people out in the North-West are less able to exercise the ballot with discretion than the people of the older Provinces. As against the same number of people in any part of the older Provinces, I take it that the people of the North-West are as fully able to exercise it with discretion. The very enterprise that induced them to leave the old settled districts and their family ties to go into that new country is of itself evidence that they are men of intelligence to exercise the ballot. The sluggard is not there. It is the enterprising, active, energetic and intelligent man who is there. He is therefore able to exercise the franchise in the manner in which it was exercised by him before he went there. The people who are there are very largely from the older provinces

of Canada, where they had exercised the franchise under the ballot, and it would be a novelty to them now to vote otherwise than by the ballot. Open voting is an innovation that should not be introduced into our system without better reasons for it than have yet been advanced. There is a great deal of force in what has been said as to the circumstances that will influence the electors there, such as are not found in the older provinces. The freehold in the older provinces is independent of the Government. There is nothing to influence the freeholder in the older provinces such as there is in the North-West. They are there immediately dealing with the Government of the day, no matter what that Government may be—and I do not say a word for one Government more than for another; but where a man is getting his 160 acres from the Government, and perhaps the 160 acres adjoining it to settle his family around him, he is more or less involved with the Government, and is not as free to exercise an open vote as a man down here would be with no Government relations. If the proportion of Government officials is as large as we have been told, then in order to prevent any possible question of suspicion upon the Government, they ought not to change the present system—they ought not to adopt the ballot in one district and open voting in another. Uniformity was urged as a great reason for the ballot, and there is no reason now why that uniformity should be departed from; and I think the amendment of my hon. friend from New Westminster is a very proper one. Although hon. gentlemen may think there is an advantage to their friends in the open vote, and it may help them to secure a majority, they still should not sacrifice the ballot system, a system for which we contended so long, and secured with so much effort. They should not jeopardise or interfere with that system for any paltry gain which they may have in the elections in the North-West Territories.

HON. MR. DEVER—I am thoroughly opposed to the open voting system. I can look back with horror to the day when we had the open vote in the lower provinces. We hardly had an election in those days at which there was not bloodshed and

disorder in every sense of the word—in fact we had not that system of voting which enabled the people to select the candidates of their choice. It was then a time of pressure and coercion, when men were compelled to go to the polling places and cast their votes against their will. Since that system was changed we have had peace, order and comfort at elections, and generally speaking the best candidates are selected. I cannot see for the life of me why my hon. friend from Marshfield should wish to go back to the old system of open voting. Surely he has not forgotten the old days of rotten boroughs in England, when men were brought to the polling booths like sheep to market. Instead of going back to an old system like that we ought to progress, instead of depriving the people of the North-West, who are not probably as far advanced as the people in the eastern provinces, of the power of voting without restriction or control, we ought to extend to them the vote by ballot.

The Committee divided on the amendment which was lost; Contents 16, Non-contents 20.

HON. MR. MCINNES gave notice that on the third reading of the Bill he would again move his amendment.

On the twenty-seventh clause,

HON. MR. PLUMB—I stated to the hon. gentleman from Halifax that there was a provision in the Dominion Elections Act of 1874, that no mistake or mere technicality would vitiate any of the provisions of this Act. The eightieth section provides as follows:

“No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes or by reason of any want of qualification in the persons signing a nomination paper received by the Returning Officer under the provisions of this Act, or of any mistake in the use of the forms contained in the Schedules to this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.”

Clause agreed to.

HON. MR. DEVER.

On the twenty-ninth clause,

HON. MR. POWER—I wish to again call the attention of the Committee to the very objectionable character of this measure. The twenty-ninth clause provides:—

29. Each such enumerator, immediately after the nomination day, if a poll is granted, shall carefully compile a list of the persons qualified as electors to vote at the election then pending, for the polling divisions for which he has been appointed; and he shall make three plainly written copies of the same, with the names of the voters alphabetically arranged, giving the occupation and residence of each voter, in the form K in the schedule to this Act.

Every one knows that in the heat of an election contest correct lists cannot be made up by a partizan officer, whether his sympathies are with the Government or with the Opposition. I contend that after nomination day, when the election excitement is up, you cannot get an officer who will make up a list fairly. Why not provide that the lists shall be made up some time previous to the election, as is done everywhere else? There is scarcely a clause in this Bill which is not objectionable; but this provision that the lists shall only be made up after nomination day is a guarantee that the lists cannot under any circumstances be fairly and honestly made. It does not seem to be any use to ask to have this measure amended in any way. Members of this House have boasted on many occasions of the magnificent burst of independence they showed in the case of Prince Edward Island several years ago, when amongst others, the hon. gentleman from Marshfield opposed the Government of which he was generally a supporter; but now we find that same hon. gentleman supporting a Government of which he is generally an opponent on a measure which is infinitely worse in every way than the measure which was then proposed to be applied to his own Province.

HON. MR. BOTSFORD—Because the measure is a good one.

HON. MR. POWER—The hon. gentleman's taste is peculiar, that is all I can say. Any man who can say that a measure which contains a clause like this 29th

clause is a good one, has views of what constitutes a good election law which are peculiar. I can imagine, if any such measure as this had been brought into this House when a Liberal Government had control of Parliament, we should have heard a different story, and the measure would be considerably amended before it left the Chamber.

HON. MR. PLUMB—The clause is word for word the same as the clause of the Act passed by the late Government for the administration of the North-West Territories.

HON. MR. POWER—The elections for the North-West Council are practically municipal elections, and are very different from elections for the House of Commons, where party politics come in, and where there is every inducement to the enumerators to make up the lists in a partizan manner.

HON. MR. PLUMB—The hon. gentleman has said that if a Liberal Government had brought in such a Bill as this it would have been amended in this House. If the hon. gentleman looks at the ordinance respecting elections in the North-West Territories passed during the regime of the Mackenzie Government he will find that the 18th section of that ordinance is word for word the same as the 29th section of this Bill.

HON. MR. POWER—That was practically a municipal election.

HON. MR. PLUMB—I leave my hon. friend to get out of the dilemma as best he can.

HON. MR. SCOTT—I do not think it is fair for the hon. gentleman from Halifax to criticize by name a gentleman who has had large experience in legislation, and who stands high in the estimation of this House—a gentleman who graduated in politics long before the hon. gentleman from Halifax was born. I do not recognize it as proper that any gentleman should rise and lecture another member of this House by name, particularly a member who has had the long experience of the hon. gentleman on my

right. The reason why I took the ground I did a few minutes ago is that I do not regard the list as worth much, because if a voter's name is not on the list he is not precluded from voting. Any man may vote who has the qualification, and it is for that reason I do not care for the list—in fact I would rather not trust the Government with a list. The householder has the right to vote whether his name is on the list or not; but if an absolute list were made up, from which the name of a householder were excluded and he would on that account be precluded from voting, I could see some force in the objection; but under this clause no man who is entitled to vote is cut off from voting because his name is not on the list.

HON. MR. HAYTHORNE—I propose taking a different view as to the duty of a Senator, to that held by my hon. friend from Halifax. I conceive that it is not my duty to oppose every measure and every clause of a measure which the Government brings down; and if my experience, which extends over a very long period—because I can recollect distinctly the attachment of the first voters' list under the Reform Bill of 1832 to the church doors—if I can recollect, as a public man, that which occurred before the hon. gentleman from Halifax was born, I may venture to think that my experience is not without some use in this House.

The clause was agreed to.

On the thirty-fourth clause,

HON. MR. POWER—I had not observed the provisions to which the hon. gentleman from Ottawa referred to a few minutes ago. It seems to me that what has been shown to the committee, now is the most substantial reason for doing away with all this unnecessary machinery for getting the names on the list, when there is no necessity for it at all, as a voter can come up to the poll and swear that he has the proper qualification, and is entitled to his vote. I think the better way would be to strike all other clauses relating to the voters' lists out of the Bill.

The clause was agreed to.

HON. MR. ODELL, from the committee, reported the Bill without amendment.

## THE CANADIAN PACIFIC RAILWAY BILL.

### IN COMMITTEE.

The House resolved itself into a committee of the whole on Bill (131) "An Act further to amend the Act respecting the Canadian Pacific Railway."

In the committee.

On the fourth clause,

HON. MR. POWER—Perhaps the hon. gentleman from Niagara will explain this clause.

HON. MR. PLUMB—This fourth section provides that the company may issue mortgage bonds based as a security upon the lands which remain in the company's hands. It provides that those securities shall not exceed \$2 per acre, and that the amount which they shall issue, and the price at which the lands shall be put in security, shall be decided by the Governor in Council, and that the outstanding land grant bonds shall be called in and cancelled; but that nothing that provides for the issue of the present land grant bonds shall affect the rights of those who hold the land grant bonds outstanding. I think there are three millions of outstanding bonds, and it is intended to call those in and have a uniform issue.

The clause was adopted.

On the fifth clause,

HON. MR. POWER—I think the Committee ought to strike out this clause. It provides that the only security with the Government hold for the satisfactory operation of the Canadian Pacific Railway shall be given over by the Government. The security is a small enough one—five millions of dollars in bonds. I think that that clause embodies a most objectionable provision. The construction of the Canadian Pacific Railway was a very important work, but I think its operation is of

just as much consequence; and, as I said when the Bill was being read the second time, it is the duty of the Government, who are trustees for the public, to see that the people, for whom they act as trustees do not suffer. We know a little about the condition of the Railway west of the Rocky Mountains—we do not know a great deal about it. We know that Onderdonk who had the contract for the construction of a large section of the Canadian Pacific Railway in British Columbia did not perform his contract in such a way as to justify the Government in taking the road off his hands. I have been informed and I believe correctly, that at the present time Onderdonk is operating the British Columbia section of the Canadian Pacific Railway on behalf of the Government—that the Government have entered into some arrangement with him by which he operates that part of the road. We have been informed that the Canadian Pacific Railway Company have refused to take over the road built by Onderdonk on the ground that it is not such a road as they properly expected to get, and it is alleged that it will require an expenditure of two millions of dollars to make that portion of the road built by Onderdonk such a line as the Canadian Pacific Railway will accept from the Government. I think that that circumstance alone is sufficient to make us careful about handing over the last lever which gives us any influence over the Canadian Pacific Railway Company. Then we know that the passes through the mountains are not of such a character as the country requires or as the contract calls for. I am not going to speak about the permanent grades which are 116 feet to the mile, whereas the original contract required they should be only 52 feet to the mile; but there are so-called temporary grades of considerably over 200 feet to the mile.

HON. MR. MCINNES—250 feet.

HON. MR. POWER—I think that to ask Parliament to let the Company go free, so that we shall have no control whatever over them, while that state of things exists west of the Rocky Mountains, is asking a little too much. I think the least we can do in self-defence is to retain at all events this small security of

\$5,000,000 worth of bonds. Suppose we abandon this security, and the time comes for the transfer of the British Columbia section of the road to the Company, and the Company allege that that road requires to have \$2,000,000 spent on it before they can accept it. The Government are placed in that position that they have either to retain and operate the road, which would be done at a very great loss, or have to give way to the demands of the company, and make them a present of another considerable sum of money to complete that road in British Columbia. It is not at all improbable that this may happen. The Canadian Pacific Railway Company must know, as every business man knows, that the road from Calgary to the Pacific Ocean will not pay for a time, at all events. And the Company will make the condition of this road of Onderdonk's a pretext for not operating that portion of the line. What leverage have the Government to compel them to operate it? None whatever. I must say that I think it is a most unwise and unbusinesslike thing on the part of the Government to give up that small security for the efficient operation of the road. I think there are at least such circumstances as would make any prudent business man decline, if he were in the position of the Government, to do what we are asked to do by this clause; and for that reason I shall vote against it, and I hope to divide the House upon the subject at the third reading.

The clause was agreed to on a division.

On the seventh clause,

HON. MR. POWER—This is another objectionable clause. When the Bill was at its second reading I had not adverted to the probable effect of this clause. The thing that occurred to me was that it was the directors only whose disqualification was removed, and I should not have very much objected to the directors of the Company sitting in Parliament; because if they were allowed to sit they could not probably exercise much greater influence inside of Parliament than they do outside of it at present. Of course, their influence in Parliament would be increased by their being allowed to come in and sit here; but to my mind the strongest objection to

this clause is that the Company can secure the allegiance of members of Parliament by making these members shareholders in the Company; and I think that is a most objectionable provision. The hon. gentleman in charge of the Bill said that this measure severs the last link which connects the Government and the company. If that were true—I do not mean to say that the hon. gentleman stated what he did not believe to be true—but if that were true for a fact everyone would be charmed to let these gentlemen come in here and occupy seats in the Parliament; but it is not so. I have already pointed out two or three circumstances which show that we shall have probably to deal next Session with further demands of the company. Our experience has been that since the Session of 1880-1881 when the first of the Acts respecting this company was passed to the present time there have been applications made to Parliament on behalf of the company every Session except one. The company as it is now, with none of its members in either House, has always got what it asked for. There is not an instance where anything has been refused. How is it going to be when numbers of shareholders of this company occupy seats in Parliament? Anything they wish to get through they probably will get through; and gradually this company acquiring more and more railroads throughout the country will possess overshadowing influence. Every member knows—none better than the hon. gentleman from Niagara—how some legislatures in the United States are completely controlled by the great railway corporations.

HON. MR. PLUMB—I do not know anything of the kind.

HON. MR. POWER—I am sorry for the hon. gentleman's ignorance. If he is as familiar with affairs in the United States as he sometimes gives us to understand he is, he must know that in the best American papers, such as the *New York Nation*, you see statements of that kind made.

HON. MR. PLUMB—I have not the honor of reading the *New York Nation*.

HON. MR. POWER—The legislatures

of some of the States are altogether controlled by the great railway corporations.

HON. MR. PLUMB—I do not believe everything I see in the papers.

HON. MR. POWER—I am speaking of a paper which is careful in its statements. We know that in Congress, as a rule, anything the great railway corporations want they manage to get. I feel that one of the great dangers of the future of this country is this, that we shall probably have an amalgamation of the Canadian Pacific Railway and the Grand Trunk Railway, and they will practically own and control and run the whole country. This clause is a very large step towards that consummation, and for that reason I am opposed to it. As I said before, I do not wish to be understood as being actuated by any unfriendly feelings towards the Canadian Pacific Railway. I hope they may be successful to the utmost of their expectations; but I do think that in the interests of Canada, Parliament should be protected from their undue influence.

HON. MR. HOWLAN—I am quite surprised that at this late time of the day my hon. friend should have anything to say to the Canadian Pacific Railway. It is pretty well admitted throughout the length and breadth of Canada that a great service has been done through the building of the Canadian Pacific Railway, and when my hon. friend says that the company is coming for legislation next year he tells us something for which he has no foundation.

HON. MR. POWER—I said I expected so.

HON. MR. HOWLAN—The hon. gentleman has no foundation for saying so. We were told when this arrangement was first made that the enterprise would not be carried out. From the very inception of this great work we have had the same views and opinions expressed. If the gentlemen composing the company were of that class of men that the hon. gentleman tells us they are, they would not have returned these twenty millions of dollars. They would have come to the Government and said, "We find although we promised

to return you so much money, yet in the practical working of this railway the money cannot be refunded." That would have been the course taken if they had been the class of men that the hon. gentleman claims they are, and now, at the completion of the work, when ten millions of dollars has been paid over, he casts a doubt on the re-payment of the other ten millions. Then, as to the value of the lands, we have had doubts expressed—nothing but doubt after doubt. The legislation we have had before us to-day—the last three Acts—taken one after another in succession, shows what a wonderful advance has been made.

HON. MR. MCINNES — Even the Chinese Bill.

HON. MR. HOWLAN—The Dominion Lands Act relaxes the regulations dealing with the settlement of lands. The next gives representation to the North-West Territories in the House of Commons; and now we have a Bill before us by which the country is to be refunded a large portion of the loan advanced to the Canadian Pacific Railway Company, and yet the hon. gentleman doubts if the western section of the road will be operated. He tells us if the bond holders of that Company are allowed to hold seats in Parliament, they will exercise a controlling influence. But he also says that they will have no more influence in Parliament than they have outside of it—then by all means let us take them in.

HON. MR. POWER—I never said anything of the kind.

HON. MR. HOWLAN—The hon. gentleman said that they exercised as much influence outside of Parliament as they would exercise in it.

HON. MR. POWER—I said the directors, not the bondholders.

HON. MR. HOWLAN—Take the directors—he said that they have so much influence outside of Parliament that they have been able to get all they wanted and nothing has been refused them. If that is the case, what harm will it do to take them in? On the contrary, I think if we

have no control over them outside we would be able to control them inside, and therefore the hon. gentleman's argument falls to pieces when it is investigated. I am only surprised, at this stage of the history of the building of our great national highway, which everyone feels proud of, and which has raised Canada in the respect of the world—that my hon. friend should express sentiments so unworthy of him—that he should say that the gentlemen who had the large-mindedness, the ability and the enterprise to originate and carry to its conclusion such a gigantic work, should not be admitted into Parliament. I think they should be welcomed rather than excluded. I am sorry the hon. gentleman has taken such a ground, because I consider it unworthy of his position as a member of this House.

HON. MR. OGILVIE—In a little different speech we have the same complaints to-night from the senior member from Halifax that we have had for the last three or four years from some of the gentlemen of his way of thinking. In the first place, when the contract was given out for the construction of the road in ten years, I was told fifty times by members of both Houses that it could not be built in fifteen years—that the road north of Lake Superior never would be built. Then we were told that certainly the road would never be run, and the hon. member from Halifax seems to entertain the same doubts to-night. When the first assistance was given to the Company by the Government, we were told that we never would get any portion of that loan back. The truth of the matter is the hon. gentleman from Halifax and many others feel hurt and annoyed that the Canadian Pacific Railway has been such a great success, because they expected to have their predictions realized. Many of them, I quite believe, were as anxious as ourselves that the road should be completed, but they expected to get into office and have all the credit of carrying out the great undertaking themselves. I have no doubt the hon. member from Halifax does feel annoyed to think that such a large amount of money was paid in the other day by the Canadian Pacific Railway Company.

HON. MR. POWER—The hon. gentle-

man has no right to use such language. I expressed my gratification that they had paid in the money; and I do not feel sorry, and he has no right to attribute such sentiments to me.

HON. MR. OGILVIE—As I said the other day, when called to order, if I am not in order now, I have heard the same hon. gentlemen travel a good deal further from the point at issue than I have done to-day. I repeat I have not the slightest doubt that the Opposition are annoyed, not at the success of the road, but that the road has been so successful under the present administration, and that, because of its great success, we are having this large amount of money paid back to the Government, as I predicted all along it would do. Does the hon. member from Halifax think for one moment that gentlemen who are putting almost their entire private fortunes into these roads they are acquiring in connection with the Canadian Pacific Railway are not going to continue to operate that line? I do not think there is any danger on that point. The truth is, the road has been a great success, and those who have tried to help the undertaking have been well recompensed by the country for the manner in which they have carried out their agreement. The company have had the intelligence, ability and capital to carry them through, and the trouble is that they have done it only too well—that is the real ground of the hostility shown to them. Why should not the stockholders of that company have a right to sit in Parliament just the same as the stockholders of any other company, after they pay their debt to the Dominion? A man may own stock in a newspaper company and still hold a seat in Parliament, and why should the stockholders in this company be excluded? I do hope that nothing will occur to mar the continued success of this great enterprise, and I think if our Government deserve support and credit for anything in the world more than another, it is for the brave, manly and courageous way in which they have carried out that undertaking. Very few men would have had the pluck, under the circumstances, to persevere in the enterprise as they have done; and they deserve the thanks not only of their supporters but of



every man in the Dominion for what they have done in connection with this great railway project.

HON. MR. HAYTHORNE—The discussion has diverged somewhat from the question raised by the hon. member from Halifax, and has taken the form of laudations of the Canadian Pacific Railway Company. I wish to say that the hon. member called attention to what may become a very serious danger, the interference of stockholders in this great undertaking with the independence of Parliament. That would be a real and serious danger, but it seems to me that the remedy which the hon. gentleman proposes is one which would operate very unjustly on *bona fide* stockholders. Men may invest their savings in stock of the Canadian Pacific Railway Company, but surely such an investment as that ought not to prevent them from becoming members of Parliament. The danger is a real danger, but it seems to me it would not have been incurred if proper attention had been paid to the arguments of those who, when the Company was incorporated, called attention to the possibility of this corporation becoming so powerful that they would over-ride governments, parliaments and people. I think many gentlemen on this side of the House, in debating this question, pointed to the very fact alluded to this evening as to the action of similar corporations in the United States. I remember doing so myself and showing how the people of those States had applied to their local legislatures to protect them from the evils of those great monopolies, and when the local legislatures could not serve them any longer, they appealed to Congress. That shows there is danger of those great corporations becoming too powerful. In the course of our Parliamentary history in the old country we have at times experienced a similar danger, though not from the same cause. There are pages of English history which point to a time when the independence of Parliament was endangered by the presence of numerous placemen, and laws were passed to limit the number of placemen in the House of Commons and prevent persons holding offices under the Government from being elected to Parliament. It was to obviate

a danger of that kind that the hon. member from Halifax called attention to this matter and I should be inclined to support his proposition if it were not for the fact that in supporting a remedy for a possible future danger, we would be committing injustice to the *bona fide* shareholders of the Canadian Pacific Railway Company.

HON. MR. VIDAL—I do not propose to enter into any discussion or make remarks upon the wonderful work which has been accomplished by the Canadian Pacific Railway Company, so ably set forth by the hon. member from Montreal. I think it is worth while to revert to the section before us under consideration; and one very important feature suggests itself to me, which has not been touched upon at all, with reference to objections made by the hon. member from Halifax. I can quite well appreciate his making attacks on the shareholders and directors, and in fact anybody connected officially with the Canadian Pacific Railway Company.

HON. MR. POWER—The hon. gentleman should not attribute to me what I have not done.

HON. MR. VIDAL—I have not attributed anything.

HON. MR. POWER—I said nothing against the Company or against the shareholders or the directors.

HON. MR. VIDAL—I did not say the hon. gentleman did. I said I would not be surprised at any attacks made upon persons occupying high positions in connection with this work, because certain things would lead to that very naturally, but I am surprised that one standing forth as the advocate of the people's rights, one who is jealous of any encroachment on the rights of the electors of the Dominion, should be desirous of limiting their choice of representatives. Has he no confidence in the elector's knowledge of those who hold shares in the Canadian Pacific Railway Company? Are the people not able to judge whether that should be a disqualification for anyone who desires to represent them in Parliament? Surely he ought to be willing to leave it to the people to form

their own judgment on a question of this kind, and if so, why insert in an Act of Parliament a clause which will prevent them from selecting someone who, in their opinion, will be best qualified to represent them and to promote the interests of the country? I think it may safely be left to the people to settle this question for themselves. They will know who are the shareholders of this Company, and if, knowing that fact, they see fit to send a shareholder of the company to represent them in Parliament, is the hon. member from Halifax the man who would say that they should not exercise that choice? That is what it would amount to if he wishes to keep up this disqualification to prevent the supposed evils which he thinks might result from too large a number of these shareholders getting into Parliament. I have no fears on that score myself. My belief is, that as soon as any evil can be shown to result from the presence of those shareholders in the House of Commons, just so soon would they be left at home by the electors of the country who have a very great capacity for knowing who would best promote their interests.

HON. MR. PLUMB—I can hardly allow this vote to be taken without saying a word in reply to the objections which have been raised. My hon. friend, the senior member from Halifax, with that amiability and courtesy which characterize all his utterances, and which he evinces more particularly to-night than ever before, has made a statement that this road is not likely to be open for through traffic at present, on account of a difficulty with the contractors on the Pacific end of the line. The company, at a meeting not long ago, published their annual report, and there is no reference whatever to any cause of delay in that direction. On the contrary, there is a statement made in the most solemn manner that the road will be very soon open for traffic from sea-board to sea-board—that arrangements are made for steamships to run across the Pacific in connection with the road and a line of steamers on the Atlantic to connect the eastern terminus of the road with Liverpool. The hon. gentleman is very much alarmed lest the road will not be operated. He says we ought to hold security to

insure the operation of the line. As I said the other night—I abstained from making a speech for I believe the road will take care of itself—that it is almost childish to hold five millions of land grant bonds of the road to insure its running when it has a larger equipment for business than either the Union or Central Pacific. Its equipment altogether, for the business which we were going to hold five millions of bonds to insure its carrying on, amounts in value to \$9,344,000. They evidently, unless they are madmen, suppose that they are going to have business and intend to keep their road up. Another thing by which they are pledged to the public by every possible consideration—their road would not be good for anything if it were not a through line. I say, and say it advisedly, that the great strength of their line is that it extends from ocean to ocean, for which they can make one price, and it is under one management. I am somewhat surprised that at this last stage of the proceedings the same old story should be told us over and over again.

Is there any reason why a great public enterprise like the Pacific Railway, having, as I said again, severed its interest with the public by settling and squaring up its accounts with the Government, should have its stock tabooed, so that no gentleman would dare to own a share of that stock, which is public stock in the market, because forsooth he would be deprived of the privilege of being sent to Parliament or holding any office of trust under the Government? It argues a very low estimate of the morality of the public men or the best men of this country; but it accords with the general position adopted by the hon. gentleman in criticizing those measures. There is, however, one consolation in regard to it, we all know that he does not mean it; that it is a perfunctory operation; that he feels in the discharge of his duty, while on the other side of the House, he must oppose those measures, and we take it for what it is worth. This discussion might have been closed long ago, because we have no right to amend this clause; it is a money matter over which we have no control. This House has no right to deal with that section any more than it has to deal with any other fiscal question which is within the province and purview

the House of Commons. I will simply conclude what I have to say with this remark, which ought to go home to the mind of every hon. gentleman in this House. It is the concluding paragraph of the report of the Canadian Pacific Railway Company at their last annual meeting:

"The Railway now practically in operation throughout, and the Company beyond the reach of the political or other motives which have prompted many persons at home and abroad to decry the country traversed by the line, and their statements having proved false as to the lands by the result of agriculture, and as to the railway by the results of its operation, it is hoped that we may henceforth escape the malice which in the past has done so much to embarrass the Company and to retard the settlement of the country."

That is all I wish to say on this subject, and I am very glad to have this opportunity to make these few remarks, because from the beginning to the end I have been a consistent advocate of this scheme, in which I never had one sixpence worth of interest except the interest which every Canadian must feel in carrying through that great enterprise. I move the adoption of the clause.

HON. MR. POWER—The hon. gentleman from Niagara has raised a question of order as to the right of this House to amend this clause. I have taken the trouble to consult the authorities on this subject, and according to my interpretation, neither our rule, nor the British North America Act, nor Bourinot goes to show that there is any reason why the Senate should not amend a measure which happens to deal, amongst other things, with money matters. Bills imposing taxation or in connection with taxation we cannot amend; but a Bill of this sort in which the money question is one of the incidents, we can deal with; and certainly this clause has nothing to do with money at all.

HON. MR. PLUMB—I beg the hon. gentleman's pardon; I was referring to the fifth clause.

HON. MR. POWER—I wish to make another remark on the language the hon. gentleman has used about myself. He said that we all knew why I speak as I do—that I speak only in a perfunctory way

in the discharge of what I conceive to be a duty.

HON. MR. PLUMB—That was badinage.

HON. MR. POWER—I think the hon. gentleman is not quite correct. There have been cases in which I have not taken the same line as the great bulk of the party to which I belong, because I thought they were wrong on certain points. That was my humble opinion; and I do not propose now to take a line which I think to be wrong simply because the majority of the party with which I am connected take that view. Further, I think it is unfair of the hon. gentleman to try to adopt the line which has been adopted in this House, that a member who ventures to criticize any arrangement made by the Government with the Canadian Pacific Railway Company is therefore an enemy of the country, of the railway, and a personal enemy of the directors of the company. There is nothing of the sort. This is a matter of business. The country and the railway company are making a bargain, and we are asked to ratify the bargain, and we ought to deal with it as business men would with any business arrangement. I have contended, and I still contend, that we are making a mistake in giving up the security that has been spoken of. I may be allowed to say a word or two more in reply to the hon. gentleman from Niagara, although his remarks referred to the fifth clause of the Bill rather than to the one now under discussion. The hon. gentleman spoke as though I had said that the road would not be open from ocean to ocean.

HON. MR. PLUMB—No, I did not say that.

HON. MR. POWER—What I said was this: that a portion of the road constructed by Onderdonk, had not been accepted by the Government because it was not up to the specification, and that it was now being operated by Onderdonk under some arrangement with the Dominion Government, and that the Company would not take that section over unless a further large sum of money was spent on it. The hon. gentleman did not say whether that

was correct or not. That was the point of my observation—that we were not done with the Canadian Pacific Railway Company yet, as they would not take over that section until we have spent a large sum of money to bring the road up to the standard which they think it ought to reach, or until some other arrangement is made with them. Talking about the through line, it was admitted by the leader of the Government in this House at the beginning of the session that when he was in San Francisco he had ascertained that the ocean borne traffic of the American trans-continental railways amounted to very little. Now, what is to make the British Columbia end of this road pay? If the ocean borne traffic amounts to very little on the American roads, it cannot amount to very much on this one. One cannot tell what is going to come from the Pacific ocean. Supposing that the 20,000 people of British Columbia are the most energetic and enterprising people in the world, 20,000 people cannot give employment to a road of this kind.

HON. MR. NELSON—There are more than 40,000 or 50,000 people in British Columbia, but they are not all whites.

HON. MR. POWER—No, not of white people.

HON. MR. NELSON—The hon. gentleman forgets that there are Chinese and Indians.

HON. MR. POWER—I am talking about the people who are likely to afford business to this road. Granted that the 20,000 white people are the most energetic and enterprising people in the world, a population of only that number cannot give employment to a road of this kind. Then if there be little local business, and little through business, what is going to induce the company to operate the road from the Rocky Mountains west to the Pacific? Why should the company operate it, if it does not pay them to do so? Hon. gentlemen have alleged that I have found a great deal of fault in different ways with the Canadian Pacific Railway Company. I have not done so; but I shall now make one remark suggested by an observation of the hon. gentleman from

Alma, which I think deserves a little attention. The hon. gentleman spoke with that emphasis which we all like to hear, and which points his argument so well, of the value of the *Canadian Pacific Railway*. This reflection occurred to me when the hon. gentleman said that—that there were certain points of view from which it was not altogether a Canadian Pacific Railway. If any hon. gentleman will take up a list of the officers of the Canadian Pacific Railway he will find that from the general manager down until he gets to those officers who are supposed not to be worth very much, three-fourths of the important offices on that road are filled by men who are not Canadians.

HON. MR. BOTSFORD—I would like to ask the Chairman what section is now under discussion?

HON. MR. POWER—Section seven is under discussion.

THE CHAIRMAN — Section eight is the section under discussion. I declared section seven carried half an hour ago.

HON. MR. PLUMB—Even if the hon. gentleman is discussing the seventh section he is entirely out of order in discussing the general principle of the Bill; but I should dislike very much to stop such an agreeable discourse.

HON. MR. POWER—I contend that the point of order is not well taken. We are discussing the question as to whether the shareholders of this Company should be allowed to be members of parliament, and the argument I have just used is perfectly relevant; because if these gentlemen appoint to all the important offices, or nearly all the important offices in their company men who are not Canadians, what sort of policy may we expect from them when they get into Parliament?

THE CHAIRMAN—The hon. gentleman is clearly out of order; he is discussing the whole of the Pacific Railway policy on the seventh clause of this Bill.

HON. MR. MACDONALD, from the Committee, reported the Bill without amendment.

HON. MR. PLUMB moved the third reading of the Bill presently.

HON. MR. McINNES—I would ask the hon. gentleman to allow the third reading to stand over until to-morrow, as I wish to say a few words on the question, and I am not well enough to do so to-night.

Ordered that the Bill be read the third time to-morrow.

The Senate adjourned at 10 p.m.

### THE SENATE.

*Ottawa, Wednesday, May 26th, 1886.*

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

### NORTHERN AND NORTH-WESTERN JUNCTION RAILWAY BILL.

BILL WITHDRAWN.

HON. MR. VIDAL—From the Committee on Railways, Telegraphs and Harbours, reported Bill (65) "An Act respecting the Northern and North-Western Junction Railway," recommending that the Bill be withdrawn.

HON. MR. TURNER moved that the Report of the Committee be concurred in.

The motion was agreed to and the Bill was withdrawn.

### TITLES TO LAND IN MANITOBA.

MOTION WITHDRAWN.

The notice of motion having been called

That an humble address be presented to His Excellency the Governor General; praying His Excellency to be pleased to cause to be laid before this House, copies of all correspondence which has taken place between the Department of the Interior and any person or

persons on the subject of the sale or possession under title of Lot No. 133, in the Parish of Ste. Agathe, Manitoba.

HON. MR. GUÉVREMONT said (in French)—In company with the hon. member from St. Boniface I had an interview with a member of the Government on this question, and the reply which he gave to my hon. colleague I will now ask him to explain.

HON. MR. GIRARD—According to the information which is in the possession of my hon. friend from Richelieu, I can only say that this is certainly a very bad case. The property in question was bought by a French Canadian for \$1,700, and he has expended upon it upwards of a thousand dollars. Finally it was claimed by some other person, who, in my humble judgment, had no lawful right to it. Nevertheless the patent has been given to him, notwithstanding the fact that the French Canadian had expended so large a sum of money upon the land. I heard yesterday that the hon. member who represents the Government in this House was ready to give an answer to the question, and I will await that reply. At the same time I must say to my hon. friend that the information which I have received induces me to believe that efforts will be made by the Government to do justice in that case. The information I have received is that an enquiry will soon be made and when the facts are brought to light justice will be done—I am satisfied that any error which has been committed will be rectified. It is a case certainly of very great importance. I rely on the promise which has been made to me, and I am glad to be in a position to give this information to the House.

HON. MR. GUÉVREMONT—(In French)—Now that the House is in possession of the information which my hon. friend has received from the Minister, I ask permission to drop the motion.

The motion was dropped.

### LOST REGISTERED LETTERS.

MOTION.

HON. MR. GUÉVREMONT moved

That an humble Address be presented to His Excellency the Governor-General; praying His Excellency to be pleased to cause to be laid before this House, a copy of the correspondence that has taken place between the Post Office Department and Mr. H. Lavallée, on the subject of a registered letter posted at the Sorel Post Office on the 31st July, 1884, addressed to Joseph Theo. Cartier, Abenakis Springs, which has been lost.

He said: (In French) This letter was lost between two Post-Offices situated not far from each other. I regret that this individual, who has sustained the loss, has not received any tidings of the missing letter. It contained some \$50, which is a large amount to the loser. This is not the first time that members of this House have been obliged to call attention to the fact that registered letters have been lost. I believe that the Government ought to bestow some attention on this subject with a view of providing a remedy, so that if a registered letter which goes astray is not recovered the sender may not lose the amount it contains. There is little use in paying for the registration of a letter if the sender is no better off than if it were not registered. I believe that every possible means should be employed to trace up the missing registered letter, and if it cannot be found that the party should be indemnified for his loss.

HON. MR. ALEXANDER — Before making one or two observations on this motion I cannot help observing that habits and practices of a most extraordinary character are creeping into this House. The other day when the senior member from Halifax brought in a motion, one or two hon. gentlemen shouted out "Withdraw, withdraw," and to-day if I had not risen, the hon. gentleman from Sorel would have been almost crowded down so that he would not have proceeded with his motion. I think it is most irregular and most disrespectful to the House, and I hope such conduct will not be repeated.

THE SPEAKER—I beg to interrupt the hon. gentleman. The only member out of order after the hon. member from Sorel resumed his seat was the hon. gentleman from Woodstock, himself, who did not allow me to put the question from the Chair.

HON. MR. ALEXANDER—I proceed to observe with regard to the motion that it is most deeply to be regretted that the necessity should have arisen for this motion at all. Every one that knows my hon. friend from Sorel must be aware that from his general bearing and character he would not give a notice of motion of this sort, requiring information from the Government, if the necessity for it had not arisen. While it is utterly to be regretted that the Department of the Interior cannot manage their transactions—

HON. MEMBERS—Order, order!

THE SPEAKER—The hon. gentleman from Woodstock is speaking to the wrong motion; he is evidently speaking to the first motion and that has been withdrawn. It is the second motion that is before the House.

HON. MR. ALEXANDER — I have not the good fortune to hear half of what falls from the Chair, owing to a defect in my hearing.

HON. MR. O'DONOHUE—A good deal of what is said from the Chair is lost to my hon. friend on account of his loss of hearing, and when he did not hear an opportunity should be given to him to ask for information.

THE SPEAKER—With regard to the first notice, the hon. member from Toronto will be pleased to observe that there was no motion put to the House; that the hon. member from Sorel did not even move his motion, and any speaking that was done after he had withdrawn that motion was done with the permission and favor of the House. I am sorry if the deafness of the hon. member from Woodstock prevents him from hearing me on any occasion, and if my attention is called to it at the time I will endeavor to speak more loudly.

HON. MR. PLUMB—There is no objection to the motion, as I am instructed to say it is not covered by the inspector's report.

RETURNS.

HON. MR. POWER—Before the orders

of the day are called I would ask the hon. gentleman from Niagara, who was good enough to say the other day that he had some correspondence asked for by me with respect to an importation of dynamite into Halifax, ready to lay on the table, if the Government would have any objection to laying on the table at the same time some other correspondence respecting an importation into Montreal, which was so connected with the importation into Halifax that one matter could not be well understood without the other.

HON. MR. PLUMB—I have to say to the hon. gentleman that I have no instruction with respect to the Montreal correspondence, but I will make the inquiry and communicate the result to the hon. gentleman.

#### QUESTION OF PRIVILEGE.

HON. MR. NELSON—Before the orders of the day are called I would draw the attention of the House to a statement in the *Citizen*. The report of the debate of yesterday in the *Citizen* represents me as asking that the Committee rise and report progress "in order to give me an opportunity of consulting the Government which might be induced to withdraw the Bill." It is hardly necessary for me to say that I never made any such request at all; that I have been generally in favor of the Bill throughout.

HON. MR. O'DONOHUE—Before the orders of the day are called I desire to ask the Minister if the Government have come to a decision as to when the present session shall end. The House I am quite sure is prepared to hear the determination of the Government if they come to any upon that point.

HON. MR. SMITH—The Government has not come to a final understanding when the House shall be prorogued; when it does it will be communicated as soon as possible.

HON. MR. O'DONOHUE—We will know it ourselves then.

HON. MR. MCINNES—As my hon. friend from Burrard Inlet has called the

attention of the House to something misreported in the *Citizen* of this morning, I have also to call the attention of the House to the last sentence of what I said yesterday as reported in the *Citizen*:

In conclusion he urged the advisability of cutting off the grievances of all Chinese prisoners, an act which he claimed would have a very deterrent effect upon crime.

I do not think I made use of the word "grievances." I meant, and I think I said, and the House understood me as saying, "queues."

#### REPRESENTATION IN THE NORTH-WEST TERRITORIES BILL.

##### THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (115), "An Act respecting representation in the North-West Territories in the Parliament of Canada.

HON. MR. MCINNES—Before the Bill is read the third time I propose offering an amendment to the 26th clause. The more I look over it the more I am convinced that the Government have made a mistake in asking that the elections in the North-West Territories should take place by open voting. It would appear that the Government are afraid to bring on an election in these Territories in the usual way and in the manner that prevails all over the Dominion. We are all aware of the charges that have been made against the Government with reference to the mismanagement in the North-West Territories, and I am forced to believe, very reluctantly though, that the Government are afraid to bring on the election there by ballot, for fear that their policy with respect to that country will be denounced and condemned; that the people out there, if they are allowed to exercise the privilege of the franchise in the same way as their brother voters do in the other Provinces, will return Opposition members and thereby mark with disapprobation the policy that has been pursued towards that country. The only arguments, if they can be called arguments, adduced last evening against the ballot being exercised in the North-West Territories, was that population there is yet sparse, and

HON. MR. POWER.

CANADIAN PACIFIC RAILWAY  
BILL.

## THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (131) "An Act further to amend the Act respecting the Canadian Pacific Railway."

HON. MR. POWER—I beg now to move the amendment of which I gave notice in committee:—

"That the said Bill be not now read the third time but that it be amendment by striking out the seventh clause which provides that upon the completion of the Canada Pacific Railway and upon its being duly open for traffic, the shareholders of the Company shall become eligible as members of the Senate and House of Commons."

HON. MR. BELLEROSE—While I am, in principle, of the opinion expressed in this amendment, I am not disposed to make an exception of the gentlemen who are members of the Canadian Pacific Railway Company. If a Bill were proposed to exclude members of all railway companies or other institutions which may be at the mercy of the Government, in one way or another, I should be ready to support it, because I believe the time has come when some such legislation is necessary. What we witness every day in this Parliament shows us that if there were more of these exceptions the independence of Parliament would be less frequently violated. It may not flatter the ears of some gentlemen, but I think it must be apparent to all that there is no independence in this Parliament. I have been long enough in public life to know whereof I speak, and I believe that the welfare of the public is concerned in having Parliament independent and prepared to condemn the Government when they are wrong. But to make an exception of the gentlemen who belong to the Canadian Pacific Railway Company when so many others who should be excluded on the same grounds are permitted to hold seats here, is something I am not prepared to do. I shall vote against the amendment, at the same time stating that I am quite ready to vote for a bill embodying the principle stated in this amendment.

that the people are not sufficiently acquainted with the use of the ballot to exercise it properly. I have only to say, in reply, that I believe, taking the population of the North-West Territories as a whole, you will not find a more intelligent class of people in the Dominion of Canada. They know perfectly well the use of the ballot, and they can exercise it with as much discretion and intelligence as any other people to be found elsewhere in the Dominion. To say that they are not sufficiently posted or well informed to use the franchise by ballot, I consider is a gross and gratuitous insult to the people of that country, and one that they, no doubt, will resent whenever an opportunity offers. I move in amendment to the 26th clause that the said Bill be not now read the third time, but that it be referred back to a committee of the whole House for the purpose of being so amended as to provide that the voting thereunder shall be by ballot instead of open voting.

The Senate divided on the amendment which was declared lost on the following division.

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## Hon. Messrs.

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Baillargeon,	Poirier,
Bellerose,	Power,
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Leonard,	Trudel,
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## NON-CONTENTS:

## Hon. Messrs.

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Carvell,	Nelson,
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The Bill was then read the third time and passed on the same division.



HON. MR. SCOTT—Of course it is a very important question whether gentlemen who hold shares in public companies subsidized by the Government should occupy seats in Parliament. It is a broad question, and one which is broached for the first time in reference to this particular enterprise. I see no reason why the Pacific Railway Company should be singled out, once their connection with the Government ceases. We have passed a bill for the Ontario Pacific Junction Railway Company. It is a matter of notoriety that members of that company, holding high positions on its board, are members of this Parliament. Yet the Ontario Pacific Junction R'y Company has been granted a subsidy per mile as great as the Canadian Pacific Railway Company has received—\$12,000 per mile. The Grand Trunk Railway Company in past years received subsidies from time to time, yet its President sat in Parliament, in the Legislative Council. In my experience it has been the exception when people who occupy prominent positions on railway boards have not been in Parliament. I am not prepared to defend the rule, but certainly I do not propose to make an exception of any one particular case. While the Canadian Pacific Railway Company were receiving subsidies from the Dominion Government there was good reason for excluding them, but when a perfect divorce takes place between the Government and the Company it should be in the same position as all the other railway companies in the country. We have on our table to-day a long list of railways to which the Government propose to give subsidies—a list just published this morning—and the same principle applies to every one of those roads. What difference is there between the case of any one of those companies and the Canadian Pacific Railway? Probably if some of the shareholders of those companies had not been in Parliament no subsidies would have been granted to them; but there is no reason why the Canadian Pacific Railway Co., having done the greatest amount of work in the shortest time, should be singled out for exclusion of this kind. I am quite ready to consider the broad question that a railway company receiving subsidies from the Government should not be represented in Parliament,

but until we lay down that proposition I see no reason for singling out the company and I shall vote against the amendment.

HON. MR. PLUMB—I may call attention to the fact that the Canadian Pacific Railway Company has sixty-five millions of stock. When this arrangement is completed the separation between the Canadian Pacific Railway Company and the Government will be nearly complete. My hon. friend has remarked that there are some questions yet to be settled with respect to taking over the road in British Columbia. That is merely a temporary matter, but this disqualification is a permanent one. If any gentleman who has confidence in the Canadian Pacific Railway buys stock of the company, having had no previous connection with the road, or having loaned money on stock of the company and repayment of it not having been made has to take over that stock, is to be disqualified, it seems to me we will exclude from Parliament in that way many prominent capitalists and business men of the country. As the hon. member from Ottawa has said, if such a rule is to be established it should be of a general character. Then you will succeed probably in driving out of public life almost all the active and enterprising men of the country. If the Parliament of Canada chooses to do that it cannot be helped; but I object to this particular road, in the position it now occupies, with this enormous amount of stock on the market, and having from 1,500 to 2,000 shareholders scattered all over the country everywhere, being treated in this exceptional way. The stock of the Company will be a favorite investment. It will be a safe and, I trust, a paying investment, and we can scarcely consent in this House placing such a restriction on the stockholders of the Company.

HON. MR. POWER—I could see the force of the argument used by the hon. members from DeLanauiere and Ottawa, if the motion before the House was to begin to make an exception of the Canadian Pacific Railway; but what is the fact? The fact is that when this Company was incorporated, the Government thought it was necessary in the public interest that

the shareholders should not be allowed to sit in Parliament; and we are not asked to legislate against the shareholders of the company now; we are simply asked to allow the law to remain as it is, as Parliament in its wisdom in 1881 thought it should be. That is a different thing from singling out one company for exceptional legislation. The special legislation exists already, and there has been a good deal of special legislation since.

HON. MR. BELLEROSE—The hon. gentleman must not lose sight of this fact: at the time the Pacific Railway Company were building the road they were coming here almost every year for money, or some arrangement, so that it was only right that they should not have representatives in the body from which they were receiving favors. But to-day, when the Canadian Pacific Railway Company are repaying the loan and are in the same position as the Grand Trunk Railway Company, I cannot see on what ground they should be excluded.

HON. MR. MCINNES—What guarantee have you that they will not be here every year for favors as they have been hitherto?

HON. MR. POWER—My hon. friend from DeLanaudiere has just anticipated what I was going to say. If we are to allow the directors and shareholders of different large railway corporations to occupy seats in Parliament, we ought at any rate to wait until in the case of this particular corporation its direct transactions with the Government have ceased. We have no guarantee whatever that those transactions have ceased. I do not care to go over the ground that I went over last evening, but I laid before the House facts enough in connection with the western section of this road to show that it is almost certain that the company will be asking the Government for further concessions after a little time; and after they have gone on for a year or two without any of those concessions being asked for, it will be time enough to remove the restriction which now hinders the shareholders of the company from sitting in Parliament. But I am disposed to take the same view of the general question as the hon. gentleman from DeLanaudiere.

I think that already railway companies have too much influence in Parliament. If the present state of things is allowed to go on increasing, in a little while Parliament instead of representing the people of the country will simply represent a number of large corporations. That being the state of the case, I am surprised that the hon. gentleman from DeLanaudiere instead of taking steps to ensure that a measure will be introduced to keep that objectionable element out of Parliament, proposes to let in the most dangerous of all those corporations. I do not hesitate to say that the Pacific Railway Company alone has more influence than probably all the other railway corporations in Canada put together; and if it is necessary that a change be made in the existing law to keep out railway corporations from Parliament, the worst step we can take is to let in the most influential of all those companies. My plan is to let the law remain as it is for the present, and next year to introduce such a measure as may be thought desirable to protect the independence of Parliament, which is now more threatened by the influence of railway corporations than it has ever been threatened in our days by the influence of the Government.

HON. MR. ALEXANDER—If I understand properly the effect of the amendment introduced by the hon. gentleman from Halifax it will imply that no member of the House of Commons or of the Senate could remain a member if he purchased shares of the Pacific Railway Company.

HON. MR. SCOTT—That is the effect of it; he cannot be a shareholder.

HON. MR. ALEXANDER—That if any member of this House or a member of the House of Commons should have sanguine expectations of the Pacific railway stock becoming a good investment, and should be inclined to invest \$10,000 or \$15,000 in that stock and did so, he would have to resign his position in Parliament?

HON. MR. PLUMB—That is the proposition.

HON. MR. ALEXANDER—Then I am

not prepared to go as far as that. I am prepared to acquiesce this far—that in future the name of no member of Parliament should appear among the list of promoters of any railway bill before Parliament.

HON. MR. DEVER—I am certainly in sympathy with the hon. gentleman from Halifax in his desire to purify Parliament, but I certainly cannot see that his amendment will have that effect. I cannot see why the stockholders of this railway company should be excluded from Parliament after their transactions with the Government cease, any more than the stockholders of any other stock company in the country; therefore I must vote against his amendment.

The Senate divided on the amendment, which was lost on the following division:—

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Hon. Messrs.

Grant,	Pelletier,
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NON-CONTENTS :

Hon. Messrs.

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Allan,	McMillan,
Armand,	McDonald (B.C.),
Baillargeon,	Miller (Speaker),
Bellerose,	Montgomery,
Bolduc,	Nelson,
Botsford,	O'Dell,
Carvell,	O'Donohoe,
Clemow,	Ogilvie,
DeBlois,	Plumb,
Dever,	Read,
Girard,	Scott,
Glasier,	Smith,
Guévremont,	Sutherland,
Howlan,	Trudel,
Lacoste,	Turner,
McKay,	Vidal.—34.

THE SPEAKER—The motion is now on the third reading of the Bill.

HON. MR. McINNES—I am sorry that I was not in a condition last night to make the few remarks I propose to make now. I do not propose to discuss all the clauses in the Bill, but will confine my remarks to two of the most objectionable provisions, namely, the fifth and seventh clauses, and will do so as briefly as possi-

ble. The most objectionable feature I find in this Bill is in the fifth section. That section provides that the \$5,000,000 of bonds that the Government in 1881 thought prudent to retain as a guarantee that the Canadian Pacific Railway Company would build the road from the Atlantic to the Pacific and maintain, equip and operate the road for ten years after it was completed—is, according to this clause, to be handed over to the company before a single train has gone over the entire road—in fact before the road is completed. I think that that is a very unwise and unjust proposition to make, and one this House should not approve of. The proposition to give up the \$5,000,000 bonds to the company before a train, with the exception of one, has gone over the road from ocean to ocean is unwarrantable, and should not be entertained by Parliament: to give up the only guarantee the Government and people have that the road will be operated according to the contract and in the interest of the country, is a proposition I am sure the taxpayers of this country, who provided every dollar for the building of this road, will not endorse or approve of.

HON. MR. BOTSFORD—Is not that for the House of Commons to deal with? The Senate cannot deal with it.

HON. MR. McINNES—I am aware that the House of Commons has dealt with it, and this House can also deal with it; but I might tell my hon. friend the influences that are brought to bear in the House of Commons to influence members there, are not of a very pure or honorable character. I am only sorry that the amendment which has just been voted down was not in force. Were it in force there would be a brighter outlook for this country. I am afraid the Canadian Pacific Railway company has too many hirelings in the Commons as well as in this House.

HON. MR. SCOTT—I rise to a point of order. The hon. gentleman has not only stated that there were hirelings in the House of Commons, but he says there are hirelings in this Chamber. I ask the Speaker if that is proper language for a Senator to apply, as the hon. mem-

ber has done, to members of this House? I think the least he can do is to apologize for such improper and disrespectful remarks.

**THE SPEAKER**—The language of the non. gentleman from New Westminster is not only highly improper but is grossly unparliamentary as applied to members of this House, or of the House of Commons, and especially to members of this Chamber in which the hon. gentleman has a seat. The hon. gentleman is out of order and he cannot proceed without the permission of the House.

**HON. MR. MCINNES**—I withdraw the word "hiring" as far as this House is concerned.

**HON. MEMBERS**—Order! order!

**THE SPEAKER**—I presume that the hon. gentleman having apologized and withdrawn his unparliamentary expression, that it is the sense of the House he shall be allowed to proceed.

**HON. MR. MCINNES**—I think if members in this House were not interrupted in the way that they are there would be less occasion to raise points of order.

**THE SPEAKER**—The hon. gentleman is again out of order. He was grossly out of order and was properly called to order, and the remark he has just made is a reflection on the conduct of the House and of the Chair.

**HON. MR. BOTSFORD**—I move that the hon. gentleman be not allowed to proceed in consequence of being called to order the second time.

**HON. MEMBERS**—Oh! Oh! Oh!

**THE SPEAKER**—It is the sense of the House, I think, that the hon. member be allowed to proceed.

**HON. MR. MCINNES**—I have several reasons for thinking that the Government is not warranted in handing over to the company the \$5,000,000 bonds. In the first place, every year, with the exception of 1883, that company have come to Par-

liament asking for aid and assistance in one way and another. In 1882, scarcely a year after the incorporation of the company, they came with a bill asking that the route through the Rocky and Selkirk ranges of mountains be changed. They went ahead on the prairie section west of Winnipeg at a high rate of speed—rushed madly on until they found themselves confronted by the Rocky Mountains, and not knowing whether they could find a practicable pass through those mountains or not, had to halt for a short time. After a few months' delay in exploring the mountains, they succeeded in finding a pass where it was possible to build a railway, namely the Kicking Horse Pass. This pass or route through the mountains is much inferior in every sense of the word to the Yellow Head Pass. The latter pass was recommended by all our eminent engineers, and approved by both the Mackenzie and Macdonald Governments. The contract with the Canadian Pacific Railway provided that the road should be built by this pass. But the Canadian Pacific Railway Company, knowing the character of the men with whom they had to deal, violated the terms of the contract. By the adoption of the Kicking Horse Pass they have to a very great extent ruined the commercial value of the road, because it is well known that any road with such gradients as the Pacific railway has through the Rocky Mountains and the Selkirk range is of very little commercial value. The gradients are from four to five times greater on the route adopted than on the Yellow Head route. In 1884 the company came before us asking for a loan of \$30,000,000, and we were assured then that that would be the last application for money that would be made by the company; that \$30,000,000 would enable them not only to complete the road but to equip it in such a manner as no other road on this continent is equipped. We granted the \$30,000,000. Last year they came again asking for a further loan of \$5,000,000, and we were assured for a third time that that would be the last application that would be made. Now this year we have a bill before us actually asking this Parliament to make the company a present of \$15,000,000 of the \$30,000,000 that we loaned them two years ago.

HON. GENTLEMEN—No, no!

HON. MR. MCINNES—What is the proposition? It is that we shall take back from them 6,000,000 acres of land at \$1.50 an acre, which is not actually worth one cent an acre, inasmuch as it never cost them one cent, and inasmuch as the Government have over 200,000,000 acres of equally good land in that country, that they cannot give away to actual settlers; consequently I say it is actually making the company a present of \$10,000,000 by taking that land over from them. That is the view I take of the transaction, and I think it is a view that the sensible and disinterested people of this country will take of it. Then these \$5,000,000 of bonds are to be handed over to them, which makes \$15,000,000, so that actually they want to wipe out the \$30,000,000 loaned them two years ago by paying fifty cents on the dollar. We are asked to hand this over before a train has run from the Atlantic to the Pacific over this road, when we have no guarantee in the world that they are not to be here next year, or certainly not later than two years from now, asking for two or three millions of dollars to run that road, and if that modest request is not granted, like all the other audacious demands they have made, they will doubtless tell the Government they will not continue any longer to operate the road at a very heavy loss. That is almost certain to occur, and we are asked to give up the only guarantee we have against immediate loss.

HON. MR. MCMILLAN—We will take it.

HON. MR. MCINNES—Before such a thing occurs I think it would be only proper to keep the five millions of dollars we have in our possession.

HON. MR. HOWLAN—And the company had better keep the twenty millions they have in their possession.

HON. MR. MCINNES—No, they think it will be much better for the company to get rid of every claim the Government have on them. They can go on the markets of Europe and gamble with their stock and do anything they please with it.

They are getting rid of their lands in the North-West as fast as they can. When I was in the House of Commons I supported the Canadian Pacific Railway contract bill, and one of the most redeeming features of that bill was that the company were to take 25,000,000 acres of land as part of their subsidy; I thought that by giving them such a large landed interest in that country, they would make every effort to settle that country, but alas! they have done nothing. For the last two or three years they have been gradually getting rid of it by giving it back to the Government. I find that the receipts of the Northern Pacific Railway Company, according to Poor's Railway Manual of last year, amounted to \$12,603,575; the expenditure amounted to \$7,177,754 and the length of that road is 2,532 miles. The earnings per mile amounted to \$5,404; and the expense per mile amounted to \$3,076. The net earnings amounted to \$43 per mile, which gives a surplus of \$5,425,820. That may be urged as evidence that the Canadian Pacific Railway will pay from the start. Hon. gentlemen will perhaps take a different view of the situation when they consider that that road from Duluth to its western terminus at Tacoma, Puget Sound, passes through States and Territories with an aggregate population of over two millions. What population have we along our line of railway? From the time we leave the head of Lake Superior, including the whole of Keewatin, Manitoba North-West Territories and British Columbia, we have not over one quarter of a million of population. There is, orly one-eighth of the population as compared with that of the States and Territories through which their rival line to the south runs. And what is the condition of the country between the head of Lake Superior eastward for some two or three hundred miles? A barren waste, a desert, from which that road cannot reasonably expect to draw anything for its support. Again let us take the Intercolonial Railway. That road, as we all know, does not pay running expenses. I believe that two years ago there was a small surplus of a few thousand dollars; but the annual reports show deficits varying from \$150,000 to \$650,000 or an annual deficit of a quarter million dollars. Yet that is a

road that passes through a country which has been settled from 25 to 200 years, and has the monopoly of the carrying trade between the Maritime Provinces and Quebec and Ontario for a large portion of the year—that portion when navigation is practically closed. For these reasons I certainly think that the Government are not warranted in asking that the \$5,000,000 of bonds should be handed back to the company, because there is no guarantee that the Canadian Pacific Railway is going to pay running expenses for very many years to come, and there is no guarantee that the company will not be back here asking for assistance and threatening to throw up the main line altogether. It is too true, as stated by the leader of the House some time ago, that the great trade that we expected to come from the far east was a myth? We have undoubted evidence that there are no goods, no merchandize, no material that the Asiatics have to export, or that will bear transshipment on the Pacific coast and then on the Atlantic coast after crossing the continent by rail, with the exception of a few high grades of tea, silks, some medicines and dye stuffs; as I stated some time ago the Panama canal is almost certain to be completed in less than three years and whatever trade we might reasonably expect to obtain from the east will be diverted through that channel. If the company is in the highly satisfactory financial condition that they claim, why should they be urging the Government, giving them no peace night or day until the \$5,000,000 of bonds are delivered to them? Surely they can afford to wait for two or three years. This is a direct violation of the contract entered into when the company was formed, that the bonds should not only be kept in reserve until the road was completed, but for ten years after the completion of the road. Still we are asked to hand them over before the road is open for traffic? I think we are doing an injustice to ourselves and an injustice to the people of the country who have shouldered all the burdens and responsibilities of that road. It is true that it is stated here every few weeks or months that the earnings of the Canadian Pacific Railroad are so much over the expenses. But I would ask what is the portion of the Canadian Pacific Rail-

road that pays? Is it the Canadian Pacific Railroad proper? No, the drain on the resources of that company will not begin to be felt until they operate the main line. The branches through Ontario and Quebec are improperly called portions of the Pacific Railway, but they cannot be considered feeders and do not and will not contribute to the main line. They are paying roads. But we did not grant a charter in 1881 for the company to build all those branch lines through Ontario and Quebec. We granted them a charter, and we subsidized them more liberally than any company in the world was ever subsidized, to build the Canadian Pacific Railway line from ocean to ocean, and not to build branches. Whatever earnings they have, of any consequence, they get from the Ontario and Quebec branches, and not from the main line; I asked the leader of the House last session when this question was under discussion, and when he was showing the highly prosperous condition that the road was in and the bright outlook that the road had, what portion of the road contributed the earnings that he quoted, but he could not tell me. It appears that the earnings of the branches and main line are thrown into a pool and they will not inform the public whether they come from the branches in Ontario and Quebec or from the main line. I think these meagre statements are highly misleading, and that some of the foreign shareholders, before they are very much older will find they have been deceived by the one-sided statements of the Company.

HON. MR. McMILLAN — You are bearing the market.

HON. MR. McINNES—I am stating facts. I do not believe in deceiving capitalists in foreign countries. I do not believe in deceiving the taxpayers and electorate of this country. I believe it is our duty to sound the warning note so that the unwary may be prepared. This Company have had the Government and the whole of the finances of this country at their back for the last five years. I do not deny that it was quite proper that the Government should aid and sustain them in every reasonable way, but I claim that that road cost from ten to twenty per cent.

more than it would otherwise have cost if they had adhered to the terms of the contract of 1881, and the Government is responsible for this extra cost. There was no necessity for rushing the building of that road and completing it in five years instead of ten years as the contract provided. It would be entirely different if there was a very large population and trade awaiting the completion of that road, but there is not, I am sorry to say. I therefore move that the Bill be not now read the third time but that it be referred back to a committee of the whole House, for the purpose of striking out the 5th clause.

THE SPEAKER—That amendment cannot be put.

HON. MR. PLUMB—The amendment is out of order: it is not even dealing with a subject with which we have a right to deal.

HON. MR. MCINNES—I do not ask for a division of the House.

THE SPEAKER—The section is:

5. If after the said Canadian Pacific Railway shall have been constructed and duly placed in operation to its terminus on the seaboard in the Province of British Columbia, it shall be established to the satisfaction of the Governor-in-Council that the retention of the amount of five million dollars in bonds under the provisions of the construction contract, as security for the operation of the railway, is no longer necessary in the public interest, the Governor-in-Council may order that the said bonds be released and delivered to the company.

This is a clause which certainly could not originate in this House and therefore cannot be amended or struck out here. It is a clause of the Bill which deals with a large asset of the country, and the amendment is therefore clearly out of order. I suggested that it could not be put because I did not wish it to go on our journals that an amendment so clearly out of order should be allowed to be put.

HON. MR. BOTSFORD—That is what I said when the hon. gentleman was making his speech.

HON. MR. MCINNES—I move that the following be added to clause No. 8—“Also a list of the names of all Senators

and members of the House of Commons, who received half-fare tickets and passes over roads or portions of roads owned or operated by the Company.” I might say in connection with this that a number of the papers have misconstrued and misapplied my remarks which I made in bringing this question before the House some time ago. I never asked the Canadian Pacific Railway or any other company for a half-fare or free pass or any favor.

HON. MR. PLUMB—I call the hon. gentleman to order; this amendment is not germane to the Bill; it has nothing to do with the Bill and cannot be moved.

HON. MR. MCINNES—I respectfully submit that I am in order.

THE SPEAKER—I consider that the amendment which the hon. gentleman proposes is not germane to that Bill or to that clause. An amendment cannot be proposed which is not germane to the Bill.

HON. MR. POWER—I do not rise for the purpose of disputing the ruling of the Chair, but I think we ought to be very careful of the sort of precedent which we establish by a ruling of this character. It would strike the ordinary observer that the amendment proposed by the hon. member from New Westminster was to a certain extent germane to the clause. The eighth clause is as follows:—

8. The company shall lay before the House of Commons within the first fifteen days of the meeting of Parliament a list of all lands sold by them during the year ending on the first day of October in each year, together with the names of the purchasers.

The object of that clause is to give the House of Commons and, through the House of Commons, the people of this country an account of the business transactions of the Company during the year. I think the amendment of the hon. member simply proposes to amplify the information—to say in addition to that, the company shall give other information.

HON. MR. PLUMB—What other information?

HON. MR. MCINNES.

HON. MR. POWER—The amendment describes the information.

HON. MR. BOTSFORD—Does the hon. gentleman appeal from the decision of the Chair?

HON. MR. POWER—I shall state so when I do.

THE SPEAKER—The hon. gentleman is not in order.

HON. MR. PLUMB—I call the hon. gentleman, to order: he is out of order in making this statement unless he intends to appeal from the decision of the Chair.

HON. MR. POWER—As a rule a member concludes with a motion of some kind; my intentions are strictly honorable, and I think a member has a right to discuss a question of order.

HON. MR. BOTSFORD—The hon. gentleman has no right to speak unless he appeals for the decision of the chair.

HON. MR. CARVELL—The hon. gentleman prefaced his remarks by saying he did not intend to question the ruling of the chair.

THE SPEAKER—I certainly think this motion cannot be amended in the manner proposed. I never gave a ruling from this chair on which I have had a clearer opinion than I have on this occasion.

HON. MR. MCINNES—I am not going to criticize the ruling of the chair, which is always right, but I desire to explain to the House why I offered this amendment. In the House of Commons Mr. Trow moved a similar motion—

HON. MR. PLUMB—I call the hon. gentleman to order.

THE SPEAKER—I trust the House will permit the hon. member to make a personal explanation.

HON. MR. MCINNES—I was simply going to state that a similar amendment was moved by a private member in the House of Commons to this very same Bill,

and the leader of the Government in that House accepted it, and I thought if he had power there to do that I had the same power here. That was my reason for moving the amendment. However, I do not find any fault with the ruling of the chair, but I do find fault with the frequent and unseemly interruptions indulged in by several members of this House.

THE SPEAKER—Of course we have to take the statement of the hon. gentleman with regard to what has been done in the House of Commons; the hon. member says the amendment was accepted there. The question of order having been raised here I am clearly of opinion that the amendment is not germane to the clause or the Bill.

The Bill was then read the third time and passed.

THE SPEAKER—I should like to ask the hon. member if the motion made in the other House was an amendment or an independent clause?

HON. MR. MCINNES—It was an independent clause.

THE SPEAKER—That was not done here.

HON. MR. OGILVIE—Would I have a right to ask for information, although there is nothing before the chair, as the amendment was found to be out of order and ruled by the chair to be so a few moments ago? As the speech of the hon. gentleman from New Westmins' was running down the country—

HON. MR. MCINNES—I call the member to order.

THE SPEAKER—The hon. member is out of order.

HON. MR. OGILVIE—I want to have it expunged.

THE SPEAKER—The hon. gentleman has no right to speak after having been called to order.



## BILLS INTRODUCED.

Bill (140) "An Act respecting the improvement of the Harbour of Quebec." (Mr. Plumb.)

Bill (139) "An Act respecting tolls over the Dunville dam and bridge connecting works constructed over the Grand River." (Mr. Plumb.)

NAPANEE, TAMWORTH AND QUEBEC RAILWAY COMPANY'S BILL.

## SECOND READING

HON. MR. READ moved the second reading of Bill (79) "An Act respecting the Napanee, Tamworth and Quebec Railway." He said: This Bill gives the Railway Company authority to construct other lines in connection with it—to extend their line.

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

## INSURANCE BILL.

## CONSIDERATION OF COMMONS AMENDMENTS POSTPONED.

The Order of the Day having been called—"Consideration of amendments made by the House of Commons to Bill (G) Insurance Bill."

HON. MR. PLUMB moved that the Order of the Day be discharged, and that the said amendments be taken into consideration to-morrow.

HON. MR. SCOTT—I was not present when this Bill was read at its previous stages and I desire to call the attention of the House to a gross outrage on the rights of individuals. I think it is proper that the House should know that there is a most objectionable clause in the Bill.

HON. MR. PLUMB—Would it not be better to wait until the question comes up regularly?

HON. MR. SCOTT—I wish to give notice that I will oppose a certain clause of

this Bill which prevents anybody doing business for an Insurance company in this country that has not despoised security and taken out a license in Canada. If I want to insure in a company in England, the United States or elsewhere, unless that company chooses to take out a license and do business in Canada I could be brought before a magistrate and punished for sending the amount of my premium to such a company. The clause to which I object is the twenty-second, which is as follows:

20. Every company incorporated elsewhere than in Canada, and at present licensed or hereafter licensed under this Act, and every company which is subject to the provisions of this Act, shall make annual statements of its condition and affairs under the oath of its chief agent, and shall furnish the same to the minister at the same time as Canadian companies; and the form and manner of making of such statements shall, as to the Canada business of such company, be the same (so far as applicable) as is required of Canadian companies,—and as to its general business, shall be in such form and to such date as such company is required by law to furnish to the Government of the country in which its head office is situate, in a separate schedule attached. The blank forms of the statements of the Canada business shall be furnished in duplicate by the Superintendent.

I call the attention of the House to it with a view of having it struck out.

THE SPEAKER—This Bill originated in this House and has passed through the House of Commons, and we have merely to deal with the amendments made to it by that House.

HON. MR. PLUMB—We can consider the question to-morrow.

HON. MR. POWER—I do not think the clause is open to the objection which has been taken to it.

HON. MR. SCOTT—I simply call attention to it.

HON. MR. POWER—I call attention to the further fact that this applies to a person who delivers a policy of insurance or collects a premium or transacts business on behalf of a company; it does not apply to a person who sends a premium of his own to a foreign country.

HON. MR. PLUMB—It would be much better to discuss the matter when the amendments are under consideration.

The motion was agreed to.

### CARLETON BRANCH RAILWAY BILL.

#### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (137) "An Act respecting the Carleton, City of Saint John, Branch Railroad." He said:—The Parliament of Canada appropriated \$85,000 to purchase this road, with a frontage on the harbor and other property, and it is proposed to declare it a work for the general advantage of Canada.

HON. MR. ALEXANDER—When I looked at this Bill this morning I naturally asked myself the question "Why should the Government relieve those parties of their liabilities?" Can the leader of the House show any reason why the Government should step in and purchase a road that is of no value to any parties simply because it is near the city of St. John, New Brunswick? If they resolve to push this Bill, I would ask them to come to the relief of different municipalities in the Province of Ontario who have embarrassed themselves by railway construction, and ask them to assume those liabilities to a heavy extent. This is nothing more or less than voting a large amount of public money to influence the next elections. We have had several bills within the last fortnight which should have been thrown out, brought in by the Government just before the elections. All such measures are left till the end of the session, and when a number of members have gone and there is a thin House. The action of the Government must excite great indignation and almost imperil the safety of this House if we do not check those bills. I appeal to the House to stop this continuous waste of public money. The present leader (Mr. Plumb) is just the member of this House to take the responsibility of bringing in such Bills. No responsible leader of the House would ever have the perversity of mind to bring in such Bills as this before the Senate, and I hope the House will reject it.

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

### CHINESE IMMIGRATION BILL.

#### BILL REJECTED.

The House again resolved itself into a Committee of the Whole on Bill (106), "An Act to amend and consolidate as amended the statutory provisions respecting Chinese Immigration."

In the Committee,

HON. MR. ALLAN—Since the Committee reported yesterday I communicated with the Government on the subject of this measure, and they considered that the withdrawing of the Bill would be breaking faith with those in the other House who supported it there. Therefore I have no alternative left but to proceed with it. When the Committee rose yesterday I had already gone through the Bill and explained the different amendments which I proposed to make and their object and character. The first of those amendments which was to clause C of section 2, was to substitute the words "offspring of" instead "born of" a Chinese father. That amendment was adopted and also an amendment in subsection B of clause 6, adding the word "merchant," so that it will read "merchants, tourists, men of science, students, etc." That amendment was also adopted. The next amendment I have to propose is to the 15th clause. That in fact assimilated for all the purposes of this Act a railway train to a vessel. On consideration of that clause it was deemed to be an unreasonable proposition to expect that Chinese immigrants coming in by a railway train could be dealt with in the same manner as when they come by vessels where the captain has ample time to comply with all the formalities on arriving in port; and in the second place making the conductor liable. I have therefore altered the clause, in the first place so as to make the railway company liable instead of the conductor of the train, and, in the second place to provide that the report in writing which is to be made on the arrival of the train at the port or place of arrival shall not be as described at

present in the clause, which would be the same as in the case of the arrival of the vessel ; all that is required of the conductor is to report the number of Chinese persons arriving on board his train. I think hon. gentlemen will agree with me that there will be no difficulty in the way of such a report being made, while there would be a great difficulty, and it would be very unreasonable to expect that a report such as is required to be made by the master of the vessel in respect to Chinese arriving by that vessel, should be furnished by a railway conductor.

HON. MR. VIDAL—You still propose to retain the responsibility of the conductor to pay \$50 ?

HON. MR. SCOTT—It is the company instead of the conductor. The objection is not in any way minimized that this is practically going to stop Chinamen who are now living in other portions of the Dominion than British Columbia from travelling—many of them in a fair business, who go backwards and forwards in the way of trade to the United States. If they go down to New York or Chicago they cannot return to Canada, and it seems a gross violation of personal independence that those men will not be permitted to travel—because that is the effect of it. The railway companies are not going to carry out this law in a way to encourage Chinamen to travel. The first thing that a Chinaman will be asked to do by a railway company on coming into Canada is to put up \$50 with his ticket. He protests, "I am doing business in Canada ; I am not an immigrant." The company says : "That is not a question for us ; that is a question for the Customs House Officer," and we know there is no class of men so strictly against the people as Customs officers. The Customs officer considers he is the most powerful man in the country. He makes seizures as he pleases, and there is no law or power by which you can question his assumption of authority. Therefore, I say, it is most unfair and most unjust that we should place those unfortunate Chinese, who are residents of the country, at the mercy of the Customs authorities. We do not allow them to be represented in Parliament ; they have not any opportunity afforded

them of protesting against this legislation. Supposing they adopted similar legislation in China we would at once send a fleet there and bombard their cities and forts on the plea that the law of nations is not interpreted by them as the Anglo-Saxon people interpret it. But then when the law of nations is to be applied to Chinese coming into Canada, we take these unfortunate people by the throat and say, "you must comply with all those restrictions and regulations which we think fit to impose upon you." "It is an outrage on civilization ! A most humiliating position in which to place this country. It is not a question that really one can discuss calmly, because it is so entirely foreign to all the principles under which we have been educated. We know very well that for years and years past we have been representing ourselves as holding most broad, most liberal and most generous views with regard to foreigners who come amongst us ; that we do not discriminate as to color or race, and here because a few laborers in British Columbia dictate to their representatives in Parliament about the competition of Chinese labor, the whole Dominion is to be subjected to the indignity and injustice of adopting this legislation. I protest against it as a Canadian ! I protest against it in the name of the Dominion ! I protest against it as a member of the British Empire ! Is there a member in the British House of Commons who would dare to propose a measure like this ? Not one either in the House of Commons or in the House of Lords. No gentleman could be found to stand up there and advocate a measure which is such a gross violation of the law of nations, the comity of nations, a law which we ourselves have been endeavoring to hold forth as being the true principle on which the nations of the world should trade. We took a century to educate the Chinese into the belief that they had no right to shut out foreigners from their country. They were at first reluctant to deal with us ; they did not believe we held proper religious views. Finally they admitted us to trade at Hong Kong and at five ports named. Then they would not give us other privileges that were demanded and because Englishmen were liable to be hauled up for infringement of the regulations we sent out an

HON. MR. ALLAN.

army and a fleet there and bombarded their ports and we taught them what the law of nations was by means of shot and shell, and they have by this means been so educated up to our level that they have come abroad to learn our ways ; but what do we do? When they come to our shores we allow them to be brutally treated on our western coast, and have subjected them to every indignity, and we are now tolerating legislation that is a disgrace to our boasted civilization.

HON. MR. NELSON—I would like to ask the hon. gentleman—

HON. MEMBERS—Order, order.

HON. MR. SCOTT—The hon. gentleman has no right to interrupt me. A little tyranny may be practiced over in British Columbia on the poor Chinamen ; but I hope the Chinaman, like the negro, will have some friends to speak for him.

HON. MR. NELSON—I say that the people of British Columbia do not treat the Chinese badly ! It is a slander on the people to say so !!

HON. MR. SCOTT—The hon. gentleman had better keep his temper.

HON. MR. NELSON—The hon. gentleman has stated what is not true when he says the people of British Columbia ill-treat the Chinese !

HON. MR. SCOTT—The hon. gentleman had better keep his temper. The little tail that wags over in British Columbia on the Pacific Coast is not going to control the whole Dominion—a fragment of the population not the size of the city of Ottawa—that you could hide away in one of the wards of this city—is not going to dictate to the 4,000,000 of this Dominion, and dictate to them on a subject that touches us in a tender part, our national honor as citizens of a free country. I have no doubt the hon. gentleman feels it keenly. I am quite prepared to see the hon. gentleman from Burrard Inlet fret under this, because he feels that the Province of British Columbia has put itself in an undignified position simply to gratify the cupidity of a few laborers over

there who want to secure to themselves a monopoly of labor and \$2 instead of \$1 a day as the standard of wages. We are not going to be governed by any such motives, and I say that the Senate of Canada has now an opportunity of rising to a higher level and showing its independence of such influences by stamping out this Bill. We have a law on our statute book already that we all know is hard enough, and it ought not to be made harder. Cannot this measure stand over for another year and can we not in the interval consider the question? Probably British Columbia will be then more temperate. We will thereby be doing service to the empire. Delicate questions are arising between the foreign office and China and we all know, by public report, that the British Minister at Washington feels that we are stepping on very tender ground, that it is embarrassing to the British Government, our dealing in the manner we are doing with this Chinese question : therefore I think we will be doing a service to the empire if we allow this question to stand over for another year. There is already a stringent Act on the statute book respecting Chinese immigration, and if hon. gentlemen take the trouble to read it they will feel that it is strong enough—too strong to be there. I do not know how we ever permitted it to pass this House. We have passed it, however, and let it stand where it is for another year until passion calms down and this question can be looked at more quietly and from a better standpoint. Then if it is found absolutely necessary to enact more stringent legislation let the Government bring down a better considered measure. In the meantime I think this House ought to throw out this Bill and make no change in a law which is already very obnoxious.

HON. MR. ALLAN—I think it would be well if this Bill could be discussed in a little better temper. I am surprised at the tone and manner of my hon. friend, the member from Ottawa. I had talked over with him, and he knows that I have no special leaning towards this Chinese legislation, and I certainly, from the conversation I had with him, thought he quite appreciated the fact that, so far as this particular Bill is concerned, we are endeavoring to shape it so as to meet the

objections which had been urged against it by hon. members, and as far as possible to remove any objectionable feature which the Bill might possess. Now the hon. gentleman has very eloquently and I have no right to object to that, spoken again in committee against the principle of the Bill; but it seems to me he is a little wide of the mark. His strongest point was the imposing of a tax on the Chinese coming to this country. That tax already exists.

HON. MR. SCOTT—On immigrants coming by sea only?

HON. MR. ALLAN—If we throw this Bill out, the tax would still remain.

HON. MR. SCOTT—It would only affect British Columbia then.

HON. MR. ALLAN—If this Bill is thrown out the old duty remains. The main object of this Bill, in the first place, was to transfer the care of everything connected with the Chinese and Chinese immigration to the Customs Department, and to make certain other regulations with a view to the better working of the whole matter. But with respect to this particular clause, which I supposed was the matter before the Committee just now, there is, I submit with all deference, nothing in that clause as I have amended it which is in the slightest degree unreasonable. It simply requires a Railway Company bringing Chinese immigrants into Canada, when they have arrived at the place of debarkation, to give to the comptroller a list stating the number of Chinese who are in that train, and not to allow them to leave the cars until the comptroller receives the fee which has to be paid for them. That is the whole thing, and so far as the Railway Company or their officers are concerned there is nothing unjust or unfair or improper in it. Whether it may be desirable that that tax should be imposed is another question, but *quo ad* the mode of carrying it out, through the railway officials, I think it is not an unjust clause. I therefore move the clause as amended.

HON. MR. SCOTT—I move in amendment that the clause be expunged.

HON. MR. ALLAN.

HON. MR. WARK—I think we are imposing a very serious responsibility on railway companies by passing this clause. Any one who stands at the window of a ticket office, and sees how rapidly tickets are handed out without looking at the party who is getting them, must know that those who buy tickets go on board the train without the railway company knowing who they are; and I suppose there is not one out of five conductors who can tell a Chinaman from any other foreigner. A foreigner may be in the cars, and may be suspected of being a Chinaman, is the conductor going to ask the man if he is a Chinese and take his word for it; and if he says he is not and is not reported under this Bill is the company liable to a penalty? We have been told that there are not many Chinese now coming into the Dominion, and that there are more leaving Canada than are coming in. It is to be regretted that they came to the country heathens and are going back heathens, for there are a great many persons both in the Mother country and in this country who think the way to receive those people would be to treat them kindly and to endeavor to convert them to the Christian religion. We send missionaries all the way to China for this purpose, but when the Chinese come to our shores we treat them as dogs. I have read an incident which shows a remarkable contrast in the way the Chinese treat us in their country from the way we treat them in Canada. My hon. friend from Sarnia referred yesterday to Dr. McKay. When the French bombarded the port of the country where Dr. McKay had his mission, the heathen were roused, and said that the white people were all foreigners and they tore down the mission schools and churches and destroyed them. As soon as the bombardment was over Dr. McKay applied for redress to the Chinese authorities. The officer in command, a general in the Chinese army authorized to settle those losses, did not even doubt Dr. McKay's word. He asked him how much the mission had lost. He said \$10,000, and it was handed over to him without a word. This is the way the Chinese treat us. Dr. McKay was a Canadian and bore so high a character amongst the Chinese that his word was not doubted, and the money

was handed over without an investigation. Now when those people come to our country we subject them to treatment that ought not to be extended to any human creature.

HON. MR. POWER—It is now almost six o'clock, and this Bill promises to lead to a somewhat prolonged discussion; I would therefore suggest, as a matter of convenience, to take the sense of the Committee as to the desirability of proceeding with the Bill by moving the six months' hoist. If the sense of the Committee is against proceeding with the Bill we might as well ascertain it now as later on and save time.

HON. MR. SCOTT—It is a very good suggestion. Perhaps the Chairman would allow me to change my proposition and to move that it be considered this day six months.

THE SPEAKER—You cannot do that. All you can do is to move that the Chairman leave the chair. A practice has grown up in this House of moving that the committee do rise. There is no authority for that. I think the practice has arisen by following the small manual compiled by Mr. Lemoine. The 88th Rule of the Senate is as follows:—

“The rules of the Senate are observed in a Committee of the Whole, except the rules limiting the time of speaking; and no motion for the previous question, or for an adjournment can be received, but a Senator may at any time move that the Chairman leave the Chair, or report progress, or ask leave to sit again.”

HON. MR. SCOTT—“Leave the Chair”—that is tantamount to a motion that the Committee rise.

THE SPEAKER—But it is not the correct form. It has been the custom here to move that the Committee rise. It is not the formal way of making the motion, to which I wish to call the attention of the Committee, because it is well that we should act according to our rules.

HON. MR. SCOTT—My motion then should be that the Chairman do now leave the chair.

HON. MR. VIDAL—I object to the

shape that this matter is taking. If the motion that the Chairman leave the chair carries I presume that we will hear nothing more about it—that the matter is closed. I think it is highly desirable that a matter of this importance should be decided with the Speaker in the chair so that the vote may be recorded. I would therefore prefer that the Chairman rise and report that the Committee has made some progress.

HON. MR. ALLAN—I have no objection to that.

HON. MR. POWER—The Bill was referred to the Committee of the whole House and the Committee can make any reasonable recommendation to the House, and is there any rule to prevent the Committee from recommending to the House that the further consideration of the Bill be deferred for six months?

THE SPEAKER—The rule is clear. The only motion that could be made is under the 88th rule of this House, by which a Senator may at any time move that the chairman leave the chair, or report progress or ask leave to sit again. A Committee of the Whole House has no power to adjourn for a single day. It has nothing to do with fixing the time of its next sitting. That can only be done by the House—on motion put by the Speaker in the chair.

HON. MR. ALLAN—If hon. gentlemen are content to put it in that form that the Committee rise and report progress and then take a vote on the six months hoist, with the Speaker in the chair I have no objection.

HON. MR. PLUMB—I think it is the better way to do it.

HON. MR. NELSON—Before this Committee rises I must make my protest.

HON. MR. SCOTT—You will have an opportunity when the Speaker is in the chair.

HON. MR. NELSON—I will speak now. Do not interrupt me again! The

hon. gentleman from Ottawa has made the statement again and again that the Chinese have been inhumanly treated in British Columbia. I ask the hon. gentleman to point out one single instance of inhuman treatment of Chinese out there?

HON. MR. SCOTT—The Legislature of British Columbia made a stipulation recently that no Chinese shall be allowed to work on the Island Railway, although there were thousands of them out of employment there.

HON. MR. NELSON—That is not a question of inhumanity; it is a question of races with the people of British Columbia, whether the Chinese should be employed on railways there, and allowed to compete with white labor. The hon. gentleman has made a statement which I say is absolutely untrue. I say that the Chinese in British Columbia are treated as well as any other portion of the population, and I defy him to point to any instance where the people of British Columbia have in any way treated the Chinese inhumanely. The hon. gentleman has made the statement, and I say that the hon. gentleman has deliberately and falsely made statements—

HON. MEMBERS—Oh! oh! oh! Order! order!

THE SPEAKER—I wish to say with regard to the point of order raised by the hon. member from Halifax, that it must be self evident to the hon. gentleman, if he considers for a moment, that the effect of a motion in committee that the consideration of the Bill should be postponed until this day six months, would be to dispose of the Bill finally, which the committee has no power to do.

HON. MR. GIRARD, from the committee, reported that they had made some progress.

THE SPEAKER—Shall the Committee have leave to sit again?

HON. MR. ALLAN—I move that the Committee have leave to sit again to-morrow.

HON. MR. NELSON.

HON. MR. VIDAL—I move in amendment that the Committee do not have leave to sit again to-morrow, but that it have leave to sit again this day six months.

The Senate divided on the amendment which was carried on the following division:—

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HON. MESSRS.

Armand,	O'Donohoe,
Baillargeon,	Paquet,
Bellerose,	Pelletier,
Chaffers,	Power,
DeBlois,	Read,
Dever,	Ross,
Grant,	Scott,
Guévremont,	Stevens,
Howlan,	Sutherland,
Leonard,	Trudel,
McClelan,	Vidal,
McInnes (B.C.),	Wark.—25.
Odell,	

NON-CONTENTS.

HON. MESSRS.

Allan,	Macdonald (B.C.),
Bolduc,	Miller (Speaker),
Botsford,	Montgomery,
Carvell,	Nelson,
Clemow,	Ogilvie,
Girard,	Plumb,
Glasier,	Robitaille,
Lacoste,	Schultz,
McKay,	Smith,
McKindsey,	Turner.—21.
McMillan,	

THE SPEAKER—It being six o'clock I now leave the chair.

AFTER RECESS.

THE EXECUTION OF LOUIS RIEL.

INQUIRY.

The Order of the Day having been called.

Calling the attention of this Honorable House to the grave errors committed in the statements of two of the Honorable members of the Government in two manifestoes, one of which has the character of an official document, which have been printed and publicly circulated, the one being entitled "In re Louis Riel, convicted of treason and executed therefor;" and the second "The Riel Question—Letter of the Hon. J. A. Chapleau."

And he will inquire of the Government whether it is their intention to correct these errors, by an additional declaration upon the same subject or in any other manner?

HON. MR. PLUMB said :—Before the hon. gentleman addresses this House I beg to call attention to the fact that this is a question which is entirely out of order. It alleges as a matter of fact that errors have been committed in the statement referred to. Now the rule in respect to questions of this kind is that no inquiry can involve any matter of opinion, inference, or argument, or a statement of any disputed fact. This question of the hon. gentleman includes every one of those objections, any one of which would be enough to put him out of order. As a matter of friendly feeling and kindness I went to the hon. gentleman personally a few moments ago and told him that I should be constrained to point out to the House that this question was entirely out of order and could not be proceeded with. I then suggested to him that he should put his question in order and that no objection would be interposed. The hon. member stated to me that he did not ask any favors. I suppose he misunderstood my object : I went with the best intention in the world, and if the hon. member does not accept the suggestion which I made to him of course I have no alternative except to say that the question cannot be entertained and therefore cannot be discussed. I appeal to the Chair as to whether my position is borne out by the rules of the House : but I wish to say again that I desire to facilitate the hon. gentleman's wish upon this important subject, and that he should accept in all the kindness with which it was offered to him the suggestion that I made to bring this inquiry within the rule. If the hon. gentleman objects to that it is no fault of mine and I appeal to the House to judge whether I have not, in proposing this, held out to him every opportunity to do that which he desires to accomplish.

HON. MR. TRUDEL—I would remind the hon. gentleman that this is not a common proceeding, in my humble judgment, to which the ordinary authorities apply : but still at this late period of the session we have something else to do than discuss useless questions of order. To avoid objections being raised, I yesterday amended my inquiry in order to meet any possible contingency. I intended, without any suggestion from the hon. gentleman,

to propose an amendment myself. Before the recess I met the hon. gentleman and showed him my amendments : they were made in the orders of the day yesterday and repeated to-day, and I called his attention to the fact that to avoid discussion I intended to propose myself the change which he pretends he has suggested to me. That is the reason why I told the hon. member a moment ago that I would not ask for any favor. I stated yesterday the reason why this matter has been postponed to such a late period of the session. I did not require to be informed of the question of order : it had been kindly suggested to me by a friend three or four days ago, and I at once decided to make the amendment, and to avoid troubling the House by giving another notice of motion. I thought I could rely upon the kindness of hon. members to make the changes when the matter was called. That is the way the question stands. I am very sorry, but I thought, under the circumstances, I could not thank my hon. friend for a suggestion which I had made known to him myself some time before. Now, of course, if the House rule my question out of order I will give another notice and proceed at a future day as I might have done yesterday. The House knows why I did not proceed then. The amendment which I propose to make is to strike out the words "grave errors committed in the" and in the second paragraph to strike out the words "to correct these errors" and to make it read "Whether it is their intention to make any additional declaration, etc."

THE SPEAKER—That would be the proper way.

HON. MR. SCOTT—Give a new notice.

THE SPEAKER—The House I am sure will permit the hon. gentleman to make the amendment which he has suggested under which the motion will read as follows :—

"That he will call the attention of this hon. House to the statements of two of the hon. members of the Government in two manifestoes, one of which has the character of an official document, which have been printed and publicly circulated, the one being entitled 'in re Louis Riel convicted of treason



and executed therefor and the second 'The Riel question—letter of the Hon. J. A. Chapleau', and he will inquire of the Government whether it is their intention to make an additional declaration upon the same subject or in any other manner."

That alteration will bring the motion within the rules of the House.

HON. MR. PLUMB—The hon. gentleman must get leave to make that amendment.

THE SPEAKER — I presume the House will permit it.

HON. MR. PLUMB—I went to the hon. gentleman in all kindness and he says I pretended to make a suggestion to him. The hon. gentleman, I presume is quite aware of the effect of the English language when he makes that statement. The hon. gentleman had never made such a statement to the House; he had marked out certain changes with which we were not seized. I could not, therefore, converse with the hon. gentleman on the subject of those changes, but in order to relieve him of any difficulties I came to him and said that I would like to have those changes made because the motion, as it appeared, was out of order. The hon. gentleman is a Senator of some fifteen or sixteen years standing and he certainly cannot suppose that any question can arise in this House which is not governed by its rules. I went to the hon. gentleman in kindness and friendship and proposed to him to put himself in a position to address the House, and instead of thanking me for that, he says I pretended to make a suggestion. The hon. gentleman has put himself in a position which certainly, if he comprehends the effect of what he has said, leads me to think that with the kindness and goodness of heart which characterize him he will not let me rest under that imputation.

THE SPEAKER—I beg to say that the matter does not stand exactly in the position the hon. gentleman supposes. The hon. member from DeSalaberry asked leave to make certain changes in his motion. I read the changes to the House and I submitted to the House whether the hon. gentleman had leave to proceed or not. I presumed that he had leave,

no objection having been made. Now there is a very marked difference between getting leave of the House and taking a vote. Leave means unanimous consent. That is very often taken in this House in the way I have taken it now. Of course it is not a question to be decided on a vote of the House, but it is done by leave of the House—leave in it parliamentary sense.

HON. MR. TRUDEL—I beg to thank the House very much for the courtesy with which this permission has been granted to me. I may say that it is not without hesitation that I approach this matter, and I will tell the House why the matter alluded to in my notice has been, as is well known, extensively discussed in the whole country, both from a political party point of view, and from a national point of view. If I should have to discuss the matter on either of those grounds, I would not have troubled the House at this late hour, but I believe above our party divisions and national interests there is something still more important—justice and the interest of the country at large. I do not know if I am under a wrong impression, but it seems to me, as far as I can judge, from a great many conversations which I have had with several hon. gentlemen of the Senate and from what I have heard and read outside of this House of the different opinions entertained in the country on this question, that whatever solution it may receive politically, I think there is great uneasiness in the country, and that it is our duty to investigate the question more carefully than it has been examined elsewhere, and that something should be done by this hon. House to remove, if possible, the cause of the uneasiness which prevails in the Dominion. It is my opinion that the feeling which exists may even imperil our existence as a confederation. I really believe that it would not require more than two other occurrences of the same character to destroy the future of Canada, and it is my belief that there should not be any real cause of difficulty between the different races which inhabit this Dominion. The statement to which I have alluded, in the letter written by the Hon. Secretary of State, I translate as follows:—

THE SPEAKER.

"Louis Riel was not last winter, at the beginning, in the way of high treason. Everybody remembers his revolt in 1869, the useless murder of Scott, whom he had caused to be executed when that unfortunate man was not in a position to do him any harm."

I find in a document which has been circulated through the country, and which is signed by our worthy leader in the Senate, the ex-Minister of Justice, Sir Alexander Campbell, the following :—

"Whether rebellion alone should be punished with death is a question upon which opinions may differ. Treason will probably ever remain, what it always has been among civilized nations, the highest of all crimes; but each conviction for that offence must be treated and disposed of by the Executive Government upon its own merits, and with a full consideration of all the attendant circumstances. In this particular instance, it was a second offence and, as on the first occasion; accompanied by bloodshed under the direct and immediate order of the prisoner, and by the atrocity of attempting to incite an Indian warfare, the possible results of which the prisoner could and did thoroughly appreciate."

These are documents in which it is stated that the half-breeds of the North-West alluded to, committed in 1869 crimes of high treason and murder. Not only at the time alluded to, but since then, a large section of our community sympathized with the accused and considered and treated him as an honest man, deserving of sympathy and all possible help. This sympathy has been felt, not only at the moment of the commission of this pretended crime, but has lasted for years, ever since this class of the community have been in possession of the facts; so that if it be true that this man was at the time guilty of a double crime of such a hideous character as that mentioned, it would naturally follow that there is a large class of our population who cannot discriminate between what is right and wrong, between what is lawful and justifiable and a crime. I state frankly that I cannot see the possibility of peace or union between the different sections of the community if one were so wanting in a sense of justice and discrimination between right and wrong, as not to be able to draw a distinction between crime of the worst character and an action not deserving of condemnation. Most members of the community being under this impression, which I believe to be a wrong one, it is a serious cause of difficulty, and the

reason why I believe it my duty to propose to this House to examine carefully, calmly and attentively the question in order to see whether this is right or wrong. After an investigation of the question there will be several conclusions to be drawn. I know that it will take some of your time, and I may perhaps be under a wrong impression, but amongst those with whom I have had the honor of speaking on the subject I have not found one of the English speaking population who can see the question as the French element view it. I think there is not one of them who has seen, or remembers the documents sufficiently, to come to the conclusion that there was no crime, no high treason committed in 1869. If I am not altogether mistaken, that is an important question to be examined and decided. It may be treated from a party point of view, or from a national point of view, or from the point of view of justice and the merits of the case. It is from this last that I intend to consider it, and I shall carefully avoid anything which may have the effect of raising improper feelings or preventing the members of this House examining the question calmly; because, I may say, that those who believe that the French population, especially of the Province of Quebec, have made of this a question of nationality to the extent of defending any of their race, however guilty he may be, have committed a very great mistake. Thank God, we know what we owe to our country; we understand our duty and we know when crime is committed under circumstances which deserve punishment. But it is necessary to go back to the question and ask was there crime, especially of the character mentioned in these two documents to which I have alluded. I ask hon. gentlemen to remember that when Canada acquired the North-West Territories, they did not come under the authority of the Dominion until the first of July 1870; prior to that date the Canadian Government had not the slightest power or authority in the North-West—no more authority there than the first Chinaman coming into this country has here. If this be true how can it be pretended that the crimes of high treason and revolt were committed against an au-

thority which did not exist in 1869? It will be seen at first sight that this is a striking feature of the question. It was on the tenth July, 1869, that the Canadian Government sent one of its officers to begin the surveys in the North-West. We have first to examine the authority which the Government had to take that step, and secondly whether the Government of Canada had obtained formal permission from the existing authority in the North-West to begin those surveys. The documents show that in the first place the Canadian Government had not the slightest authority to begin work there; and in the second place they had not obtained the permission of the authorities in the North-West, because we cannot forget that there was in that country a regularly constituted government, a proper and legitimate authority which was the only one in the land. On this question I find in the sessional papers, Nos. 12 to 31, in vol. 3 of 1870, in a message dated Downing Street, 30th Nov. 1869, and signed by Lord Granville, then Colonial Minister, the following:—

“This being the state of the case the Canadian Government, in anticipation of the transfer, now agreed on by all parties, undertook certain operations in respect of lands, subject in the first instance to a faint protest from the Company.”

Lord Granville is speaking of the Hudson Bay Company, which had in its hands the government of the North-West, so that if I understand properly the meaning of these words, it is that the Hudson Bay Company, whose president was the governor of the North-West, not only did not give permission to the Canadian Government to survey lands in that country, but protested—protested feebly, if you like, but still protested—against this action of the Canadian authorities, so that the only legitimate government of the land did not give its consent to that work. I find in the same document an application from the Surveyor-General to the governor of the North-West. He says:—

August 21st, 1869.

With regard to the records of lands granted by the Company, he said he hardly felt justified in giving them fully over to me, but I should have full access to them for the purpose of obtaining copies. I shall, therefore, take immediate steps to have them copied. I regret to say that there exists great confusion and irregularity in the surveys and descrip-

tions of these grants, and much care and skill will be required in reconciling difficulties in the way of clashing descriptions, and disputed occupations of lands.

I propose, with your approval, as regards these particular lands,—

First. To obtain an accurate survey and map thereof;

Second. Upon these, to endeavor, as far as possible, to reconcile the facts on the ground, with the lots as described in the grant, and having done so, mark the boundaries definitely, and have the survey and map confirmed by an Act of the Legislature.

It will probably be necessary, in many instances, to compensate parties for deficiencies of area, which may be done by giving them a piece of land in rear.

I find that a considerable degree of irritation exists among the native population in view of surveys and settlements being made without the Indian title having been first extinguished.

You will, no doubt, have become aware that the half-breeds lately, in a public meeting, called the Company here to account in the matter of the money paid for the transfer to Canada.

Whatever may have been the views of the Government as to the character of the title to be conveyed by the deed of transfer, whether the expense may or may not be fairly chargeable to the Company, I am satisfied that the Government will, in the first place, have to undertake and effect the extinction of the Indian title.

This question must be regarded as of the very greatest importance.

In connection therewith, I would reiterate to you my conviction, as expressed while at Ottawa, that no time should be lost. The necessity for prompt action is more apparent to me now that it seemed even then.

Supposing the transfer from the Company to have been complete, it is possible that the object may be carried out yet, this fall.

There can be no question as to the prejudicial effects in retarding the settlement on the country, should the half-breeds and Indians assume a position of hostility to any extent whatever, towards the incoming settlers, or towards the Government.

The difficulties of the position may be much enhanced by giving the discontented parties the winter to brood over, and to concert measures in opposition to the views of the Government.

In the meantime, the French half-breeds, who constitute about one-fourth or one-fifth (say 3,000 souls) of the settlement, are likely to prove a turbulent element. This class have gone so far as to threaten violence should surveys be attempted to be made.

So that we see at the very beginning they had not the sanction of the local authorities to proceed with the surveys. Of course it would be necessary to read whole pages of these documents to show

the character of the difficulty, but the quotations which I am making will enable the House to see that the governor of the Hudson Bay Company, who was the head of the Assiniboia Government, was not at all satisfied with the action of the Canadian Government, and though he did not directly make any energetic opposition to the action of the Canadian Government, he still showed unwillingness and want of consent to allow them to proceed as they did. I now come to the second question, which is the one at the beginning of the whole trouble. Those surveyors proceeded to work in a foreign country, where they had no more power than we would have in China, France or Russia, until they were stopped, by whom? By the legitimate owners of the land. I will not look elsewhere than in the public documents to find what was the real character of their action. At page seven of the same document the officer makes a report upon the first difficulty when the survey was stopped, and he says one of his men, Mr. Webb, was stopped by a party of eighteen men and he adds.

"No arms were seen with the party, but by standing on the chain and using threats of violence if the survey was persisted in, it became evident that to go on with the survey would probably have led to a collision."

I call your attention to the following words:

"And Mr. Webb, in accordance with written instructions which had previously given him to provide for any such contingency, discontinued his work and as the half-breeds would not allow him to remain encamped where he was, moved his camp out to the main road on the Red River, waiting for orders, having sent off in the meantime, Mr. Fraser, as above stated.

"I at once waited on Dr. Cowan, the chief magistrate in the settlement, and laying the facts of the case before him, requested that he would consult with the Governor, or such other magistrate as he might think desirable to call in, and take such further steps with regard to this outrage, as he and they might think called for under the circumstances."

I find on page five of the next document a special return, number twelve, written on the 21st August 1869, that is nearly two months prior to the occurrence to which I have just alluded—the first surveyors were stopped on the 11th October—Colonel Dennis says:

"I find that a considerable degree of irritation exists amongst the native population

in view of surveys and settlements being made without the Indian title having been first extinguished.

You will, no doubt, have become aware that the half-breeds lately, in a public meeting, called the company here to account in the matter of the money paid for the transfer to Canada.

Whatever may have been the views of the Government as to the character of the title to be conveyed by the deed of transfer, whether the expense may or may not be fairly chargeable to the company. I am satisfied that the Government will, in the first place, have to undertake and effect the extinction of the Indian title.

This question must be regarded as of the very greatest importance.

In connection therewith, I would reiterate to you my conviction, as expressed while at Ottawa, that no time should be lost. The necessity for prompt action is more apparent to me now than it seemed even then.

Supposing the transfer from the company to have been complete, it is possible that the object may be carried out yet this fall.

There can be no question as to the prejudicial effects in retarding the settlement of the country, should the half-breeds and Indians assume a position of hostility to any extent whatever, towards the incoming settlers, or towards the Government.

The difficulties of the position may be much enhanced by giving the discontented parties the winter to brood over, and to concert measures in opposition to the views of the Government.

In the meantime the French half-breeds who constitute about one-fourth or one-fifth (say 3,000 souls), of the settlement, are likely to prove a turbulent element. This class have gone so far as to threaten violence should surveys be attempted to be made."

So that the position is this: A party of foreign surveyors go into a country where they have not the slightest power, and undertake, in spite of the protest of the legitimate authority of the land, to survey the properties of the inhabitants; they learn that there is a good deal of trouble and excitement amongst the people, and yet proceed with their work, surveying the lands of the inhabitants, although two months before they had had such warning as that of a resolution passed at a public meeting prohibiting them from trespassing on the properties of the people. Now, that was not all. It appears that those who were surveying did not forget the reason why they went there to survey those properties. In the immediate neighborhood even of Winnipeg some of them went so far as to take not less than five miles square of land for

themselves, and this statement I make, not upon my own authority, but upon the authority of public documents. I begin by citing the words of Colonel Dennis himself. Of course he pretends that all was for the best, but he cannot avoid saying, in a deposition which he made on the 21st of May, 1874, before a committee of the House of Commons on the subject :

"I am not aware of any Canadians or others attempting to take up lands improperly, beyond the following:—I was told by Dr. Schultz that a short time previous to my arrival in the country that he and Mr. Snow had staked out and bought from the Indians, lands at St. Annes Point de Chene, a mile square, which the French half-breeds laid claim to in some way. I do not know whether these lands were settled upon.

There were claims also staked out by Canadians and others on the common in the vicinity of Winnipeg, claimed by the Hudson's Bay Company, and in the rear of the Village of Winnipeg on the prairie.

Dr. Schultz asked me if I thought the lands thus acquired at St. Anne's Point de Chene would be recognized by the Canadian Government, and I told him it was not a transaction the Government would recognize, and discontenanced any further proceedings in the matter."

In the deposition of James Hargrave, he gives the immediate causes of the trouble. The first he mentions is this :—

"The country had from time to time, since 1863, been in a very disturbed position. Jail breakings had occurred, and to this day nothing has been done to punish the guilty parties. There were a number of emigrants from Canada settled among the half-breeds, forming a floating population which used language towards the half-breeds highly calculated to disquiet them, leading them to understand that their time in the territory was at an end.

"They objected to the whole survey. There were also many irregular acts on the part of those engaged on the works, and these evoked much feeling. Some persons laid claim, and attempted to take possession by ploughing round them, of large tracts of land claimed by the old settlers."

Hon. gentlemen will remark that I give in preference the sworn evidence of witnesses who were not friendly to the half-breeds. It will be seen also that they are English speaking witnesses, most of them sympathizing with the opponents of the half-breeds. I will now quote from the evidence of Mr. Bannatyne, a merchant of considerable importance in Winnipeg. He says :—

"These officials sent from Canada commenced purchasing land from the Indians, paying for it with provisions and spirits."

It is well known that one of the most stringent laws in the North-West was that prohibiting the sale of liquor to the Indians ; yet we have our Government, one year before they had the slightest authority in that country, through their officials, buying lands which in reality were occupied and cultivated by the half-breeds—pretending to buy them from the Indians for spirits. He continues :—

The land they were purchasing was already partly numbered or claimed by settlers who complained to the Local Government. Matters began to look serious. One of these officials was summoned to appear at the court for selling liquor to the Indians and was fined \$50. Matters were explained to these officials by Governor McTavish, and they then desisted, and matters calmed down for the time. The explanation was, I understood, that Mr. McTavish assumed that it was not right that these lands should be purchased, as they had been surveyed and partly settled before. Some of these officials wrote to papers in Canada and misrepresented the actions of the Local Government, stating that they would soon have another government there, and then they would teach the Government and the people in the Territories about law."

I shall now quote from the deposition of Mr. Spence, who says :—

"In 1868 Mr. Snow was sent from Canada to construct roads, and the half-breeds at Point du Chene were very much dissatisfied at his purchase of a block of land, some five miles square, from the Indians, the half-breeds considering that they were themselves entitled to the land as a settlement. Mr. Snow, finding that difficulty would arise out of this, agreed not to insist upon the purchase."

Another occurrence took place some months afterwards, which I will quote, because I have it before me, and hon. members will see how the poor people in the North-West had been treated. The evidence I will quote is that of Lieutenant-Governor Archibald, who, reporting upon facts which he had ascertained, says :—

"With some (I cannot say how many) of the volunteers who went up, a desire to avenge the murder of Scott was one of the inducements to enlist. Some of them openly stated that they had taken a vow before leaving home to pay off all scores by shooting down any Frenchmen that was in any way connected with that event. The great bulk of the French population having been one way or other connected in the troubles, the feeling gradually grew to be one of intense dislike

towards the whole race, which was heartily reciprocated by the French.

When the volunteers came to be disbanded, and were thus freed from all restraint, the hatred of the two classes exhibited itself more and more. Some of the immigrants from Ontario shared the feelings of the disbanded volunteers, and acted in concert with them. A body of French half-breeds had made a selection of a tract of land at Riviere aux Islets de Bois; some of them had made farms, or at all events enclosures at that place."

Everybody knows that in the North-West fences are very scarce, and at this time there was no title to lands in the way that we know it in this part of the country. There were no deeds. It was only a choice made of a part of the country which was fenced and cultivated and it was called a claim.

There was abundance of land elsewhere equally good, but the new-comers preferred this spot. They entered on the ground and staked it off; put up huts, and declared they would hold it against all comers. To give character to their occupation they discarded the name by which the river had been known, and called it the Boyne. Of course the half-breeds were enraged, they thought it bad enough to lose land they believed to be theirs, but in the new name they saw something worse—an insult to their religion. They seemed to think that property, race and creed were all to be trodden under foot, unless they took care of themselves. They met in their parishes on the Assiniboine and Red River, and determined to march to the settlement and drive off the intruders. Fortunately I heard of their intentions.

The hon. gentleman will probably take some interest in knowing how the Canadian authorities were acting. Those very new comers, emigrants from Ontario, were properly called by the Lieutenant Governor. "intruders," and he remarked that just in the immediate neighborhood of the farms of those poor half-breeds there were other lands equally as good, but those new comers chose to take the farms of the half-breeds. Now we will see how the governor acts towards those whom he called intruders, and how he acts towards the true owners of the property. He says:—

"I sent for some leading men amongst them, and warned them if they lifted a hand or struck a blow it was all over with them."

So that those poor half-breeds were not even allowed to save their own property. The moment it is seen that they are going to defend their rights they are told, "if you lift a hand you are lost. You are not the owners of the property and you have to submit to the spoliation of your farms by

those intruders." That is what the public document says at page 114, of this same Appendix. We can easily imagine what feelings that course of spoliation may have aroused in the hearts of those poor people. We find in this document another very extraordinary fact: early in 1869, more than a year before the acquisition of the Territory, the commissioner of public works, here in Ottawa, sent Colonel Dennis to begin the surveys. He had not even the consent of the governor of the North-West, yet the government here gave orders, and what orders? These are the instructions dated the tenth July 1869 as they appear in the public documents:—

OTTAWA, July 10th, 1869.

"SIR,—Referring to the subject discussed at our interview yesterday, I now request you to proceed, without delay, to Fort Garry, Red River, for the purpose, as explained to you, of selecting the most suitable localities for the survey of townships for immediate settlement."

"You will report to this Department the plan of survey you propose to adopt (with a rough map) as soon as you shall have determined upon it; but, in the meantime, until you have received notice of its approval or modification, you will proceed with such surveying operations at Oak Point and the vicinity of Red River, as may appear to you to be necessary in any event."

This Government who proposed to acquire about 250,000,000 of acres of land in the North-West, one year before acquiring the property might have sent an officer with these instructions, "you go out there; there are 250,000,000 acres of land; look at that immense territory and see what we can do with it." But no, special instructions are given to go to Oak Point and Red River and survey those districts for immediate settlement. There is a very important fact in connection with this; it is that Oak Point and Red River were the two sections of the country already settled by the French half-breeds, and although there were 250,000,000 acres of land waiting for settlement, the instruction to the Surveyor-General was to go to the lands of those poor people and survey them for immediate settlement. I do not want to quote any further from this document, but there is a part of it which says, "and you will report immediately here to Ottawa." It may have been with the best motives in the world. I do not deny that; but

when this fact is coupled with other facts which I shall shortly mention, it opens the door to the very legitimate supposition that it was intended that those lands should be surveyed immediately, the plans should be sent to Ottawa, and titles to these properties granted and registered in favor of some parties here, as those poor half-breeds had no notarial deeds and no register. What did those poor half-breeds do to save their property? It might be said it was all right, they could go west and take other property; but that land which they claimed was fertile and improved, and they had every reason to believe that they would lose it, that they were to be dispossessed. In the quotation which I give of the letter of Mr. Dennis, dated 11th October, 1869, what do we find? We find that Mr. Dennis knew that those parties were opposing the survey through their properties. He knew so well that his men were working on properties which belonged to actual settlers that he says he had taken care to give written orders to Mr. Webb not to fight against the half-breeds in case they should undertake to stop the survey. This man was very prudent, but that prudence shows that he had foreseen the difficulty, since he says, "Mr. Webb, in accordance with the written instructions, which I had given previously to him, provided for any such contingency." He knew beforehand that he was about surveying properties which belonged to occupants, yet he goes on to survey them. When you couple this fact with the other fact of the special instructions from Ottawa to go and survey those very lands claimed by the half-breeds, it seems to me it has some signification. Before the Parliamentary Committee of 1875, Mr. Bunn was heard. He was secretary of the first government of Assiniboia, and afterwards secretary to the Provisional Government of the North-West. Mr. Bunn, who was an English half-breed, says:—

It is not to my knowledge that the English Metis claim that right. They did not claim the right because there was no action by the surveyors in the neighborhood of the territory which they occupied. I have no doubt that if the surveyors had gone there some action would have been taken by the English half-breeds."

August 21st, 1869.

"With regard to the records of lands granted by the Company, he said he hardly

felt justified in giving them fully over to me, but I should have felt access to them for the purpose of obtaining copies."

"I find that a considerable degree of irritation exists among the native population in view of surveys and settlements being made without the Indian title having been first extinguished.

You will no doubt, have become aware that the half-breeds lately, in a public meeting, called the Company here to account in the matter of the money paid for the transfer to Canada."

"The difficulties of the position may be much enhanced by giving the discontented parties the winter to brood over, and to concert measures in opposition to the views of the Government.

In the meantime the French half-breeds, who constitute about one-fourth or one-fifth (say 3,000 souls,) of the settlement, are likely to prove a turbulent element. This class have gone so far as to threaten violence should surveys be attempted to be made."

So that at the very beginning of September Colonel Dennis finds that the half-breeds look very troublesome. This English half-breed, Mr. Bunn, says, "I have no doubt that if the surveyors had come to survey in our neighborhood the English half-breeds would have done the same as the French half-breeds did," and it is quite natural to suppose that they would. These facts are of some importance, but I would be quite ready to recognize that they had very little meaning, that it was the result of a misunderstanding, if it had not been for something much more serious. In the inquiry of 1874 before a committee of the House of Commons, His Lordship Archbishop Taché was called, and gave under oath what he had already given either by letters or other documents. He narrates the causes of the troubles:—

I have some information with regard to the causes which gave rise to the troubles in the North-West some of them are more or less remote, and some more directly within my knowledge. Among the more remote causes, I will state the formation in former days of a party in the Province of Assiniboia which took the title of the 'Canad'ian party.' This Canadian party at first met with the sympathy of the natives of the country, because at one time all the population were desirous of being united with Canada. This party subsequently caused a certain amount of ill-feeling amongst the population from its resistance to the laws. Amongst this party were those who broke into the prisons and subsequently

threatened the half-breeds with expulsion from the country. The number of this party was perhaps ten Canadians, and a few half-breeds who joined with them. The first jail breaking was on the 20th April, 1863, and the next on 21st April following. The third was in 1867 or 1868. Subsequent to these disturbances, the population began to entertain fears with regard to their union with Canada. This was some four or five years before 1869. It came on gradually. In a few words, this is what I know of the remote cause of the trouble.

This more remote cause was followed by one which was more direct, and this may be said to have commenced with the arrival of the first surveyor who came into the colony of Assiniboia. It was in the autumn of 1868. In the country at that time universal distress prevailed. A surveyor arrived, who stated he was going to carry on works in the name of the Canadian Government, and that the workmen would be paid with Canadian money. The works were commenced, but to the great surprise of the inhabitants, some action was taken by the surveyor which gave rise to considerable suspicion.

"As soon as the news was received that Hon. Mr. Macdougall, with arms and ammunition, was on his way, it is need less to say the excitement became still greater and this the more so because there was a certain number of young Canadians there who stated (falsely, it is true, but still stated) that they were already enrolled and would, on the arrival of Mr. Macdougall, take up arms and drive out the half-breeds. It was thought in the colony that all these young Canadians were cadets of the military schools, some of them even had their uniforms in their portemanteau's, and on one occasion it was reported that they were to appear at a meeting in their uniforms and commence a species of war against the half breeds.—Doc. de 1874, Appendix 6 p. 12, Dep. Archbishop Taché."

So that one year before the acquisition of the Territory, different parties of men, wearing military uniforms and giving themselves out as military men, said to those poor people "we come here to drive out the half-breeds," and Archbishop Taché says "of course it was not true that they were military men or that they came for that purpose." We will now see from the official documents if it was true or not. It is very strange that immediately after Colonel Dennis's surveyors were stopped, he notifies the Government of that fact. He admits that those men who interfered contented themselves by saying "you are on our lands, and you must not trespass." They only stepped on the surveyors' chain. They had no arms; yet Col. Dennis writes to the Government and calls those

people "insurgents, delinquents, guilty parties." Of course, if those terms had been used three or four months afterwards, after the troubles had been raised, we could understand it; but immediately after the surveyors had been stopped on the very lands of those poor people, in the official documents they are styled insurgents, criminals and delinquents. I invite hon. gentlemen to find since that date, the beginning of October, in the whole official correspondence, if these people have not always been referred to as "insurgents," "rebels" and "criminals." How is it that men opposing a survey made by strangers, even against the will of their local government, opposing a survey on their own property could be termed criminals, insurgents and rebels? They were termed rebels, and treated as rebels, because soldiers were sent to drive them out of the country. When Archbishop Taché says that they boasted that they were soldiers, but he did not believe they were, I find a document in the correspondence in the Sessional papers of 1870, a letter dated the 2nd of September, 1869, from Mr. Dennis, who makes a report of his proceedings, and says:—

I find Major Boulton of great service, and have called in Mr. Hart's party, with a view to using himself and other members of his party, who are all cadets, in drilling and otherwise assisting.

I have ordered twenty fat cattle, which will be ready for use, by Monday next, and will have no difficulty in procuring other necessary supplies.

I have sent Mr. Webb, who is surveying up the Assiniboine, who is a volunteer officer, of very considerable experience, full instructions to proceed to the Portage without delay, and their to organize four companies of fifty men each, equip and provision them, and then report to me, drilling them in the meantime industriously. The other gentlemen in his party including Mr. Newcomb, are all cadets of the military schools, and I have, therefore, directed him to take them up to assist him in drilling and organizing the companies. I shall fortunately, have a military school man to command each of the companies in the whole force. The other and subordinate officers, I will let the men select from among themselves.

The companies will be thrown into one battalion, of which I shall take the immediate command, with Major Boulton as second.

It is then perfectly clear from the public documents that all the members of those two surveying parties were, without



a single exception, graduates of the Military schools. We find also by the documents that each party was composed of 28 men. How can you account for this fact? Can you say that that is all due to chance and not the effect of a plot? These are the men who received orders from Hon. Mr. Macdougall. First, bear in mind the fact that several months before these young men went to the North-West: they were not laborers—they were engaged in the surveying parties, but were not laborers but military men, who said they were there to drive out the half-breeds. They say “when the country is transferred to Canada Mr. Macdougall will come in, and then we will have superior officers who will command us and who will drive out the French half-breeds,” and it turned out that after Mr. Macdougall came he happened to give orders—to whom? To one Mr. Dennis who is left in command. As I have just shown, Mr. Dennis had under him Major Boulton, and he had captains of great experience, Mr. Hart and Mr. Webb, and all those men of the two parties, without a single exception, were graduates of the military schools—those men who some few months before boasted they were military men and showed their uniforms and said they were coming to drive out the French half-breeds. Mr. Dennis says “I have men and officers to make a force of 800 men provided the English half-breeds consent to enroll. I have graduates of the military schools for every company.” He subsequently declares that he is disgusted with the English half-breeds, because they say “We will not enroll to go and fight against our brothers.” And the whole scheme fell to the ground. Who will dare to say in presence of those facts:—first, the order coming from the department, in July, saying, “Go to Point Duchene and Red River,” two half-breed settlements, “and survey and afterwards report to the Department here.” Then, immediately after, that a survey by Mr. Webb, who received directions as to what he should do in the event of the half-breeds stopping the survey; afterwards, those young men who called themselves military men and showed their uniforms, saying they had come to drive out the half-breeds, and a couple of months afterwards it happened, by an extraordinary coincidence, that they are

found organized as a military force, with a colonel, major and two captains, and all graduates of the military schools! Who will dare to say, in the presence of those facts that it is merely the result of chance? Who will believe it? I cannot believe it. Perhaps it will be of some interest to read to the House the commission given by Hon. Mr. Macdougall to Colonel Dennis, which is as follows:—

“Know you that reposing trust and confidence in your courage, loyalty, fidelity, discretion and ability, and under and in virtue of the authority in me vested, I have nominated and appointed, and, by these presents, do nominate and appoint you the said John Stoughton Dennis, to be my lieutenant and a Conservator of the Peace, in and for the North-West Territories, and do hereby authorize and empower you as such to raise, organize, arm, equip and provision a sufficient force within the said Territories, and with the said force to attack, arrest, disarm or disperse the said armed men so unlawfully assembled and disturbing the public peace; and for that purpose aforesaid, to assault, fire upon, pull down or break into any fort, house, stronghold, or other place in which the said armed men may be found; and I hereby authorize you as such lieutenant and Conservator of the Peace, to hire, purchase, impress, and take all necessary clothing, arms, ammunition and supplies, and all cattle, horses waggons, sleighs, or other vehicles, which may be required for the use of the force to be raised as aforesaid; and I further authorize you to appoint as many officers and deputies under you, and to give them such instructions from time to time, as may be found necessary for the due performance of the services herein required of you, reporting to me the said appointments and orders, as you shall find opportunity, for confirmation or otherwise; and I hereby give you full power and authority to call upon all magistrates and peace officers to aid and assist you, and to order all or any of the inhabitants of the North-West Territories, in the name of Her Majesty the Queen, to support and assist you in protecting the lives and properties of Her Majesty’s loyal subjects, and in preserving the public peace, and for that purpose to seize, disperse, or overcome by force, the said armed men, and all others who may be found aiding or abetting them in their unlawful acts;

“An the said persons so called upon in Her Majesty’s name, are hereby ordered and enjoined, at their peril, to obey your orders and directions in that behalf; and this shall be sufficient warrant for what you or they do in the premises, so long as this commission remains in force.”

HON. MR. BELLEROSE—What is the date of that commission?

HON. MR. TRUDEL—It is dated 1st of December, 1869—more than eight months before the acquisition of that Territory by Canada. These are the sanguinary orders which were given by a man who had no more authority in the North-West than I had, perhaps less, because I am a member of this House, which has something to do with the North-West. These orders are significant, in the face of the fact that five or six months before those young men, already in the North-West, said, “when Mr. Macdougall comes we will receive orders from our superior officers and we will be able to drive out the French half-breeds.” Hon. gentlemen can consider all these facts, and draw their own conclusions. Now, there is another document which is not less striking. It is well known that in 1869 Archbishop Taché left the North-West, in July, I think, to go to Rome to attend the Council of the Vatican. He passed through Canada, and when in Ottawa or Montreal, he received a letter from Gov. McTavish, the only proper authority in the North-West, who tells him that everything is going wrong, and that the Canadians there put at defiance the authority of the land, and are making trouble. On receipt of this letter, Archbishop Taché thought it his duty to give a warning to the Government here. What do they do? Do they try to put a stop to the illegal actions of their officers in the North-West? No. Immediately an order is given to send 300 rifles and 30,000 cartridges to the North-West. So that hon. gentlemen can see that the whole scheme was to reduce those people by force of arms, whether right or wrong. Now what did the authorities in England and Canada think of this action? I am no doubt trespassing upon the patience of the House; there are many hon. members who know all those facts, but perhaps there are some who do not remember them, and there may be others who do not know them, and I do not think it is improper, when only one side of the case is known—when it is generally assumed that all the guilt was on one side—and it may not be without interest to look at both sides of the question. Here is a letter written by Lord Granville to the Governor-General, dated the 26th January, 1870, giving his appreciation of the actions of Mr. Macdougall and Colonel Dennis:—

“I much more seriously regret the proclamation put forth by Mr. Macdougall, and the commission issued by him to Colonel Dennis.”

“The proclamation recited that Her Majesty has transferred Rupert’s Land to Canada, which has not been done; assumes the authority of Lieutenant-Governor, which did not legally belong to him; and purported to extinguish the powers belonging to Mr. McTavish, who is in fact the only legal Governor of the territory. A subsequent commission empowered Colonel Dennis to arm those adhering to him, to attack, arrest, disarm and disperse armed men, disturbing the public peace, and to assault, fire upon and break into houses in which these armed men were to be found. If Colonel Dennis had acted on this the most disastrous consequences might have ensued. As it is, Governor McTavish must suppose his authority extinguished, none other being substituted for it, and the discovery that the statements made in the proclamation are unfounded in fact, must detract from the weight of any subsequent proclamations. Those proceedings do not render Her Majesty’s Government less desirous of the restoration of tranquility under the authority of the Dominion; but they have certainly enhanced the responsibility of the Canadian Government.”

HON. MR. PLUMB—Is that a document emanating from the Governor-General?

HON. MR. TRUDEL—It is a letter to the Governor-General to be found in the Sessional Papers; but I have also another document which is an equally good authority. It is the letter of Mr. Joseph Howe, Secretary of State at the time. It will be found in Vol. 3, No. 5 of the Sessional Papers, and it is dated 24th December, 1869. Mr. Howe wrote to Mr. Macdougall and says:—

“As it would appear from these documents that you have used the Queen’s name without her authority—attributed to Her Majesty acts which she has not yet performed—and organized an armed force within the Territory of the Hudson’s Bay Company, without warrant or instructions, I am commanded to assure you that the grave occurrences which you report have occasioned here great anxiety.

“The exertion of military force against the misguided people now in arms, even if under the sanction of law, was not to be hastily risked, considering the fearful consequences which might ensue, were the Indians, many of them but recently in contact with the white inhabitants of the neighboring States, drawn into the conflict. But as the organization and use of such a force by you was, under the circumstances, entirely illegal, the Governor-General and Council cannot disguise from you the weight of responsibility you have incurred.”

It is the Secretary of State for Canada, Mr. Joseph Howe, who tells Mr. Macdougall that all he has done in the North-West is without authority, and that he has used Her Majesty's name without even the semblance of right.

HON. MR. PLUMB—In the Hudson Bay Company's Territory, not the Indian Territory.

HON. MR. TRUDEL—Mr. Howe goes on to say :—

“Had the inhabitants of Rupert's land, on the breaking out of the disturbances, risen and put an end to them, or had Governor McTavish organized a force to occupy his Forts, and maintain his authority, all would have been well, and Riel and his people would have been responsible for any bloodshed or property destroyed. But Colonel Dennis, with no legal authority, proceeds to seize the fort, then in possession, not of the insurgents, but of the Hudson Bay's Company, and to garrison it with a mixed force of Whites and Indians, and proposes to give battle to the insurgents, should a junction be formed, with some forces which he has ordered to be drilled on the Assiniboine. He appears never to have thought that the moment war commenced all the white inhabitants would be at the mercy of the Indians, by whom they are largely outnumbered, and divided as they would be, might be easily overpowered.

“It is impossible to read the Colonel's account of his attempt to persuade Judge Black to aid him in proclaiming martial law, without strong feelings of regret that you should have been represented in the settlements by a person with so little discretion. It is no wonder that Judge Black was ‘frightened’ at the proposal, as he must have known that Colonel Denis would have to answer at the Bar of Justice for every life lost by such an assumption of authority, and that the illegal seizure of an American citizen would at once provoke interference in the quarrel, and lead to very serious complications.”

I have already stated, and I repeat,—that if I quote all this it is not with the intention of accusing anybody. I am only showing that those acts were illegal; that in presence of such illegal acts and such an argument, with the avowed purpose of driving those people from their homes, it is not surprising that they should feel some fear and take means to protect themselves. I now come to another point which is probably the most important of all. The people of the North-West found themselves in this extraordinary position; just in the middle of those difficulties, as they

were called by the Governor-General and the Secretary of State, the only legitimate authority in the land, Governor McTavish and the Government of Assiniboia, came to an end. As the Governor-General says, this illegal proclamation of Mr. Macdougall's would certainly have the effect of destroying the only legitimate authority in the country, and it happened as predicted. Mr. McTavish, believing that his authority was at an end, declined to use it, and I call special attention to this fact, that the country was left without any authority at all. The Government of Assiniboia had disbanded, and Governor McTavish declines to act, and it is on the suggestion of Governor McTavish himself that the Provisional Government was created. I allude to those facts to show that the position which I have taken, that the French element in this community has taken, is not after all so disreputable as many persons seem to believe; that the public documents show the matter in such a light that we cannot be condemned for having no little sympathy with those people who were treated as I have shown. This may have been the effect of a misunderstanding altogether. I accuse nobody; but I say these are facts; and in the face of those facts whatever may have been the cause, misunderstanding, prejudice or any other cause, I ask, were not the people justified in doing something to protect themselves? I will call the attention of the House to the fact that the North-West was without any Government at all. The only legitimate authority had reason to believe that its jurisdiction was destroyed by Governor Macdougall's proclamation, which declared that they had no authority, and Governor McTavish advised the people themselves to form a Government. Were the people of the North-West entitled to form a Government? I submit that under the law of nations and in common sense they had such a right, as I will show by high authorities. I think the legal gentlemen of the House will admit that the greatest authorities on natural law and the law of nations are Grotius and Taparelli. I have here only the French version of the one which I consider the greatest. He says:

“The legitimacy of a government exists also when a nation, abandoned by its legiti-

HON. MR. TRUDEL.

mate leaders, gives even to a usurper an authority of which the nation has become legitimately the depositor. The Government *de facto* also have the right to command in the civil order in virtue of social necessity and by the effect of the material preponderance. We see by that that legitimate authority differs very much from violence, one having the right to obedience when it commands for the public good; the other has no such right. The Government *de facto* possesses also though unjustly."

The author goes so far as to consider even the case of a usurper, and he says, the moment there is a regular organization and the authority has been obtained in an illegal way, but sanctioned by the consent of the people, the rule of a usurper even becomes legitimate by that very fact. It will be admitted by everybody that authority is as essential to a nation as food to a man; a community cannot live without government. It would be probably useless to mention all that, but I think there is no harm in reminding the House of those authorities. I will now quote what Lord Granville wrote on the 26th January, 1870, in the name of the Imperial Government:—

"The proclamation recited that Her Majesty has transferred Rupert's Land to Canada, which has not been done; assumes the authority of Lieutenant-Governor, which did not legally belong to him, and purported to extinguish the powers belonging to Mr. McTavish, who is in fact the only legal Governor of the territory."

We see Lord Granville, in his letter to the Canadian Government, made exactly the same remark as the Governor-General and the Secretary of State made to Mr. Macdougall, so that the authority of Mr. McTavish was the only legitimate authority. There is a witness now who was one of the first members of the North-West. His name is Mr. Pagé. I had decided not to quote any French depositions, but these are so well substantiated by the evidence of English witnesses that I suppose there is no harm in reading his statement. He was asked

"Q. Did you form one of the convention of 1870?"

"A. Yes; and I represented the Electoral Division of St. Francois Xavier east.

"Q. Were you delegated to interview Governor McTavish and for what purpose?"

"A. Before constituting a provisional Government and electing a president, the English members fearing to compromise themselves proposed to consult Governor McTavish himself. The idea was well re-

ceived by all and they confided this mission to four of us, Messrs. John Sutherland, John Frazer, A. Lepine and myself. We proceeded immediately to the residence of the Governor and after having exchanged greetings, Mr. Sutherland explained the object of our visit. He at once asked if the Government of Assiniboia still existed. To this question Mr. McTavish replied in the negative; and "What are your powers?" added Mr. Sutherland. "Don't trouble yourself any more about these," replied Mr. McTavish; "I am as a dead man; work in the interests of peace." Finally Mr. Sutherland asked him if it would not be advisable to organize a Provisional Government, and Mr. McTavish replied "Not only is it opportune, but for goodness sake do it, for without it we will never have peace in the country."

These declarations were so explicit that when the convention was informed of them they adopted our report on which the Provisional Government was established and Louis Riel elected as President.

This is from the report of *La Minerole* in 1874. I will show in a moment that there had been a regular legal election according to lists which were made, as I understand, for the election of members to the Assiniboia Government, and the elections were presided over by the two highest English authorities, Archbishop McLean and Justice Black. Forty members were returned, twenty English and twenty French, and it is this convention of forty members, regularly elected, who sent a deputation to Mr. McTavish to ask him whether he had still some authority. It was to the four delegates of this convention that Mr. McTavish said: "For God's sake form a Government!" It was on the report of those four delegates that the forty members elected the officers. Now did they only elect Louis Riel president? No, they elected, if I remember right, seven members of a provisional government; Mr. Louis Riel, President; Mr. Ross, Chief Justice, or Minister of Justice; Mr. Bruce, Commissioner of Public Works; Mr. Bannatyne, Postmaster General; Mr. Thomas Bunn, Secretary of State, and Mr. Lepine, Adjutant General, commander of the military forces. This is the act of the forty delegates to whom I have alluded. I have quoted Mr. Page's evidence; I now come to the evidence of Mr. Sutherland, one of our colleagues here, who, I regret to see, is not present this evening. He is asked by the present Secretary of State for Canada, Mr. Chapleau, who was the advocate of Lepine,

"Q. Were you one of the delegates to the convention of January, 1870?

"A. Yes, I was.

"Q. Were you one of the deputation sent to Mr. McTavish?

"A. Yes, with Mr. William Fraser and others.

"Q. What was the object of the deputation?

"A. We desired to know if Mr. McTavish considered himself still as Governor, and if he intended to exercise his powers in that capacity. The English members of the convention or assembly were anxious to be enlightened on this point before recognizing Riel as President. The object was to ascertain whether the Hudson Bay Company had abandoned the government of the North-West. The question was put directly by me or by Mr. Fraser to Governor McTavish, who answered, 'Form a government for God's sake, because I have no power to order anything.'

It has been stated that the Hudson Bay Company's stores were pillaged by the half-breeds, I have here a letter written, immediately after Riel was elected President, by Mr. McTavish himself, who at that time considered himself as having no longer power as Governor of the North-West Territories; but he was still the highest official of the Hudson Bay Company in that country. He wrote himself to the President offering him money, and loaned him \$12,000 to carry on the business of the company. There is something very striking in connection with this. Riel did not answer at first, and Mr. McTavish was afraid that because Riel was President and McTavish had taken upon himself to write to Riel to come and see him, that he had been guilty of a breach of etiquette and that it was his duty to go to Riel, he being the Governor of the country. He therefore wrote to the Archbishop to know whether Riel was offended by this apparent want of courtesy towards him, and I have here his letter dated the 18th March, 1870, which I will read:—

MY LORD,—I have not seen President Riel yet, and am anxious to know whether he is keeping off till I write him, or is just waiting till he has time to see me. Should I write to him and beg him to come and see me, as I have long made up my mind, on the point he and I last spoke. I know I have before given him offense by asking him to come to me, and I don't want to do that. At the same time no feeling of ill-timed vanity has interfered with my asking him now. A mere hint for me to open communication with him or not will suffice. But I would prefer agreeing to the loan personally, as thought in the

first instance, and I would like at the same time to speak to him about his communications for Fort Ellice and other posts. I am afraid you will have difficulty in reading this scrawl.

Hoping you will excuse my troubling you to-day, and all days, believe me, with very sincere feelings of gratitude,

Yours very gratefully,  
(S'g'd.) W. MCTAVISH.

The Right Reverend,  
The Lord Bishop of St. Boniface,  
St. Boniface."

In this volume of 1875, from which I have been quoting, the whole correspondence of the Governor-General with the Imperial authorities will be found. There is a despatch from Lord Dufferin dated the 10th December 1875, in which the Governor makes the following reference to the facts to which I have already alluded:—

"On the other hand we ought to observe that when the proposition to constitute a provisional Government was placed before the Convention a certain number of the English representatives refused to take part in the deliberations without being satisfied whether Governor McTavish represented legal authority in the territory 'considering that he was yet vested with authority.' The deputation was then named etc.

In response to the demand of the deputation Governor McTavish "declared that he had seen the proclamation of Mr. Macdougall; that it had put an end to his jurisdiction, that he was as a dead man, and that it would be better for them to constitute a Government capable of maintaining the peace in the country."

So that not only were those facts given under oath by the witnesses Pagé and Sutherland, from whose evidence I have quoted, but the Governor-General himself writes to the Secretary of the Colonies that in answer to the demands of the deputation Governor McTavish declared that he had seen a proclamation of Mr. Macdougall which had put an end to his jurisdiction, and that he was a "dead man," and that it would be better to constitute a government capable of maintaining peace in the country. Now what was the character of this national convention. His Excellency says:—

"I believe it is but fair to the persons who share that opinion to state to your lordship the fact that the convention by which was established the Provisional Government which made Riel its chief, was composed of French and English delegates duly elected by the people, that highly respectable persons

formed part of it and took part in its deliberations. That Donald Smith, the Canadian Commissioner who had received instructions to put himself at the head of the Government in the North-West in the name of the Hudson Bay Company, in case of sickness preventing Governor McTavish from exercising his functions, appeared before the Commission to explain the views of the Canadian Government, and that the delegates chosen by the Convention were duly recognized as authorized to treat with the Federal Executive in the name of the population of the people of the North-West."

So that His Excellency recognized that this convention was duly elected by the people and composed of respectable men, and, as I have shown by the very strongest evidence, after the Provisional Government was established Governor McTavish, the only man who had any right to claim greater authority than they exercised, offered to lend money to the popular government.

I will now refer to the evidence of Mr. Bannatyne in the suit against Lépine. He is asked:—

"Q. You are aware, no doubt, that there existed a council of Assiniboia?"

"A. Yes; for I was one of the members.

"Q. Were you not also one of the delegates and a member of the Provisional Government?"

"A. I was one of the convention of forty in my capacity as delegate for the Electoral divisions of St. John and Winnipeg, and the tenth of February 1870 I was named Postmaster-General under the Provisional Government.

"Q. Are you not a relation of Governor McTavish?"

"A. Yes, his brother-in-law."

After having explained that the English and French populations received with discontent the news of the transfer of the territory to the Canadian Government. He continues—

"A meeting of delegates from the different parishes was held to discuss the situation, Colonel Dennis went through the parishes to persuade the people to give a good reception to Mr. McDougall. After having done so Colonel Dennis made a report to the Council of Assiniboia that it was not possible to induce the old settlers to favor the coming of Mr. Macdougall. That report was received by the Council. The assembly of the sixteenth November 1869, took place after that which I am about to explain, and adopted a series of articles known under the name of Bill of rights. This was a protest in the name of the majority of the people. On their side Colonel Dennis, Dr. Schultz and a number of other strangers in the country, or had only

been there a short time, organized a counter movement. At the beginning of the agitation the latter party was peaceable, but it became before long more menacing. They armed themselves and attempted to attack the position of lower Fort Garry where they raised a troop of Indians; finally the party in question met at Winnipeg at the residence of Dr. Schultz under the pretext of protecting property which was not at that time at all menaced. This movement had never been authorized or approved of by Governor McTavish nor by the Council of Assiniboia

On the 7th December Col. Dennis issued a proclamation soliciting all loyal subjects of Her Majesty to aid Mr. Macdougall by all possible means to burn the houses of those who should be hostile to his entrance and to take up arms against the rebels. In the evening of the same day the house of Dr. Schultz was surrounded by Riel's followers, and those who were found to enter there were taken. As soon as the proclamation of Governor Macdougall had been published Mr. McTavish and the Council of Assiniboia considered themselves as deprived of all authority in the North-West.

Q. Who then possessed the power?

A. The Provisional Government only in my opinion exercised authority. On the 19th January, 1870, a mass meeting was called by the Commissioners of the Canadian Government. It was resolved to form a National Convention composed of twenty English delegates and twenty French delegates. Donald Smith, the Canadian delegate, took a seat in the Convention. After the elections throughout the country, the delegates met at Winnipeg on the 25th January and sat several days—Judge Black acted in the capacity of President of that Assembly at first before Louis Riel was elected as his successor. In the interval which occurred between the 19th and 23rd February, 1870, new general elections were held, and the reports were transmitted to the President, Louis Riel.

The witness produced the report of his election which is as follows:—

ST. JOHN'S PARISH, }  
R.R.S., FEBY. 23, '70. }

LOUIS RIEL,

President Provisional Government,

SIR,—I have the honor to inform you that a public meeting of the inhabitants of St. John's Parish and the Town of Winnipeg was held to-day, in St. John's School, having Archdeacon McLean in the chair.

After hearing M. James Ross, the delegate from St. John's Parish, in reference to the proceedings of the recent Anglo-French convention, the meeting accorded their thanks for his labours, approved his course, agreed to send a member to serve at the Council Board of the new Provisional Government.

M. James Ross and Colin Inkster having declined election, M. J. J. B. Bannatyne, of the town of Winnipeg, was chosen representa-

tive of the joint constituency by the unanimous vote.

I am, sir,  
Yours respectfully,  
A. COLDWELL,  
*Secretary of the meeting.*

Q. Who presided at the meeting of electors at which you were elected?

A. The Rev. Mr. Lean, present Bishop of Saskatchewan and Mr. Coldwell was the secretary.

Q. Were there regular lists of voters in the parishes?

A. Yes, and votes were recorded throughout wherever there was more than one candidate.

Q. Who governed the country at this period?

A. The government of which Riel was president and the Chamber of Representatives elected by the people. We passed laws on all matters of public interest. For example I can show you at this moment two Bills adopted on the 9th March, one concerning the administration of justice and the other intitled "Rules for the management of idiots." It would be easy for me to produce several. These laws were put in operation.

Q. You have insinuated that during the troubles you recognized no other authority than that of the Provisional Government. Is it not true, though that Governor McTavish still represented the legal power in the country.

The authority which Mr. McTavish possessed had been paralyzed by the proclamation of Mr. Macdougall. We were without any law and we believed it to be our duty to constitute a Government which would fill *pro tem.* this gap created as I have already stated by the proclamation of Mr. Macdougall. The entire people supported the Provisional organization and His Honor Judge Black himself took part in the deliberation of the convention of the 25th January in the capacity of a delegate.

There are many people who are under the impression that all the troubles in the North-West were originated by what I call the legitimate action of those people of the North-West; yet there are facts stated here, under oath, before the Committee of 1874, which seem to show the state of the North-West, not only before 1869, but before Riel went back to the North-West, as being far from undisturbed; and, strange to say, it is those people who called themselves loyal who were all the time at the bottom of the troubles. His Lordship Archbishop Tache is asked as a witness under oath to state the causes which gave rise to the troubles in the North-West and he says:—

"Among the more remote causes I will state the formation, in former days, of a party in the Province of Assiniboia which took the title of the Canadian party. This Canadian party at first met with the sympathy of the natives of the country, because at one time all the population were desirous of being united with Canada. This party subsequently caused a certain amount of ill feeling amongst the population from its resistance to the laws. Amongst this party were those who broke into the prisons and subsequently threatened the half-breeds with expulsion from the country. The number of this party was perhaps ten Canadians and a few half-breeds who joined with them. The first jail breaking was on the 29th April, 1863 &c.

That first jail breaking was by those "loyal" men of the North-West, and it is proved by sworn documents that at that time, 1863, Riel was at college in Montreal, so that he cannot be accused of being the cause of the commencement of the trouble. Those loyalists went on with a further display of their loyalty, and the next jail breaking was on the 21st of April following. The third was in 1867 or 1868, and Archbishop Taché says that "subsequent to these disturbances the population entertained fears with regard to their union with Canada."

As I stated before, in July or August Archbishop Taché was passing through Canada on his way from the North-West to the Vatican, and Governor McTavish wrote to him this letter, which is found in the appendix of the sessional papers of 1874:

"I have had a more than ordinarily busy summer, with rather above the average of contretemps in the way of business. Besides this, you no doubt have heard that there has been, and is still, a good deal of agitation here. Unfortunately every Canadian official, as he comes in, falls into Dr. Schultz's hands and evidently continues in good accord with him. Our friends, the Canadian half-breeds, shrewdly suspect that no good can come to them from such an alliance, and are in consequence rapidly becoming more decidedly opposed to Canada. If the Hon. William Macdougall, when he comes here, shows the same leaning, there will be trouble here; and in any case, in the interests of your people, I will take the liberty to say that I think it would be of the utmost importance to them, as well as to all concerned, that you should be here when the new order of things is instituted."

"But some days ago his party went out with their horses, which were poor, and it is said, to employ their time, commenced mark-

ing out claims for themselves, on which the half-breeds ordered them off, and they came in post haste."

Hon. gentlemen will see that at the very beginning, before the stopping of the surveys, according to the only legitimate authority of the country, Mr. McTavish himself, he was complaining of those Canadians who were there without authority and who were causing trouble in the country. On receipt of that letter, Archbishop Taché himself says that after coming to Ottawa he gave a copy of that letter to a friend, with a view to sending it to Sir George Cartier at Ottawa. He says :

\* \* \* \* \*

"I gave it to him and he copied it, and two days afterwards told me he had received a reply from Sir George, and that the reply was "We know all about it and we have made provision respecting matters," and the next day the Ottawa papers announced that a certain number of rifles and a certain quantity of ammunition would be sent to Fort Garry with Mr. Macdougall."

This is how the half-breeds were treated. They were ill-treated in the North-West, and the Government here was sending out ammunition and rifles to those who were oppressing them. I have shown that there were elements of disorder even before Riel was in the country; that people were setting at defiance the legitimate authority of the Government of the country. Hon. gentlemen will find at great length a description in the public documents of such facts as these: Some of the friends of those Canadians had been guilty of crime, they were committed for trial and sent to jail. Those Canadians broke in the door of the jail and rescued their friends, and this is corroborated by the evidence of Archbishop Taché and half a dozen English Protestant witnesses. Archbishop Taché says that after a certain time the authority of the Government of the country was so much ridiculed and set at defiance that they would not order any more of those men to be sent to jail, because the moment they were put in jail their friends broke in the jail doors and took them out. It is said to be a great crime that Riel and his friends, two Frenchmen and five Englishmen, constituted a provisional government where no other government existed; but what did the loyalists do? It is certainly an inter-

esting piece of history. One day they decided to form a republic, and this is how Mr. W. R. Bown describes it.

HON. MR. PLUMB—What year was this?

HON. MR. TRUDEL—It was in 1868.

HON. MR. PLUMB—I thought you had got up to 1874.

HON. MR. TRUDEL—I am going to quote from the evidence of W. R. Bown, taken before the commission, (P. 114, Doc's of 1874, Appendix 6) and Mr. Bown, as shown by his deposition, was far from being friendly to the half-breeds:

"Previous to any talk of the transfer there was dissatisfaction on the part of the English settlers and the newcomers from Canada, with the arbitrary rule of the Hudson's Bay Company. I remember there was a little Republic established at the Portage some years before. There were some twenty or thirty people there. They felt that their lives and properties were not properly protected.

HON. MR. SCOTT—We are not likely to get through this debate to-night because there are other gentlemen who are desirous of speaking on it and I would suggest to the hon. gentleman to move the adjournment of the debate.

HON. MR. TRUDEL moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 11 p.m.

#### THE SENATE.

*Ottawa, Thursday, May 27th, 1886.*

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

#### THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbors without amendment, were read the third time and passed:—



Bill (119) "An Act to amend the Act relating to the Winnipeg & Hudson Bay Railway & Steamship Company." (Mr. Girard.)

Bill (79) "An Act respecting the Napanee, Tamworth & Quebec Railway." (Mr. Read.)

### GOVERNMENT SAVINGS BANKS IN THE LOWER PROVINCES.

MOTION POSTPONED.

HON. MR. POWER rose to

Call attention to the exceedingly large sums deposited in the Government Savings Banks in the Lower Provinces, and ask the Government what steps, if any, they propose to take in order to prevent the injurious effects of the existing system upon the business community generally, and the chartered Banks in particular, in the said Provinces, and the injustice of taxing the whole population, chiefly for the benefit of the depositors of comparatively large sums in the said Savings Banks.

He said:—My attention has been called to the fact that the notice which I gave is one as to which, perhaps, a question of order might be raised, as it embodies matter which might be the subject of argument. For that reason I propose not to proceed with it to-day, but to amend it and make the inquiry to-morrow.

HON. MR. PLUMB—I am very glad that the hon. gentleman has discovered that his motion is out of order.

### QUESTION OF PRIVILEGE.

HON. MR. PLUMB—Before the orders of the day are called, I wish to rise to a question of privilege—a question which affects my personal character. I fear that I shall not be within the judgment of many of my friends in this House in what I am about to say because I shall take notice of a matter which the larger portion of them have assured me is utterly unworthy of my attention; but every man has his own honor and character in his own keeping, as every woman has her own virtue, and in such cases must judge and decide for himself. A few days ago a member of this House, who is by courtesy called honorable, addressed to me personally in a grossly offensive manner a question which, under the rules of the

House, was wholly out of order, and before he had time to complete his question he was called to order by others, not by myself. I wish to say that the hon. gentleman's remarks, as they appear in the official report, are not what I understood them to be at the time. When I came to look at the official report several days afterwards I found that it contained an imputation on my personal honor and character by insinuation and inuendo. The hon. gentleman stated after a preamble in regard to the purity of those who were members of this House, and particularly those who were entrusted with confidence by the Government, that he wished to put a simple question before the House and Parliament and the country—he wished to put a question to the hon. gentleman from Niagara, and he continued, "I call upon him now, with regard to certain rumors which have been existing for many years respecting him, affecting his honor—I call upon him now to put us in a position to deny those rumors." Very anxious the hon. gentleman was (of course in the generosity of his amiable heart) to deny those rumors. He continued:—"Those rumors were to the effect that he left Albany."—he was then called to order. Owing to absence for a few days, and a pressure of work since that time—for it was only at the moment when I was leaving Ottawa last Friday night, that I found the report as it now appears in the Debates—I have not had an earlier opportunity of calling the attention of the House to the remarks of the hon. member, which contains malevolent insinuations, as I said before, against my personal honor and integrity. The hon. gentleman was out of order, and he probably knew that he was, for he makes a boast of constantly violating the rules of order in this House, and when he is put down he acknowledges and exults in the fact that he has done so. I did not myself wish to interrupt the hon. gentleman, nor was he interrupted at my instance, nor did I seek to shield myself behind the rules of the House. He was not stopped at my instigation, and I now propose to show that I did not intend to shield myself behind the rules of the House. The hon. gentleman, as I learn has not hesitated to state elsewhere in public, at street corners to whoever would listen to the

foul slander, the accusations which he intended to insinuate in his question—accusations which, if true, would render me unworthy the association of the members of this hon. body with whom I am proud to be in friendly intercourse and whose esteem and confidence I highly prize, and it would render me an improper person to hold a seat among them. I assure this hon. House that there is not a shadow of foundation for the infamously malicious charges insinuated by the hon. gentleman, and I now challenge him to ask his question, I beg that he may be permitted to do so, and when he does I shall request the House to grant me a committee to be selected by the representative of the Government in this House and by the hon. leader of the Opposition in this House, and I shall seek at their hands the most searching investigation into whatever the hon. gentleman may formulate.

HON. MR. ALEXANDER—I assume that the hon. gentleman from Niagara refers to myself as an humble member of this House.

HON. MR. PLUMB—I do refer to you.

HON. MR. ALEXANDER—I have only to say that having heard for many years rumours affecting the honour and character of the hon. member—

HON. MR. PLUMB—I call the hon. gentleman to order. I asked him to formulate his question but I do not think he has a right to make any preliminary statements. I know that he can only put his question with the permission of the House. I am desirous that he should do so, but I do not desire to hear a preliminary speech from him on the subject.

THE SPEAKER—I think the hon. gentleman ought to be allowed to make any preliminary remarks which he may consider necessary.

HON. MR. ALEXANDER—I rose respectfully to put a question to the hon. gentleman from Niagara. I asked him respectfully, being desirous to maintain the honour of this House, whether he would authorize us to deny those rumours. As usual I was called to order when I asked

him to authorize me to contradict those rumours.

HON. MR. PLUMB—My honor is not in your keeping.

HON. MR. ALEXANDER—I was called to order by the hon. gentleman from Sackville, who always interrupts me. I cannot rise here in the interests of the people and in defence of the honor of the House, without being called to order; but there is nothing that he can say, or that any other office-seeker can say, that will prevent me raising my voice while I occupy a place in this House, to save it from being dragged through the mire, as it has been for the last three or four years.

HON. MEMBERS—Is that all?

THE SPEAKER—I hope this matter will not proceed any further. I think the hon. member from Niagara has put himself in a position that every member must approve of; he has now placed it in the power of the hon. member from Woodstock to formulate his charges or to leave himself in the unenviable position which he occupies.

## FISHING BY FOREIGN VESSELS BILL.

### SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (136) "An Act further to amend the Act respecting fishing by foreign vessels." He said: The amendments are in the direction which the experience of the past few years has shown to be highly necessary for the preservation of our sea coast fisheries and are such as will I am sure commend themselves to hon. gentlemen on both sides of the House. Hon. members are of course aware that the convention of 1818 between Great Britain and the United States of America is the basis of all our legislation for the protection of our sea coast fisheries. By it the United States forever renounced the right to take dry or cure fish on or within three miles of any of the coasts, bays, creeks or harbors of His Majesty's dominions in America, with the exception of certain parts of Labrador, Newfoundland and the

Magdalen Islands, where they were permitted to fish and land for the purpose of curing and drying fish. With these special exceptions, however, they also renounced the right forever to enter any one of our bays or harbors except for four purposes—for shelter, repairing damages, buying wood or obtaining water, and these privileges were only to be exercised subject to such restriction as might be necessary to prevent the abuse of any one of them. On the basis of the articles of this convention the Imperial Act 59, of George III., cap. 38, was framed, and Nova Scotia, New Brunswick and Prince Edward Island also enacted laws in reference to the fisheries on their own coasts framed upon the Imperial Act and enforced them previous to Confederation. After Confederation, Canada in 1868, passed an Act based also on the Imperial Statute and containing all the essential points in the Acts of the other provinces. The various phases which the fisheries questions subsequently passed through during the continuance of the Reciprocity Treaty and subsequently also under the treaty of Washington, are well known to all hon. gentlemen, and I need not detain the House any further by alluding to them now. The point that we are now more immediately concerned with is this—that the termination of the Treaty of Washington has relegated the question of the fisheries to the position in which it originally stood under the convention of 1818, the Imperial Act based upon the articles of the Convention and our own statute laws framed upon the provisions of the Imperial Act. Now by the Dominion statute which I have before me any vessel found fishing, having fished or preparing to fish within the three-mile limit is liable to forfeiture, but for violating the other provisions of the treaty of 1818, that is frequenting our harbors except for the four purposes mentioned, there is no penalty provided except what the court may adjudge against the master of the vessel as guilty of a misdemeanour in violating our laws. Hon. gentlemen will see that even if a vessel is found entering our harbour and buying bait for the undoubted purpose of fishing, unless it could be proved that the intention was to fish, or in the words of the statute “preparing to fish” within the three-mile limit—which of course it would

be sometimes very difficult to establish—it would be impossible to secure the infiction of any sufficient penalty for what might be a deliberate and intentional violation of the fishery laws. Now this Bill proposes to cure that defect in this way. It sets forth that the section substituted by the first section of the Act 33rd Vic., chap. 15, for the third section of the Act of 1868 is by this Bill repealed, and the following (section 3) is substituted in lieu thereof. The new section is word for word the same as the section which it repeals down to within the two last lines of the clause. I will read it to where the alteration begins.

It is as follows:—

“3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel or boat, being within any harbor in Canada, or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbors in Canada, into port, and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of four hundred dollars; and if such ship, vessel or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (a) has been found fishing or preparing to fish, or to have been fishing in British waters within three marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel or boat, under the first section of this Act.

Then comes in the amendment :

“or (b) has entered such waters for any purpose not permitted by the law of nations, or contrary to treaty or convention, or to any law of the United Kingdom or of Canada for the time being in force.”

I may say that I propose to strike out the words “by the law of nations, or contrary,” and it will read “has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force,” then follow the same words as in the old clause, “such ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited.” Now, hon. gentlemen will see that the effect of this amendment will be this: If an American vessel comes into one of our harbors, bays or creeks,

and purchases bait, it will, under this enactment, be liable to forfeiture in the same way as if the vessel was found fishing or preparing to fish within the three mile limit. It removes the difficulty of having to prove that a vessel buying bait is "preparing to fish" within the three mile limit, and prevents vessels entering our harbors except for the four purposes mentioned in the treaty of 1818. Of course hon. gentlemen know that this is a very large and interesting subject on which it would be easy to enlarge more than I propose to do, but I think the House will agree with me that it is also under existing circumstances an exceedingly delicate one, and that we should do well to follow the example of the other House when this Bill was before them, and avoid any unnecessary discussion upon it which might possibly give rise to any misapprehensions or add to the feeling of irritation already existing elsewhere upon this important question. I think I have fully explained the object of the Bill, and how, by this enactment, it will entirely meet the cases which it is desired to reach, and I shall content myself now with moving the second reading of the Bill.

HON. MR. HOWLAN—I regret exceedingly that the state of affairs between the United States and Great Britain renders it necessary to pass an Act of this kind. The question has been pretty thoroughly explained by the hon. gentleman who introduced this Bill, with one exception, and that is the addition to the clause of 1870. At that time Prince Edward Island was not a part of the Dominion, yet I see that the Act under which the fisheries of that Island were governed is now repealed. The difficulty that this clause provides for, amongst others, is the ordinary one with regard to merchant vessels—that no vessel can lie twenty-four hours in the harbor of the Dominion without reporting to the Customs authorities. The difficulty of interpretation that remains between the United States and Great Britain is with regard to the treaty of 1818. Whilst England holds that the interpretation of that treaty with regard to the three mile limit is a line drawn from headland to headland, the United States contend that it is only from the coast itself. It makes a great difference

which interpretation is correct. Take, for instance, the Bay of Chaleur. The three mile limit, according to the British interpretation, would be from headland to headland leaving that large bay, which is quite a haunt for fishermen during the season, entirely and exclusively to Canada. Under the American interpretation the line would be drawn along the coast only, and fishing vessels would have a right to enter the bay for a considerable distance. The great source of irritation at the present time is the question of bait. The time was when the American fishermen had abundance of bait which they now find it difficult to obtain on their own shores. There was as great an abundance of bait on their coast some years ago, as there is now on ours, but over-fishing and fishing out of season, which ought to be forbidden, completely destroyed the inshore fisheries of that country so that they had to resort to our shores to procure bait. This question of improper fishing has occupied the attention of the Legislatures of Massachusetts and Maine for many years, but those who are in favor of preserving the fisheries were opposed by those who thought that fisheries were only to be used and abused so far as their own individual idea of what was right was concerned. But it was soon found that the use of bag nets, seines, traps and pound nets had completely destroyed the shore fisheries along the American coast. But those who favored that mode of destruction, also entertained the view that there was an abundance of fish to be found along the coast of the Maritime Provinces which could be always had for the buying. This question of bait was a serious one, and exhaustive reports were made upon it by Professor Speedwell, and the question also formed one of the most intricate subjects which the Fisheries Commission had to deal with. The United States Government have been of late years restocking their waters with fish taken from our waters, and they thought that they would be able in that way to provide sufficient bait for their own fishermen. It appears, however, that they have not been successful, and the question of bait and the ice to preserve the bait, to-day forms one of the most important questions which they have to consider in connection with their fisheries. Immense quantities

of this bait, which is herring, are to be found at certain seasons of the year along the coast of Nova Scotia and the Magdalen Islands. As an article of trade it is of very little importance, for the spring herring put up in the Maritime Provinces very seldom pay for the barrels and salt. But as an article of bait for the deep sea fishing which is pursued very largely by fishermen from Maine and Massachusetts it is one of the most important elements in that industry. While American fishermen could come freely to our shores and procure supplies of bait and ice for their fishing vessels, it did not become a very important question with them; and when overtures were made about the renewal of the treaty, and to discuss this question on its merits, the matter of bait was repudiated and was said to form no element in the question as the inshore fisheries of Canada were of no great importance. One thing has always struck me with regard to this subject of bait and it is this: that unless we permitted the same sort of exhaustive fishing, machine fishing as we might term it, as the people of the United States did, there would be no question of bait. It is true that the Government of Canada have taken the power to license, and to forbid, as the case may be, the catching of fish by traps, bag nets, seines and other destructive means which have proved so disastrous with the American inshore fisheries. While they have the power to do that, the difficulty that has arisen about bait has suggested to me that if the Government would forbid the use of all traps, seines, bag nets &c. in catching that kind of bait, this question would soon settle itself. Unless the large fishing vessels can come in and get their bait fresh by this "machine fishing" it will be impossible for them to get it by the ordinary means; and while spring herring is of no commercial value to us as an article of commerce (for beyond the few sent to the English and French Indies, we have no market for them) it is true we have recently built up another branch of the inshore fisheries, the lobster fisheries which creates a demand for this kind of bait. It is not necessary however, for the lobster fisheries that this bait should be fresh. It may be salted and packed away, and is as good a couple of years after as when it is

fresh; but for deep sea cod fishing it is absolutely necessary to have fresh bait, and without bait no successful fishing can be done. It is easily seen then the value of this kind of bait. For instance if the required supply of codfish for the United States should be 100,000 quintels, and for want of bait the American catch is decreased to 50,000 quintels, it must necessarily create a demand for Canadian fish and raise the price of what we have to sell. Such is the position of this question as it appears to me; and my only regret is that circumstances are such that we are called upon to adopt what may be properly called retaliatory measures. During my short experience as a public man we have been called upon before to take the best means to preserve our inshore fisheries. In 1868-69 when the Government of Canada thought proper to seize foreign vessels within the three mile limit, the Government of Prince Edward Island did not do so. She pursued a different course; threw open her ports for the time being. One thing is agreed upon by all persons who have looked into this question; it is that from the formation of the coasts and bays of the Maritime Provinces and the New England States, American fishermen must have access to our waters to carry on their fisheries successfully. Whether it will be given to them or not is a question which will hereafter be settled. So far as the Act which this Bill is repealing is concerned we were willing that they should have access to our waters on payment of a small license of fifty cents a ton. While we own those bait fisheries, and while they are of value to us, we are not so strict with our neighbors and friends as to say "We will not prevent you from coming in if you pay a small tonnage fee for the privilege." That arrangement went on for a time, and after that came the commission at Halifax. It has been stated in Congress and in the press of the United States, that our construction of the treaty is an improper one, and their construction is a proper one. It is not too much to assume, however, that the framers of those treaties certainly were as capable of judging, as regards the right and wrong of them, as the editors of the press of the United States who now find fault with them. The Government of the United States finding an antagonistic feeling in

both branches of Congress have necessarily referred this matter to the Secretary of State and through the Secretary of State to the British Minister at Washington, who has transmitted it to the Imperial Government and the question is likely to be discussed and settled on its merits. It is only left for Canada to exercise her privileges and protect her rights and I do hope in the exercise of those rights and privileges that men of cool, calm courage and experience will be placed in command of those schooners and steamers which are now to guard our coasts as Marine Police. The powers given by this Bill are very great. I have had some experience as an onlooker at the time marine police patrolled our coasts. Wherever there was a prudent and wise commander there was very little difficulty; so I take it in this case that wisdom should be the governing principle; that no men but men of coolness and prudence should be selected as captains of these marine patrol vessels. If that is the case, in a short time the fishermen will soon come down to the fact that we cannot do otherwise than protect our own property and preserve it from encroachment; and that we do not want to interfere with them in any other way. I hope the matter will, in the course of time, be referred to a commission before which all those questions will be discussed on their own merits, and will be decided by gentlemen who are capable of coming to a just decision as to the merits and demerits of the treaty of 1818.

HON. MR. SCOTT—This Bill proposes to make changes in the law as it exists. The proposed changes are to enable the Government of this country to enforce the provisions of the treaty of 1818. Here I may say that on all disputed points in that question, where different views may be taken by different nations as to the true interpretation of the treaty, it is highly important that the public men of this country, and I would like to say the public men of the United States, should not prejudice the case, but leave it entirely to the commissioners, who must ultimately be appointed, to decide the interpretation of that treaty, or to make such new treaties between the two countries as the interests of both demand. Speaking for myself,

and I should hope the sentiment is largely echoed throughout the country, I was extremely glad to see that, last year when the treaty expired, we did not insist upon our rights; that we left it still open for American fishermen to fish in our waters. I think it was a very prudent and proper course, and I believe that the action of the Government at the present time is not in the direction of insisting upon our absolute rights. We do not choose to insist upon our absolute rights; we regard the American people with too much favor, and the interests of the two peoples are too intimately and closely connected to be jeopardized by hasty action on this fisheries question. But in justice to the view entertained both on one side and on the other, they must necessarily feel that ultimately, and the sooner the better, a fair tribunal, such a tribunal as two nations on such friendly terms as we are can decide upon, should be appointed to settle this matter in a most satisfactory spirit. I think it is unwise that any of us should pronounce upon the interpretation of the treaty of 1818, or prejudice the case in the slightest degree. It will be all very well, at the proper time, to discuss this question before any commission that may be appointed; and whatever the result of that commission or tribunal may be, I trust it will be hailed with satisfaction by the people of this country, as a finality upon that delicate and difficult subject. It is, of course, an embarrassing question, because necessarily intrusions occur on one side and the other, and we all know that where difficulties of that kind arise it is extremely impossible to control impulsive people. I trust there will be no reprisals, on one side or on the other, and that our Government in exercising the powers which Parliament now gives them will not exercise them to the fullest extent, and that in their interpretation of those powers they will not enter upon what might in any degree be a debatable point. I trust that they will so far set an example of impartiality and friendship to the people of the United States as will convince that people that there is but one sentiment entertained by the people of this country on this irritating subject, and that is to remove it as far as possible as a subject of discussion between the two

people. We have both entire confidence in the ultimate good faith of each other, and the sooner that time will arrive the better it will be for both countries.

HON. MR. ALEXANDER—I am sure that every member in both branches of the Dominion Legislature will approach this subject with the full consideration that it is of moment that we should maintain the friendly relations that now exist between the United States and this Dominion. We are fully impressed with the importance of maintaining those friendly relations which have existed between the republic and this Dominion. We desire to approach this subject in that spirit and I am sure that to-day in discussing this Bill brought forward by the member from York we shall be governed by such considerations. We are a kindred race. We have confidence in the intelligence of the people of the United States from one end of the republic to the other. We feel that they have no desire to do anything except what is right with regard to this fisheries question.

HON. MR. POWER—They have a queer way of showing it.

HON. MR. ALEXANDER—It is to be regretted that the Premier of this country, a man of talent, a man of large Parliamentary experience, when the treaty expired on the 1st of July 1885, should have allowed so long a time to elapse before he took the first action with regard to the rights of the Dominion in this fishery question. Can any man say calmly that that was a wise course to pursue on the part of the leader of this rising country? What was he afraid of? Why could he not have approached the Washington Government before the expiration of the treaty, and said to them, "Come now, let us see how we can arrange this matter of fishing in each other's waters and come to a definite understanding upon that point." But what did our First Minister do? He did nothing. He took that course of action which almost fixes upon us the charge of pusillanimity when he took no action whatever. The Government of the United States immediately when the treaty expired enacted that our fish going into their markets should be sub-

ject to certain duties. Did we reciprocate any action with regard to them?

HON. MR. CARVELL—What has that to do with the Bill?

HON. MR. O'DONOHUE—We have no power to make treaties.

HON. MR. ALEXANDER—If we have no power to protect our own waters we should dispense with our Parliament.

HON. MR. O'DONOHUE—We have power to protect our own waters, but no power to make treaties.

HON. MR. ALEXANDER—If the object of this Bill is to protect our waters, why was not this action taken nine months ago? Our Government have allowed fishermen of the States of Maine and Massachusetts to come into our waters and may create trouble between the two countries. I may say with regard to the *London Times*, they often proclaim publicly that we must have peace at any expense; that we cannot afford to run the risk of any ruffled feelings between the United States and Great Britain. That is not the course pursued by statesmen of the last generation. They always pursued a moderate course with firmness. But our First Minister's health is in such a condition now that he is no longer a responsible man.

HON. MEMBERS — Order! order! order!

HON. MR. ALEXANDER—I am not out of order in saying that the First Minister's health is affected.

HON. MR. PLUMB—I call the gentleman to order. He says that owing to the state of the First Minister's health he is no longer a responsible man.

THE SPEAKER—A habit has prevailed for some time in this House in a certain quarter of referring disrespectfully and ironically to members of the other House. I have often been surprised that they have not been called to order. It is certainly unparliamentary to refer ironically or dis-

HON. MR. SCOTT.

respectfully to members of the other Chamber.

HON. MR. ALEXANDER—I regret—

HON. MR. PLUMB—I call the hon. gentleman to order. I appeal to the House to say if the hon. gentleman after having been ruled out of order can go on with his speech without the leave of the House.

HON. MR. POWER—The usual practice has been that, where a member has been out of order and admits that he has been out of order and withdraws the expression, he is allowed to go on.

HON. MR. ALEXANDER—I withdraw the expression and I apologize to the House for having used it. I was going to remark—

HON. MR. PLUMB—The hon. gentleman cannot proceed without the consent of the House.

THE SPEAKER—I do not think the offence of the hon. gentleman has been so serious that the House would desire to punish him by preventing him from going on with his remarks. The hon. gentleman has used an unparliamentary expression and has withdrawn it and apologized.

HON. MR. BOTSFORD—I rise to a point of order.

HON. MR. ALEXANDER—Will the hon. gentleman sit down.

HON. MR. BOTSFORD—I would certainly concur in the propriety of allowing the hon. gentleman to proceed if it were not a matter of daily occurrence—that he is continually—

HON. MR. ALEXANDER—Order, order! The Speaker has decided.

HON. MR. BOTSFORD—I am speaking to a point of order. The rule is clearly laid down that when a member is pronounced to be out of order, and the ruling of the Speaker is confirmed by the House, he cannot proceed with his speech without the leave of the House. What I wish to

call the attention of the House to, is that the hon. member from Woodstock is perpetually out of order, and the time of this Senate is taken up by calling the hon. gentleman to order. I think, under the circumstances, the House ought to take that into consideration, and if the hon. gentleman persists in that course when he is ruled out of order, he ought not to be allowed to proceed.

HON. MR. BELLEROSE—I believe we are going too far in this matter, and that we will make this House ridiculous.

HON. MR. BOTSFORD—It is ridiculous now.

HON. MR. BELLEROSE—According to the practice laid down for years past, whenever a question of order is brought before the House, the gentleman who is called to order has to sit down, the point of order is stated and the Speaker decides, and when that decision is given the member who had the floor, and who has been called to order, either retracts the offensive words or he asks the leave of the House to go on. The gentleman from Woodstock retracted the words he made use of, and that is a sufficient apology, and I believe that the hon. gentleman (Mr. Botsford) in rising after that is himself out of order.

THE SPEAKER—I wish to call the attention of the House to the language of the rule under which the hon. gentleman has been called to order. It is the twenty-fifth rule, and it is one which has a far reaching effect—more so, perhaps, than hon. gentlemen are aware of:

“Any Senator called to order shall sit down and shall not proceed without leave of the Senate.”

Under that rule when any member is called to order he is obliged to sit down and no matter what he does, whether he apologizes or not, he cannot proceed without the leave of the House. I need not say to the House that the parliamentary meaning of the word “leave” is the unanimous sense of the House and any one member can prevent the gentleman who is ruled out of order from going on. Such good feeling has hitherto prevailed that this rule has never been enforced



against any member with one or two exceptions and perhaps in framing the rule and adopting it the framers of it or the House, did not intend to go as far as it really does. However that may be, I think it would be well that the usual practice of the House should be continued until it has been forfeited by glaring and persistent disorder. Therefore I trust the hon. gentleman will be allowed to proceed.

HON. MR. HOWLAN—While I quite agree with the decision of the Speaker I do not at all agree with the statement that one member can prevent another, who is ruled out of order, from speaking. The "leave of the House" clearly means the majority of the House and not one member. That is my opinion.

THE SPEAKER—I cannot prevent the hon. member from holding his own opinion on the matter.

HON. MR. ALEXANDER—I regret if any expression has fallen from me which is contrary to the rule of parliament, and I am always willing to retract any such expression. I assume with regard to this Bill that our present respected Minister of Justice has closely examined all the provisions of the former treaties and that this Bill has been framed in perfect accordance with those treaties and that we are proceeding safely. If I did not believe so I would not advocate the passing of this Bill. Therefore I am prepared to vote for it. I agree with the hon. member from Alberton and I think the House is deeply indebted to him for the information he has given to the Senate. I quite agree with the hon. gentleman that the captains placed in command of those police steamers ought to be appointed with the greatest care and judgment. They ought to be men who will carry out the orders of the Government with great prudence because upon the carrying out of those orders great irritation and great provocation may be given; and it may lead to temporary irritation. The great body of the people of the United States do not wish to encroach upon our rights. They say "We have a territory ten-fold larger than yours."

HON. MR. SMITH—It is not as large.

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HON. MR. ALEXANDER—I speak with reference to population and wealth. If our laws are properly framed, and if the captains of our vessels are properly appointed, we need not be alarmed in any way, and I hope the Bill will pass and will not be thrown out, as the Chinese Immigration Bill was, last night, through the mismanagement, and the past record of the hon. gentleman who had charge of it.

HON. GENTLEMEN—Order! order! order!

HON. MR. POWER—I regret that the advice of the hon. gentleman from York given to the House when he introduced this measure has not been taken. I think that, whatever our views might be as to the policy of the Government on this matter, when it comes to be a question between Canada, as a portion of the British Empire, and the United States, a question of maintaining our rights, and very important rights, then we should all be at one; and I regret that the hon. gentleman who is just leaving the Chamber should have thought necessary on an occasion of this kind to have introduced party feeling. I may say that I regret that a gentleman occupying the position of the hon. member from Ottawa should have made the remarks which he did. I feel that it is due to myself, having at an earlier period of the session expressed opinions altogether different from what that hon. gentleman has expressed to-day, to say a few words in reply to what he has said. I stated—in the beginning of the session, in the debate on the Address in reply to His Excellency's Speech—that I thought the Government had made a mistake in giving up to the Government of the United States a season's fishing for nothing. I suppose the Government did that for the best motives.

HON. MR. SCOTT—I spoke for myself.

HON. MR. POWER—And I am speak for myself in the same way! On an occasion of this sort on an international question, gentlemen do not speak for themselves alone, for their remarks are

reported elsewhere, and are sometimes given a weight that they were not intended to have. I have no doubt that the surrender of a season's fishing was made with the best intentions. It was made with the idea of keeping the American people and the American Government in good humor, so that they would be prepared at the end of the season to negotiate in a friendly spirit. While it is true that the American Government have approached this question in a friendly and proper spirit, the same cannot be said of a large section of the American population and several prominent politicians. As I have before stated, those people looked upon the action of this Government in giving up a season's fishing gratuitously as an admission of weakness and as an admission that the fisheries were not worth much; and I believe the action they have taken since we have begun to enforce our rights is due in a great measure to the too friendly attitude assumed by our government in the first instance. It is all very well to talk about being friendly with the United States; we are friendly with the United States, and I hope we shall always continue to be so; but it does not follow that, because you are friendly with your neighbor, you will allow him to appropriate your land or your personal property. If we wish to have our rights respected by other people, we must respect them ourselves and insist upon having them respected; and I think any expression or any speech which goes to minimize our claim with respect to the fisheries is calculated to do damage in two ways—to impress the American people with the idea that we are not unanimous that our full rights should be enforced, and to leave the impression on the Government of England, who have to deal with the United States, that after all the people of Canada really do not care a great deal about those fisheries. That would be a most unfortunate result; and I regret that anything should be said here which would be calculated in any way to favor an impression of that sort.

HON. MR. O'DONOHUE—The hon. gentleman did not mean to say "our claim," but our "rights."

HON. MR. POWER—Well our rights. I may offer a criticism on the remark of the hon. gentleman from Alberton as to the language of this clause covering certain disputed questions. I am quite aware that the Americans have disputed our claim as to bays which are more than six miles wide at the mouth; but whatever they might have done in the past, I do not think they can do that now, because the Americans themselves, including their highest tribunal have laid down positively the doctrine that bays like Chesapeake Bay and Delaware Bay are parts of the United States Territory. They are to-day claiming that the sea which lies outside of Alaska, I think it is generally called Behring Sea, a sea which covers several thousand square miles, is all American territory and have undertaken to forbid the people of British Columbia going there to look after seals at a long distance from land, and will try to prevent our vessels from going there on the ground that that large sea is a portion of their territory. Then it is perfectly absurd for us to listen for a moment to any contention that bays like Baie des Chaleurs is not part of our own territory. I think that the territory described in this clause is just as much the property of Canada as the soil on which we walk, and I hope that the Government, having found that they made a mistake in the first instance in being too lenient in enforcing our rights, will insist upon all our rights, not in a petulant or unfriendly way, but in an independent and manly spirit; and I only trust that the Government of this country will be properly backed up by the Imperial authorities. I am very sorry that I should be obliged to say anything that reflects in any way upon what has been said by a member of this House; but I really thought it was my duty not to let the matter go without putting my protest upon record.

THE SPEAKER—Perhaps hon. gentlemen will permit me to draw attention to the matter on which there has been a difference of opinion between the hon. member from Alberton and myself. I have here Brand's decisions, a recent eminent speaker of the House of Commons, who is now a member of the House of Lords. He says:

"The understanding with reference to the leave of the House is that it involves unanimity on the part of the House. Whenever the question is put from the chair—'Is it your pleasure that so-and-so be done?'—if there is a single dissenting voice, the leave of the House is not given."—Braud's decisions, 1884.

HON. MR. HOWLAN—I still dispute the decision of the Speaker with all due deference to him. A question of privilege is not a matter for the House: If I am a member of the House, I have all the rights and privileges of the House, and nothing is dearer to a member than his privilege, and it cannot be taken from him by the objection of any one member of the House.

HON. MR. BOTSFORD—When the hon. gentleman comes to reflect that we cannot dispense with a rule or one of our standing orders without giving notice that we intend to do so if one member objects to it, that carries out the ruling of the Speaker.

HON. MR. HOWLAN—That is with regard to that special thing.

THE SPEAKER—The question is whether the rule has been put on our books with a full knowledge of its effect and scope, and whether it should remain there or not.

HON. MR. BELLEROSE—I believe the rule was placed there by gentlemen who knew what they were about, but I believe also that that rule, or any other rule, may sometimes receive an interpretation, and that interpretation was given by His Honor the Speaker a minute ago, when he said that it had been the practice of the House to understand the rule in such a way—that is to say, in the case of the hon. member from Woodstock permission was given by unanimous consent, no one objecting to it.

HON. MR. PLUMB—The consent was not unanimous, inasmuch as I called the hon. member to order; but I do not think, except in cases of habitual and wilful violation—exulting violation of the rules of order—it would be desirable to enforce the rule, and it has practically remained in desuetude, but when we

have the spectacle of habitual violation of the rules we should enforce them.

HON. MR. MCINNES—I wish to say—

HON. MR. SCOTT—I do think after the Speaker has ruled we should all acquiesce. If the hon. gentleman has a right to speak, I think I have. If the hon. gentleman wishes to speak on the subject let him give notice in the regular way. Nothing is to be gained by these desultory discussions.

HON. MR. MCINNES—All I have to say is this, that if the interpretation of the rule as given by the Speaker is to be enforced when a gentleman is called to order—if he has not the privilege of proceeding then I submit every person who interrupts that speaker ought to be called to order and debarred from speaking that day, for it is those frequent and unseemly interruptions that aggravate members to such an extent that they often say things they do not intend to say, and the consequence is they are called to order.

HON. MR. PLUMB—Nobody in the House interrupts other members more frequently than the hon. member from New Westminster himself.

HON. MR. MCINNES—No, but you are the quintessence of interruptions.

HON. MR. VIDAL—I cannot at all agree with my hon. friend from Halifax with reference to the motive or suspected motive of the Government in the delay which he says so improperly took place after the expiration of the treaty.

HON. MR. POWER—I said I had no doubt their motives were good.

HON. MR. VIDAL—I cannot agree with the hon. member as to the judgment he formed as to the expediency or propriety of the course they adopted. I quite agree with the hon. member from Ottawa who, with his usual candor, did not withhold that proper meed of approval from the Government that they deserve in this instance. The hon. gentleman from Halifax put it as if the Government were influenced by too strong a desire to maintain

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friendly relations with the United States at the expense of our own rights and dignity. Now that is not the case; does not the hon. gentleman know that it was utterly impossible for any arrangement to be made until Congress assembled?

HON. MR. POWER—The hon. member misapprehends my speech altogether. My idea is that we should strengthen the hands of the Government in every way.

HON. MR. VIDAL—And the hon. gentleman strengthens them by expressing strong disapproval of the course they have been pursuing.

HON. MR. POWER—That was at the beginning of the session, not now.

HON. MR. VIDAL—We find that the Government at the earliest moment approached the United States Government through our Minister at Washington; that the American Government recognized the propriety of settling this question in an amicable way by the appointment of a commission, and went the length of recommending that course to Congress. I hold that the President of the United States, having thus intimated that he desired to have the question settled in that way, it would have been an outrage of the worst description to insist upon our rights at that time and create a difficulty. I hold that the Government did what was right in endeavoring to secure what we all desire, and that not a shade of blame is attached to them of having neglected the interests of Canada because they permitted that delay to take place. Quite unexpectedly, Congress did not acquiesce in the recommendation of the President. But we are going very far astray in discussing the question now upon the merits or meaning of the Treaty, or how it should be interpreted. This Bill has nothing to do with that; it does not place any interpretation on the Treaty. It simply provides that if a vessel enters any of our harbors under certain circumstances a penalty shall be imposed. It does not change the question at all; it leaves all that to be decided by the proper courts, and in that case we are, of course, guarding our rights quite sufficiently when we say

that any vessel entering our waters contrary to the provisions of the Treaty is to be subject to a certain penalty which has been standing on our Statute books against other violations of our rights in the former part of the clause. It certainly would have been much better if we had passed this Bill without discussion and it had gone forth that we were unanimous in strengthening the hands of the Government in carrying out the terms of the Treaty. It would have been better if we had taken such a course, that our neighbors might see that we do not allow our political differences to prevent us defending the rights of our country. We should forget that we belong to different political parties and remember only that we are Canadians, and that we have our rights and the rights of our children to guard and that we are doing so by this legislation. As to the mode of protecting our rights there may be divergences of opinion, but those differences may exist without necessitating the use of strong language such as has been indulged in during this discussion. Hon. gentlemen will perceive that the latter part of the Bill—it has been alluded to by one of the speakers but not by the hon. gentleman having charge of the measure—the second clause mentions that the Acts referred to in the schedule are repealed. The necessity of this is at once obvious, and the expediency of it apparent. There exist on the statute books of the Maritime Provinces laws relating to this subject, and they are in full force and effect until repealed by a statute of this Parliament, and consequently it will greatly facilitate the investigation into any alleged violations of the law when we have but one statute which is held to be the law of Canada, that it will not be necessary, when investigating those cases, to hunt up the statutes of the different Provinces to find special provisions contained in them. Consequently we find in the exercise of the power given to this Parliament that the statutes of those Provinces on the subject are repealed, and we have now one law which can be easily referred to, and under which proceedings shall be taken. I do think the Bill ought to pass in the shape suggested by the introducer of the measure, and that it should pass the House without any division upon it at all.

HON. MR. PLUMB—I wish to say a few words before any action is taken in regard to this Bill. I am very glad indeed that this measure has been introduced by the Government, and that it has been generally received in this House in the spirit which ought to prevail here. A very serious complication has arisen; we cannot shut our eyes to the fact. It is a complication which requires the exercise of the utmost judgement and intelligence and the most perfect command of temper to deal with. There have been provocations, without doubt, which might lead to expressions in this country which would be regretted. I cannot regard any of the hostile "talk" in the United States as in any way reflecting the opinions of the people of that country. A few gentlemen in the United States may choose to indulge in that sort of bravado, but the general feeling of the level headed people amongst the population of over 50,000,000 is not in accordance with that kind of Fourth of July fireworks, but quite to the contrary. Every man in the United States of sober, temperate judgment understands perfectly well that this is a question of law—a question of international law, and one of rights which cannot be decided by explosive orations or by the heated utterances of any newspaper editor. On the contrary, I believe that we of Canada have a right to stand with firmness and dignity upon the treaties which define what our rights are, and I am very glad to see that within a few days there has been an utterance in the House of Commons in England, which will reassure us as to the feeling which exists in the Mother country. Mr. Osborne Morgan, Under Secretary of State, on the 24th of this month, said in the House that the question which is agitating the country in regard to the fisheries "will be considered in a friendly spirit with due regard to the complete maintenance of the fishing rights of our fellow subjects in Canada." That is the proper kind of utterance and it will over-balance a great many of the "hi falutin'" speeches of certain Senators in the United States. It would not be proper to go into any long argument to show what our position is. I believe it to be a perfectly tenable one in respect to the treaty of 1818 as bearing upon and abrogating the treaty of 1783, which was of course set aside by the war

of 1812. The new convention was perfectly explicit in its terms; any variations from that have been made on temporary considerations, not affecting the general rights of this country, and nothing can be more definite than the fact that one of the greatest contentions in respect to the rights of the United States—the right to enter into our waters and purchase bait—particularly the bait question, was discussed—was proposed by the United States Commission in 1818, was objected to on the part of the British authorities, and was withdrawn. It was decided against the contention of the United States. If it had been left open there would have been some reason for claiming that it was not under discussion, but it was absolutely discussed, in so many words, and it was attached to the general right to enter for the four purposes which are laid down specifically in the treaty. Some stress has been laid upon the *laches*, so alleged, of Canada in respect to the fisheries question. I do not know of anything that redounds more to the statesmanship of the First Minister of the Crown (whose conduct has been referred to in language that ought never to be used on the floor of this House) than the suggestion which was made in the House of Commons that rather than embarrass the fishermen who were then in the midst of the fishing season last July, and in order to show the friendly spirit which Canada has towards the United States and the fishing interest of that country, no seizure would be made of those then engaged in fishing under the terms of the treaty which had just expired. It was perfectly obvious, as the hon. member from Sarnia has explained, that there could be no negotiations for a renewal of that treaty at the time it expired, because Congress was not in session. The question was one which did not belong to the Executive, but to the Senate, with whom it was hoped that the recommendations of the President would prevail. It was understood that there would be consent on the part of the United States authorities to form a commission which would settle these questions, but unfortunately, as sometimes happens in that country where politics get very complicated at times, and where under a system which prevails of non-responsible

government in contradistinction to our system of responsible government, the President of the United States and his Cabinet are often in direct hostility to the representatives of the people and to the Senate of the country—it so happens that the United States Senate at the present time is in direct antagonism to the President and his Cabinet. It is an anomaly which many statesmen of the neighboring country have long ago seen to work with great inconvenience and I have no doubt they would be glad to get rid of it, but under the institutions of that country it is impossible to adopt that which I consider the much better system of having a responsible government, sitting in both Houses, which prevails in this country, in England, and in every part of the Queen's dominions, where governments are established. That left the question practically out of the power of the President of the United States. The present complications, which, so far as I know anything about them from the newspapers, seem to be almost a wanton aggression upon us, an attempt to see how far we will bear interference with our rights, and to try the temper of Canada, will probably bring about the result of having negotiations entered into for the purpose of establishing a further treaty. I cannot suppose that the thoughtful people of the United States, with their vast mercantile and financial interests, all of which can be affected by a breath which looks like a disturbance with other countries, has any other policy before it than a policy of peace. That country is emphatically one which grows and thrives by that policy; it is not a war country. It has no standing army and no intention, I think, of infringing on the rights of other nations, and I believe the sober thought of the people of the United States will compel a proper settlement of this question, and they will very soon see that such a settlement cannot long be delayed. In the meantime I think it is perfectly in accord with the policy of this country that the Bill before us should pass both Houses, and I believe that it will pass the Senate without a single dissenting voice. I have no doubt that the people of the United States generally are as out of harmony with those who have attempted to make a cause of

trouble of this question as we are ourselves. The expressions of the influential press throughout the United States indicate that the agitation, which seems to have been got up for the purpose of effecting some political object which we cannot perhaps understand, has been confined to the small district in which that agitation was likely to produce some political results. I may say, also, that some stress has been laid upon the inactivity of the Government in procuring a reciprocity treaty with the United States, because it was considered that a treaty of that kind would include the fisheries claims. I believe that I am not violating any confidence when I say—and I say it with the highest authority that can be given on that subject—that there has been no time since the reciprocity treaty expired when we could have got a renewal of the treaty without making sacrifices which would not be consonant with the feelings of the people of this country, and I may also say that I believe there has been a constant attention paid by Her Majesty's representative at Washington to that fact, and that while it has been claimed that under the presidency of President Arthur, we might have had an opportunity of renewing negotiations for a treaty of reciprocity, I may say that is a mistake—that there was no more favorable opportunity at that time than exists at the present moment, and that when the people of the United States who are a sensible people, who know their business—

HON. MR. POWER—I rise to a question of order: the speech which the hon. gentleman is making now has no relevancy to the question before the House.

HON. MR. PLUMB—It has reference to the fisheries question. If the hon. gentleman always sticks as close to his text as I adhere to mine he will not take up the time of the House, as he very often does, with irrelevant discussions. I have only to say in conclusion that, in my judgment, the Government has done everything in its power in the way of settling this fishery question; that there could be nothing done except by a convention; that I trust that a convention will be held, and I trust and know that the sober, second thought of the United States peo-

ple, whether of Gloucester or any other place, will lead them to approach this subject with that feeling of kindness which I believe lies at the bottom of the great heart of the people of that country.

HON. MR. ALLAN—I will only add to what I have already said when I moved the second reading of the Bill—that while I entirely concur in the remarks of the hon. gentleman from Ottawa, so far as the expression of his hope that both this legislation and all matters connected with this important question, shall be so conducted as to preserve as far as possible the most cordial relations with our neighbors of the United States, and while I think we all desire that all that may be done under this legislation may be carried out in a considerate and friendly spirit, I at the same time beg to affirm that I am equally persuaded that there is no one feeling which is more entirely shared in by the whole of the people of Canada than the earnest desire that our just rights in the matter of those fisheries should be preserved, and having regard to the enormous source of wealth which they are and must always continue to be to our fellow subjects in the Maritime Provinces, that their interests should not only not be sacrificed, but most carefully guarded and maintained.

The motion was agreed to, and the Bill was read the second time and referred to a committee of the whole House.

In the Committee,

HON. MR. ALLAN moved to strike out of the 32nd line the words "the law of nations or contrary to," and in the following line to strike out "to" and substitute for it "by."

The motion was agreed to.

HON. MR. BOTSFORD, from the Committee, reported the Bill as amended and the amendments were concurred in.

HON. MR. ALLAN moved that the Bill be read the third time to-morrow.

HON. MR. VIDAL—Why not now?

HON. MR. POWER—It would be better to postpone it until to-morrow. Some of

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the Acts repealed by this Bill were passed before Prince Edward Island became a portion of the Dominion, and there is some doubt as to whether they apply to that Province, and if not it is very important that they should.

The motion was agreed to.

## NORTHERN AND PACIFIC JUNCTION RAILWAY COMPANY'S BILL.

### THIRD READING.

HON. MR. TURNER moved concurrence in the amendments proposed by the Committee on Railways, Telegraphs and Harbors to Bill (25) "An Act respecting the Northern and Pacific Junction Railway Company."

HON. MR. POWER—I wish to rise to a question of order on this amendment. I do not know whether the Speaker has had it under consideration or not; but I think the amendment is clearly out of order. The agreement which is inserted in the schedule of this Bill I may as well read a portion of.

"6. For the purpose of ensuring free interchange of traffic coming or going from the railway so to be constructed between the lessees' railways and the railways connecting therewith, so far as such interchange shall be under the control of the lessees, the said lease shall also contain a provision that in the event of the Parliament of Canada being at any time hereafter of opinion that the traffic of the railway system of the lessees coming from or going to the projected railway, and interchanged with lines connected with the lessees' system of railways is not so interchanged without preference or prejudice as between such connections then being of such opinion the Parliament of Canada may, if it sees fit, cancel the said lease and take over the said railway free from encumbrance upon assumption of the bond or debenture debts of the lessor company to the amount of eight thousand dollars per mile of the railway, and upon payment of such further sum of money beyond the said bond debts of eight thousand dollars per mile and the said subsidy, as the said railway may then be worth, the value thereof to be ascertained in the manner provided by the contract."

Then the seventh clause of this agreement provides:

7. In consideration of the premises and upon the terms and conditions hereinbefore

mentioned, Her Majesty agrees to grant and does hereby grant to the Northern and Pacific Junction Railway Company, a subsidy of twelve thousand dollars per mile of the said railway so to be constructed, but not exceeding in the whole one million three hundred and twenty thousand dollars.

That was the action of the Government acting under a charter from Parliament in 1884. Then the House of Commons, to whose attention the matter was brought directly, when this Bill was going through inserted at the end of the first clause this proviso :

“ Provided, that this enactment is without prejudice to the agreement between the Government of Canada and the Company, bearing date the twelfth day of April, one thousand eight hundred and eighty-four, respecting the assumption by the Parliament of Canada of the portion of the said line of railway between Gravenhurst and Callander, which said contract is set forth in Schedule B to this Act.”

The House will see, and his Honor the Speaker will see, as to this question of order, that first the Government under authority of Parliament entered into this agreement and then the House of Commons having their attention called to the matter the other day added this proviso to the Bill. It provided that only this \$8,000 could come in before the Government claim, if the Government proposed to take the road over. Now the amendment proposed to be made to the Bill is in direct conflict with that provision which was added in the House of Commons, and it provides not that \$8,000 shall come in but that \$20,000 shall come in ; so that if the Government shall assume the road instead of paying \$8,000 on the bonded debt they will be obliged to pay \$20,000. Looking at the fact that the House of Commons has so directly legislated on this financial question the Senate will have no right to amend that provision in the Bill, particularly as that amendment is to increase the burden of the country if the Government choose hereafter to take over the road.

HON. MR. TURNER—I think the member for Halifax entirely mistakes the position of the Bill with regard to the \$8,000. That has nothing to do with this measure, and is merely put in for the purpose of showing what was done on a former occasion. It appears to me that this

is a peculiarly suspicious time to bring up this objection. My hon. friend from Dorchester suggested yesterday that there was a possibility of there being a “ nigger in the fence ” ; so far as the railway is concerned the nigger seemingly has got to the other side now. This clause has already been considered as to its being a money bill, and the consequent restriction of our powers ; the best lawyers in Canada came to the conclusion that there was no trouble about that. Why then bring it up at this last moment. I am informed to-day by one of the Ministers that there is a possibility of Parliament proroguing on Tuesday, so the apparent object of this objection is to throw out the Bill to-night so that we cannot get it through the other House this Session. Is it right and fair to do so ? I put it off yesterday in consideration of my hon. friend from Ottawa, and why did he not until this moment raise this objection, so that I might have an opportunity to hunt for evidence and facts to submit to the House ? At this moment the apparent object is to postpone the consideration of the Bill with a view of killing it for the Session. This is a very serious matter, not only for the railway company but for the contractors and banks.

HON. MR. POWER—The hon. gentleman is not speaking to the question of order.

THE SPEAKER—The hon. gentleman must confine himself to the question of order.

HON. MR. TURNER—If my hon. friend had given me the slightest hint I would have got authorities and been prepared to state the case to the House as although satisfied myself from the discussion which took place in reference to this point, I am not a lawyer and am not now in a position to give the necessary information.

HON. MR. SCOTT—I was not present on the Committee yesterday and therefore had no opportunity of discussing this question. It was practically discussed the day before, and I suggested some additional words to make it more clear. However, my proposition



was not accepted. When I came into the Chamber to-day and looked over the clause, I saw that it was beyond the power of this body to make the proposed amendment, and I immediately gave my hon. friend notice, and I brought the matter under the notice of the Speaker, that if no other gentleman would bring the subject up I should certainly feel it my duty to do so. I may say here that this is an entirely new amendment. It is an amendment to a Bill in this chamber at nearly its last stage. The main ground of exception is that our legislation varies an agreement entered into by the Government of Canada in 1884 with this particular railway that is now seeking this amendment, without any intimation from either of the parties to the contract.

HON. MR. BOTSFORD—Does it affect it pecuniarily?

HON. MR. SCOTT—It does. The clause to be considered most in connection with it is one that the Parliament of Canada, in the case of other railways of the country, felt it necessary to introduce in order to keep down the tariff to such a basis as would enable other railways to receive freight from it at such a figure as would give reasonable rates to the people of the country; the Government insisted, when they gave this money, that they should have the right to take over the road for \$8,000 per mile, and so much more as it would be worth.

THE SPEAKER—Not the Government, but the Parliament of Canada.

HON. MR. SCOTT—The contract was made with the Government of Canada. The Parliament of Canada ratified that contract and we are now ratifying that contract again.

THE SPEAKER—The Government had not the power to take over the railway; the Parliament of Canada had the power.

HON. MR. SCOTT—Of course the Parliament of Canada had the right to take over this road on paying \$8,000 a mile and as much more as the road was

worth. The Parliament of Canada passed that legislation on the agreement entered into by the Government of Canada with this railway; and it is rather anomalous that we provide that this legislation and that this amendment that is proposed shall in no way violate this agreement. It is wholly inconsistent. We are violating the agreement without knowing that the Government of Canada consent to that violation. In the other Chamber it would have been a proper amendment. The Finance Minister could represent that the Governor-in-Council empowered him to consent to it; but there is no such power in this Chamber. The enactment here is that it is without prejudice to the contract made in 1884. I say that the effect of this legislation is to violate a provision in this Bill, and it also violates the only existing contract between this company and the Government of the country. Until the Government of the country say they are willing to depart from that contract, and put it on record, I cannot see that we are able to do so. We have no power to alter the contract, it would be highly improper if we did. The Government can alter the contract, or make a new contract, and we can do our share of it and leave the Government to assume the responsibility. I do not see that this House has the power to say that the Government shall pay \$20,000 instead of \$8,000 until the Government have acquiesced it in the usual way. Certainly this Chamber has no right to impose the additional \$12,000 per mile on the people of this country.

HON. MR. PLUMB—The question that has been raised by the hon. member from Halifax that the Senate has no right to increase the burden on the people, I think may be argued. I do not see that there is any increase, or that it is proposed to make any increase under any circumstances, except upon certain conditions. The original charter, as well as the contract between the Government and the company, contains a certain provision. It was estimated that the road would cost \$20,000 a mile. The Government granted a subsidy of \$12,000 a mile, and also provided that in case the Government wanted to take over the road that \$12,000 a mile should be considered, and if the company

HON. MR. SCOTT.

issued bonds, that \$8,000 a mile of those bonds should be taken up. In the course of construction it was found that this road could not be built for the sum estimated. It proved to be a formidable work. It was a granite formation over which the line passed, granite boulders cropping out of the ground, and quicksand, which ran like water, when it was used for ballast.

HON. MR. POWER—That is not the question of order.

HON. MR. PLUMB—I want to show there has been a misunderstanding as to the cost of the road. The cost of the road has been increased until, in the last report of Mr. Collingwood Schreiber, the Government Engineer, it is estimated that it will be \$30,000 a mile when it is finished that made it necessary to assist the company by—

HON. MR. POWER—I rise to a question of order. If this question is decided adversely to the Bill, then there is no more to be said. If the question of order is decided in favor of the Bill, then the argument that the hon. gentleman is addressing the House will be an argument for the House to pass the measure.

HON. MR. PLUMB—I was going to answer the hon. gentleman's contention.

HON. MR. POWER—Life is too short to wait until the hon. gentleman gets to the point.

HON. MR. PLUMB—I do not know that the hon. gentleman regards that very much—particularly when he wants to make a speech. I have only to say that the Government have authorized this clause. I am instructed to say that the clause was provided, and drawn up under the authority of the Government, and that I was asked by the Government—and the very words which were used I will state—I was asked by the Government, represented by the Minister of Railways, to have put in the Northern Pacific Junction Railway Bill as it passed through the Senate the amendment which I have proposed. That answers my hon. friend and the hon. member for Ottawa so far as the right of the Senate to deal with this question is concerned.

HON. MR. SCOTT—It is quite competent for the Government to pass a short bill and run it through. That is the true way to do it. There is no difficulty about doing it if they chose to do it in the House of Commons.

THE SPEAKER—If we were not at so late a period of the Session I would ask the House to postpone this question and allow me a little time to consider it; but as we are now in the last days of the Session, when any delay may prove fatal to the Bill, I feel called upon to give my decision at once. I may say that when my attention was first directed to the question of order by the hon. gentleman from Ottawa. I rather coincided with his view that this was a matter amending a money clause of a bill originating in the other House which could not be introduced in this House, but on reading the clause and the proposed amendment carefully, I have no doubt the amendment is quite in order. I shall read to the House the clause:—

6. For the purpose of ensuring free interchange of traffic coming to or going from the railway so to be constructed between the lessees' railways and the railways connecting therewith, so far as such interchange shall be under the control of the lessees, the said lease shall also contain a provision that in the event of the Parliament of Canada being at any time hereafter of opinion that the traffic of the railway system of the lessees coming from or going to the projected railway, and interchanged with lines connecting with the lessees' system of railways is not so interchanged without preference or prejudice as between such connections.

The House will pay particular attention to what follows

then being of such opinion the Parliament of Canada may, if it see fit, cancel the said lease and take over the said railway free from encumbrance upon assumption of the bond or debenture debts of the lessor company to the amount of eight thousand dollars per mile of the railway.

Now the amendment is in a few words simply a change to this clause by substituting 20 for 8. If this amendment entailed any direct charge upon the country I should certainly agree with the hon. gentleman who has raised the objection that it could not be initiated in this House; but it does nothing of the kind. It merely regulates the conditions under which the Parliament—not the Government of

Canada—may obtain possession of this railway, should Parliament desire to do so. The amendment to this Bill imposes no burden upon the country. It is not made a charge on the country. It merely changes the conditions under which—not the Government but the Parliament of Canada may exercise a privilege reserved to it by the Bill. In order to make the country responsible for any change under this amendment, a message will have to come from His Excellency the Governor-General to the House of Commons when all the proceedings connected with the initiation of money bills in that House will have to be adopted and a bill sent up to this House and approved before that \$20,000 a mile can become a charge upon the people of this country. Therefore it is such an amendment as in my opinion it is perfectly competent for this House to make to the Bill.

HON. MR. SCOTT—The subject matter that forms the substance of this amendment was very fully discussed in the House of Commons, if hon. gentlemen will take trouble to look up the Commons Debates of May 17th; but it does seem to me very extraordinary that the amendment that is now considered of so great importance, should, on the 27th May, only ten days ago, not have been thought of such consequence as to be inserted in the Bill in the proper place. The President of the company occupies a seat in Parliament, and took part, I notice in the debates, both in the Committee and in the House, and the proposition to increase the amount that the Government would have to pay under certain circumstances was fully discussed in that Chamber. If I read the debates aright, the sentiment expressed there was so general that this amendment had no possible chance of being adopted. I find that the hon. member for Northumberland (Mr. Mitchell) discussed it and drew attention to the fact that it might be important, and in the interests of the people of this country, to take over this railway if it were found that the freight rates were being unduly increased. It was of the greatest importance that the sum paid on taking over the railway should not be unduly increased. In addition to the sum of \$8,000 there was the subsidy of \$12,000 a mile,

and Parliament in its wisdom thought that that might not be sufficient to build the road, and therefore the Bill contained these additional words, "And any such further additional sum as the said railway may then be worth," and fixed the tribunal that was to arrive at the value of the road, that is the contract entered into by this company and by the Government of Canada, which contract was ratified by Parliament. Now we say we change the contract by which this company were willing, in the event of the Government taking over this road, to accept this \$8,000 a mile and such further sum as the road was worth, which ought to mean its full value. Of course if they pay away any bogus money that should not be recouped. I do not throw out any insinuation at all, but it does seem to me so extraordinary that where there is that full provision in the event of the road being taken over, that the company could not lose anything—it is extraordinary that at the last moment this proposition should be submitted to us, when, I think, if ten days ago it were fully understood it was necessary it ought to have been submitted in another place. My point is this; is this proposal made at the instance of the company? Is it made at the instance of the president of the company? The president used those words in answer to the accusation that the sum to be paid was being unduly increased. Mr. McCarthy said:

The company do not, in the slightest degree, desire to affect its contract with the Government by a side wind, but understands that Parliament, should the company not do its duty by the public, may at some future time come in and redeem the bonds, and the bondholders will buy on that chance. It was perfectly understood more bonds would have to be issued, and that perhaps application would have to be made to Parliament for relief in that regard. That is the explanation, and I hope the hon. member for Northumberland (Mr. Mitchell) will find it satisfactory.

Ten days ago they were to buy with a full knowledge that the Parliament of Canada were only bound in taking over this road to pay this \$8,000 per mile, and as much more as it might be worth, and the bondholders were to obtain their bonds with that full knowledge. Now I want to know if that is all to be changed?

HON. MR. POWER—That is the effect of the amendment at any rate.

HON. MR. SCOTT—Now here, in this Chamber, certainly if we had the power (and I assume that we have) it is more germane to the subject matter that the proposition should have been submitted in the other Chamber, where all bills affecting the financial affairs of the country have to take their origin; but I desire to know now whether the company themselves are prepared to admit that they do alter the contract with the Government, and that they depart from the proposition laid down in the other Chamber by the president—that Parliament in buying this road now buys it on a different basis from that set forth in the contract of 1884?

HON. MR. PLUMB—The hon. gentleman has made a very strong argument against the adoption of this amendment, and he bases it very largely on the fact that the Government has not authorized it, and on the fact that it was discussed in the House of Commons and that the \$8,000 clause was there consented to in some form by the president of a company.

HON. MR. SCOTT—The president of the company. There were two other companies mentioned, but it was only this company.

HON. MR. PLUMB—I wish the House to understand that the question is not one with the railway to which the hon. gentleman has been referring. That railway is leased in perpetuity to two railway companies who have assumed to run that road, to see that it is kept in running order, and who are responsible for the interest on the bonds which this Company is to issue. It was estimated at the time that this agreement to which the hon. gentleman refers was entered into, that the road could be constructed for \$20,000 a mile. It was provided that the Government subsidy of \$12,000 and \$8,000 of the bonds should be taken into consideration by the Government if on account of any *laches* on the part of this Company, on account of not fulfilling the agreements in respect to interchange of traffic, on account of not being able to run the road as it ought to

be, they assumed that road and they were to count in the subsidy which had already been paid, assume the \$8,000 of bonds of the \$20,000 which the Company was authorized to issue, and take over the road at such further valuation as should be made in the manner provided for in these contracts. Nothing can be plainer than that. It was found, and it is shown by the report which I hold in my hand made by the Government engineer, Mr. Collingwood Schreiber, that the road had now cost nearly \$30,000 a mile. As I stated before, owing to the fact that the engineers were deceived in the character of the country through which the road passes, it cost more than was anticipated. Those who have had much experience of railway construction will agree with me that the estimates of engineers of the cost of constructing a railway in a new country cannot always be relied upon. They cannot foresee every contingency; they cannot see into the ground. The company have issued already and paid to their contractors \$18,000 a mile of bonds. That with the subsidy makes \$30,000 a mile expended. Those bonds are in the possession of the Bank of Montreal which has advanced money on them, and part of them are in possession of the Canada Life Company. It is found that this \$18,000 restriction, although practically it does not amount to much—because if the Government take over the road it must be for what it is worth—acts as a blot on the sale of those bonds. They cannot be sold except at a loss with that upon them; indeed I do not know if they can be negotiated at all. That has been found to be the case lately. In the interest of the province and of the country, every facility which is proper and right should be given to this company to enable them to negotiate their bonds. I appeal to any financial gentleman here if those bonds will not be more valuable if that \$8,000 clause is taken out and \$20,000 is substituted instead, stating that if the valuation of the road in the remote event of the Government taking it over—I do not think there is the slightest chance of it—it is proper that they should pay what it is worth. Now, as long as they are to do so, it is certainly right that they should in every way try to facilitate the negotiation of those bonds, and by men-

tioning the \$8,000 as being the first consideration, if this road is to be taken by the Government, they have thrown a cloud over the securities in such a way that I am advised by a gentleman, in whom I have a very great deal of confidence, and I may say who is not the president of the railway mentioned by the hon. gentleman with a view to create a prejudice against the railway—that the bonds are practically unsaleable unless this alteration is made. I have here a statement that the outlay on the road already is nearly \$30,000 a mile. The company has still to build its station houses and telegraph lines, to put on its equipment and to prepare the road in a proper way for traffic, which is looked upon as the most important that will be carried on any railway in Ontario. It is the connecting link between the Pacific Railway at Callandar and the Ontario system of railways, and there is not a business man in this Province but desires it to be a first-class line. I expect in a few years to see it double tracked, and how can that be done with this blot upon it? If it is not a first-class road, such as the people of the Province expected it would be, then Ontario would lose a considerable business that it expected to receive from the Canadian Pacific Railway. It is a matter for the Province—a public matter—and I am astonished that my hon. friend from Ottawa should not have dealt with it in the large and liberal spirit which he usually displays. He must have some personal prejudice against the Bill; in fact I can see from his quotation from the debates in another place, that he is prejudiced.

HON. MR. POWER—I call the hon. gentleman to order: he has no right to attribute unworthy motives to other members of the House.

THE SPEAKER—I did not understand that the hon. member from Niagara was attributing improper motives to anyone.

HON. MR. POWER—The hon. gentleman is attributing to the hon. member from Ottawa, and others who are opposed to this Bill, that they are influenced by personal motives.

HON. MR. PLUMB.

THE SPEAKER—The hon. gentleman said that there was some personal prejudice at the bottom of the hon. gentleman who opposed this Bill; he did not attribute to anyone personal motives.

HON. MR. PLUMB—I know too much about parliamentary practice to attribute personal motives. We saw in the committee the extraordinary spectacle of a member of Parliament brought in specially to be called upon to oppose this Bill. I do not attribute any improper motive to him, but I certainly learned that he had an arrangement with one of those Companies for special rates, and when it was found that those rates—

HON. MR. POWER—Order, order! This is out of order; it has nothing to do with the question before the House.

THE SPEAKER—If the member of Parliament who came before the committee had a special rate the hon. gentleman has a right to state it.

HON. MR. PLUMB—It was stated that he had a special rate and he found he had not; consequently we must take the statements of that gentleman in connection with that fact. I have a perfect right to state that, because that gentleman may have prejudiced the feelings of the committee, and I wish to remove any wrong impression from the minds of hon. members in respect to this undertaking. I have also to say this, that the amendment is not a finality in this House: it has to go to the other House, if it is adopted here. Hon. gentlemen who suppose that there is a great objection and prejudice there against the amendment and that the \$8,000 a mile fixed there was the final judgement of that House, need have no hesitation in trusting it to that House which, in its wisdom, will deal with it, I have also to say that there is a stringent provision in this contract that the road shall be held to an agreement by which traffic arrangements shall be kept open, and fair rates shall be adopted by it. As I have already stated, it is a most important link in the railway system of Ontario and it is our duty to treat this in the spirit with which the commercial community of Ontario would deal with it. If it were referred to the boards

of trade of Ontario, and it were known that the Bill stands as it does now, I believe there is not one of them in the Province but would desire this amendment to pass. I repeat that I have the full sanction of the Government represented by the Minister of Railways—and that is the very term that he used, that he represented the Government—to offer this amendment and to say that it has been agreed upon and prepared by the Government, and it came to me with exactly the same papers which I hold in my hand. I trust that the House will allow the Bill to be amended and sent down to the other Chamber without further discussion.

HON. MR. POWER—An amendment which is of so much consequence that the hon. gentleman takes the trouble to arm himself with all the papers which he laid before the Committee and which he has referred to here, and which calls for so much eloquence and argument on his part deserves certainly a little attention from the other side of the House. We should consider not what they may do with this amendment in the other House, but what our duty is; and I contend it has not been shown that there is any reason why we should set aside the existing arrangements. The people who undertook to build this road entered in 1884 into a solemn agreement under seal with the Government. These gentlemen were not fools; they were men of experience in railway building and they were familiar with the country between Gravenhurst and Callander, and entered into this arrangement with their eyes open. What is the unreasonable feature of that arrangement? I fail to see any. If this agreement provided that they were only to get \$8,000 then I could understand the arrangement was an unreasonable one, because the road clearly cost over \$20,000 a mile; but the agreement provides that they are to get \$8,000 a mile and so much more as they can show the road to be worth, upon a settlement by arbitration. Is there anything unreasonable or unjust about that agreement? I think it is eminently fair. There is this feature about that agreement: under it there was no opportunity for such transactions in railway bonds as we have heard a good deal about recently. If we accept the amend-

ment that is now proposed there will be such an opportunity; and I think that is just a reason why we should not adopt the amendment. In the next place we have this spectacle: the hon. gentleman talked about the extraordinary spectacle in the railway committee: I think the most extraordinary spectacle was the hon. member from Niagara coming there with certain semi-official documents, and at one side of him the president of one of the roads leasing this line and on the other side of him a director of another company leasing the line. That was a somewhat extraordinary spectacle. Was it anything extraordinary that a member of the House of Commons, who was familiar with this whole transaction, and familiar with what had taken place in the House of Commons and all the transactions which had occurred in connection with the road, should be asked to come in and give information to the committee? He did so, and he did it in a quiet and satisfactory way. I contend that is no extraordinary spectacle at all. Time after time we have had before the Railway Committee members of the other House giving information. It is very usual and not in the slightest degree improper. There is another singular fact; we found that in the House of Commons where this measure was thoroughly understood and discussed, the president of the company, one of the first lawyers in Ontario, and a man necessarily familiar with all the transactions connected with this company, stated that it was not intended by this Bill in any way to prejudice the Government rights under the existing agreement. We find that gentleman himself prepared and moved the following proviso:

“ Provided, that this enactment is without prejudice to the agreement between the Government of Canada and the Company, bearing date the twelfth day of April, one thousand eight hundred and eighty-four, respecting the assumption by the Parliament of Canada of the portion of the said line of railway between Gravenhurst and Callander, which said contract is set forth in Schedule B to this Act.”

Now, I think it is an extraordinary spectacle, when the president of the company and promoter of the Bill makes that proposition in the House of Commons, that we should have a gentleman who is not connected with the company except through companionship, coming in here

and proposing an amendment which practically over-rides and destroys that proviso. There are other interests to be considered besides those of the bondholders of this company. The company have their railway: the country is not going to lose it—it is there, and if it is taken over the company will be paid all that it is worth. The hon. gentleman adverted to the important character of this road. I think one of the reasons why we should not pass this amendment is because the road is so important. It has received a large subsidy from the Government—\$12,000 a mile. The Government and Parliament at that time were not dealing with any particular corporation; there were provisions inserted to protect the public interest. It was not desirable that this most important link in the railway system which gave Toronto and the country around it connection with the Pacific Railway, should get into the hands of monopolists or that it should become practically a monopoly, and these provisions were inserted by Parliament with a view to protecting the interests of the people of Ontario. If we pass this legislation it will be quite impossible for the Government to take the road over without paying a very large sum—at the very lowest figure \$32,000 a mile—for that road. I may say that this change from \$8,000 a mile to \$20,000 a mile will involve in that case a possible increased charge on the treasury of \$1,320,000. That is a very serious matter. I do not propose to enter into the motives of gentlemen in connection with this matter, but I have been informed that these corporations, which now control this most important line, are not regarded in Ontario with any very special favor, and that if the catastrophe to which the hon. gentleman referred were to take place there would not be any great lamentation in the province. My information leads me to think that if the hon. gentleman were to apply to the Boards of Trade in the cities of Ontario he would not find that there was any very strong desire that this most important link should remain in the hands in which it is now. There is one other point which I think deserves to be noted. I doubt the entire propriety of discussing in this House what takes place in its committees. I think when a Committee make their report—

HON. MR. POWER.

HON. MR. TURNER—That the House ought to carry it through.

HON. MR. POWER—No, I do not think anything of the sort. The House has a right to deal with the report of the Committee without going into details and talking about the prejudices of gentlemen who appear before the Committee. The sanction of the Government has been spoken about. The Government as represented in the other House, which deals with those questions, sanctioned the proviso which this amendment proposes to destroy. The hon. gentleman from Niagara undertook, when the matter was before the Committee, to state that he appeared for the Government—that he represented the Government. I took the liberty of saying that I doubted that fact, and when I informed the hon. gentleman that I had learned that the matter had never been before the Government he was not in a position to contradict me. It may have been before the Government since then, but I doubt it. I do not think it is a legitimate argument to use in this House, with a view of influencing the decision of the Senate, that the Government is for or against a measure of this sort. The Speaker has ruled that this is a private Bill, and it does not require the consent of the Government to make this amendment. I hope that this House instead of considering the interests these bondholders, who are pretty well able to take care of themselves in any case, should consider the interests of the people of Ontario; and here is a possibility—this road is a most important link in the railway system of Ontario. There is already complaint in the Province that the Canadian Pacific Railway instead of sending there freight by this route are making arrangements to send it over their own road by Smith's Falls.

It being 6 o'clock the Speaker left the Chair.

#### AFTER RECESS.

HON. MR. POWER—The probabilities are that the interests of the people of Toronto and that part of Ontario, and the interest of the Canadian Pacific Railway also will before long demand that the

Canadian Pacific Railway shall find a direct line from Lake Nipissing or its neighborhood to Toronto. Then the question will come, whether the Canadian Pacific Railway Company shall be obliged to build a new line, or whether they shall be allowed to utilize this line and the lines connected with it which are already built. I think it is to be desired in the interests of the country that no unnecessary road should be built, and the probabilities are that in a little while the Canadian Pacific Railway Company will apply to the Government, or at any rate the Government will be called upon in the public interest to take over this road between Callandar and Gravenhurst, for the purpose of handing it over to the Canadian Pacific Railway under equitable conditions. When that happens the iniquity of this amendment that is now before us will make itself felt. If we do not pass this amendment, the Government will be obliged to pay for only \$8,000 worth of bonds per mile and such further sum as the Company may be able to establish that road is worth. The \$8,000 and \$12,000 make \$20,000 per mile; and then, if the Company is able to establish that the road cost them \$25,000 a mile, they will be entitled to \$5,000 per mile additional. If we accept this amendment and it passes the other House, it will be different. If the Parliament on behalf of the country think it desirable to take over this road, the Government will be obliged in the first instance to pay over \$20,000 per mile, making with the \$12,000 given as a bonus, \$32,000 per mile to that Company; and the Government will have to pay so large a sum of money that it may hinder this very desirable transaction from taking place. It appears to me that no substantial reason has been shown why we should make an amendment here which directly reverses the policy of the amendment made in the House of Commons, and directly reverses the policy which the Government and Parliament adopted in connection with this undertaking some two years ago.

HON. MR. ALEXANDER—Coming as I do from the western part of Ontario, perhaps the House will permit me to lay before it the position of this railway which has been constructed during the past sea-

son. This is a bill relating to the link, or railway line, which connects Callandar with the city of Toronto, the city of Hamilton, and the whole of the western peninsula of Ontario. I cannot help saying that I was surprised during the past season to find that the contractors, or those who had undertaken to construct that line, had used such expedition in carrying out the work, and I have asked many of the leading merchants of Toronto how the promoters of that road had obtained the means of constructing the line with such expedition and in such a satisfactory manner. As I understand, the Government have contributed \$12,000 a mile to the road. The company could never have built it for less than \$30,000 per mile. It rests now with the Parliament of the country to say whether we are to act fairly and liberally towards a railway company which has been laboring to enable the Province of Ontario to obtain a fair share of the traffic which may come from the great North-West. The Canadian Pacific Railway has been constructed from Montreal to Ottawa, and from Ottawa to connect in the most satisfactory manner with Callandar; and the line has been completed from Callandar to the Pacific coast, and will Parliament say to a company which has succeeded in securing the Ontario link of the Canadian Pacific Railway, that we shall not give them the reasonable terms which they ask? We have simply given them aid to the extent of \$12,000 a mile. They do not ask for any more. The argument which the hon. gentleman from Halifax has set forth is that the Government may be called upon to take over that road, but I contend that they will never be called upon to do so. The road has been constructed, as I am informed on good authority, in a most efficient manner, in order to bring the traffic of the North-West to Toronto and all Western Ontario. What could be more reasonable than that the parties interested in the construction of that road should come to Parliament and ask for authority to enable them to float their bonds in such a way as to pay for the work they have done? The work they have done exceeds the estimated cost, and the company have emulated the example of Sir George Stephens' company in the expedition with which they have



pushed the construction of the road ; and how can Parliament now turn the cold shoulder when they ask for this amendment to their charter? I ask the hon. gentleman from Halifax to look at the bills brought before us last year by which we were called upon to assume the debts of a small line near St. John? Look at the large amount we have given towards the marine railway across the isthmus? Look at what we have done for the second road to Pictou, and the large amount we are giving to the Maritime Provinces, and I ask how can any member from the Lower Provinces turn on us and say that we should not receive fair and equal justice? Why should those contractors who built that line with such commendable enterprise to serve their country, be ruined? The country does not want to do an injustice to anyone. Surely it is to our interest to protect the large Province which is contributing so largely to the revenue of the country! Surely Parliament cannot turn its back on that Province and say they will allow the contractors to lose everything because they have expended more money than the vote which they got from Parliament!

HON. MR. BELLEROSE—I would ask some hon. members who are familiar with this question to inform the House what is the purport of the amendment we are asked to concur in. According to the hon. gentleman from Halifax it would seem that the amendment is in direct opposition to what has been done in the other House. I do not see exactly how an amendment of this character can deserve the support of the Senate. It may be that an error was committed in the other House; but the Senate ought to be made aware of that error if it exists, and it ought to be shown that the best legislation under the circumstances is the amendment asked for.

HON. MR. McCLELAN—The hon. gentleman who has just resumed his seat has inquired what bearing the proposed amendment has on the Bill and as I was a member of the committee to whom the Bill was referred, and tried to inform myself as far as I could by listening to the discussion, there—I will try to inform the hon. gentleman as to the nature of this

measure and the proposed amendment. Under a contract made with the Government, after Parliament voted \$12,000, a mile—which I may say in answer to the remarks of the hon. gentleman from Woodstock is a larger subsidy than I remember as having been given by the Government in aid of any railway in the Maritime Province—this subsidy was given with the understanding and agreement that the company should have bonding powers to any extent they chose, but that the Government should reserve the power to take the road back subject to a debenture mortgage of \$8,000 per mile only—that is to say \$12,000 per mile already paid as subsidy, and \$8,000 of debentures. That is the agreement which now exists between this Company and the Government; \$20,000 was to be the basis of the calculation under the original agreement. That was the contract signed and sealed between the Government of Canada and the Company. The amendment inserted in this Bill in another place is in these words:

Provided, that this enactment is without prejudice to the agreement between the Government of Canada and the Company, bearing date the twelfth day of April, one thousand eight hundred and eighty-four, respecting the assumption by the Parliament of Canada of the portion of the said line of railway between Gravenhurst and Callander, which said contract is set forth in Schedule B to this Act.

HON. MR. BELLEROSE—Is that the whole line, or part of the line?

HON. MR. McCLELAN—It is part of the line which becomes incorporated in this Bill. The amendment recommended by the Committee on Railways goes on to say:

Be it therefore enacted, that the said contract or agreement shall hereafter be read and construed as if the words "to the amount of eight thousand dollars," wherever the same occur therein, had been "on the said section not exceeding twenty thousand dollars," and that the said contract or agreement is in all other respects hereby ratified and confirmed.

So that if it becomes a necessity for the Government of Canada to take back this road from the company upon the basis of the original agreement they can do so—not on the same terms, however, if this passes, because instead of \$8,000 and

\$12,000, being \$20,000 a mile, they will have to take \$20,000 and \$12,000, or \$32,000 a mile, as the basis of calculation. That is to say, \$32,000 a mile will be the minimum rate on which the bargain can be made for the transfer of this road. That is the effect of this proposed amendment. The amendment in another place restricted the operation of the law to the original agreement; that is to say, the company had the power to issue as many bonds as they pleased—and have had from the beginning as many bonds as they could float on the market—but the Government retained the right of resuming the ownership of the road by paying \$8,000 a mile in addition to the \$12,000 a mile given as a subsidy. The argument, as I understand hon. gentlemen who favor the amendment, is, that in the first place the company are in straitened circumstances. To prove that they are in straitened circumstances we have *ex parte* statements made before the committee, nothing else. It is true we have had a report of Mr. Collingwood Schreiber presented, but he states nothing from his own actual measurements or knowledge.

HON. MR. PLUMB—He is not supposed to measure the railways of the country himself.

HON. MR. McCLELAN—He states what he is informed on the matter.

HON. MR. TURNER—The Government engineer goes over the road, and has to examine the work every time any money is paid by the Government. The Government engineer understood all about it.

HON. MR. McCLELAN—I think Mr. Schreiber takes the contract price to begin with.

HON. MR. PLUMB—Suppose he does, is it not that which governs it?

HON. MR. McCLELAN—We had a discussion in the committee with reference to how the contracts were let, but the information was not such as should justify us in basing any argument on it. Besides that, my hon. friend from Niagara says the company are in a dilemma, and the

hon. gentleman from Woodstock agrees with him, and both make a very strong and pathetic appeal to the sympathies of this Chamber in favor of the company.

HON. MR. PLUMB—I have made no such appeal.

HON. MR. McCLELAN—Now, if rumor is correct, the salaries paid to the officials connected with this road do not indicate a low financial condition. I am told that the president of the company is in receipt of a salary of \$3,000 a year, and then we have two directors in some way connected with this road, who have the honor of seats in this Chamber, and who, I think, occupied seats on the Committee the other day. I do not know what their salaries may be; but they could not be directors unless they were shareholders. The result of the passing of this Act will be to raise the value of the shares, and I can quite understand how the hon. gentlemen, if they were not Senators, might be influenced by mercenary motives. Being Senators, of course they cannot be actuated in that way, and it is not for me to impute anything of the kind; if they were not Senators their statements might be calculated to mislead the minds of simpler people. We have a right to assume that those hon. gentlemen are not influenced in the remotest degree in the passage of this amendment, inserted in contravention of the action of the House of Commons. I have very little to say further on this subject, inasmuch as the ground has been pretty well gone over by the hon. gentleman from Halifax and other gentlemen. I may say, however, in reply to the remark made by the hon. gentleman who leads the Government in this House, and who took such a very prominent part in the management of this Bill when before the Committee of Railways, when he spoke of the spectacle of a member being brought over from the other House to assist in defeating this amendment, I think it is due to myself, and to that gentlemen, to make some observations on that question, because the responsibility of his addressing the Committee rests largely on my shoulders. Mr. Mulock happened to enter the committee room, and after having heard the explanation given very properly by the

manager of one of the roads, Mr. Barker, at considerable length, there were some points which I did not feel altogether clear about, and I asked Mr. Mulock, who happened to be sitting near me, if he understood it and if so if he would explain it. He said that if I wished and the committee would allow him he would do so, and that is the whole history of what the hon. leader of the House has chosen to stigmatize "an unseemly spectacle." I did not suppose there was anything unseemly in it. I did not suppose there was anything unseemly in the fact of myself, a member of the committee, wishing for further information after hearing only one side of the question, and after hearing statements made by a gentleman who is largely interested in the Bill; a gentleman who is no doubt paid, and very properly paid for his duties—after hearing those statements I thought it would not be improper for me to ask a gentleman in the committee room to make a statement, and this reference to a member of the House of Commons and the way that reference has been made by the hon. member from Niagara is rather objectionable. I am only glad that I have the opportunity of entering my solemn protest against this description of legislation and to record my vote in opposition to the proposed amendment.

HON. MR. VIDAL—I preface the observations which I am about to make, and which may be called criticisms of the Bill before us, by the statement that I very cordially agree with what the promoters of this Bill desire to accomplish. I have been fully satisfied with the explanations made in committee, especially by Mr. Barker, and I think it would be wise and proper that the company should have granted to them this extension of their issue of bonds, but I must say that I do not and cannot agree with the mode in which the Bill enacts that that end is to be accomplished. I ask hon. gentlemen to look into the Bill with me and judge whether my criticisms are not really just and worthy of attention—and let it be remembered that I am in favor of the principle of the Bill. I speak as a friend of the Bill, desiring to secure the object which the promoters have in view, but I do not think that it is being accomplished

in the right manner. For instance, notice the manner in which the amendment is proposed to be inserted, and observe the inconsistencies. It reads:

"Be it therefore enacted, that the said contract or agreement shall hereafter be read and construed as if the words 'to the amount of \$8,000,' wherever the same occur therein had been 'on the said section not exceeding \$20,000.'"

Now, what does that mean? We take a document which is presented to us merely for our information under the signature and seal of the contracting parties, and we assume the responsibility and the power of altering that agreement. I contend that no Act of Parliament ought to contain such a clause in it. It is not in our power to vary the terms of a solemn agreement entered into by two contracting parties, unless both the parties signify to us their desire that the change should be made. Is not that a just and fair criticism? Can any hon. gentleman point to any law on our statute books where such a thing has been done as to interfere with the terms of a document signed and sealed and merely given to Parliament for information? Such a thing has never been done, and it is a new feature altogether to introduce into our legislation. Entertaining that view I do not think the words added to the first section of the Bill are at all appropriate, where it says, "and varied by section three of this Act." We there set forth again deliberately the fact that we are varying the terms of the contract made by other parties. I contend it is entirely wrong, and that the object of the promoters would be far better achieved by striking out the whole of the words "which said contract is set forth in Schedule B to this Act." If they were struck out it would not impair in any way the efficiency of the Bill. Then this clause "A," proposed to be inserted should also be changed, and instead of saying "be it therefore enacted that the said contract or agreement shall be changed," let us give the contracting parties the power to make the alteration. I should say that the clause ought to be "be it therefore enacted that the parties to the said contract may alter the terms thereof to the extent desired." This we have the power to do, as it is only authorizing those parties to make a new contract or alter the old con-

tract to this extent; but I hold that we cannot change the contract without their consent, and no official intimation of such consent has been presented. If hon. gentlemen look a little further on they will see the utter absurdity of the amendment, and the very awkward position its adoption will place us in before the other House and before the country. The latter part of the amendment reads:

“Provided, however, that in no case shall the amount of the bonds or debentures to be assumed be greater than the amount thereof consented to by the lessees in terms of the said lease of the twenty-fourth day of June, 1885.”

What is this contract of the 24th June, 1885? Not the contract already spoken of between the Government and the company. This is a contract between the different railway companies that is referred to, and do not hon. gentlemen see that this amendment provides that it is not to be interfered with? Turn for a moment to the Bill before you, on page 8, and what do we find:

“The Parliament of Canada may, if it see fit, cancel the said lease and take over the said railway, free from incumbrance, upon assumption of the bonds or debenture debts of the lessor company to the amount of \$8,000 per mile of railway.”

You will observe that this is to remain in force by the very clause which is proposed to be added to the Bill, because it is provided that in no case shall the amount of bonds or debentures to be assumed be greater than the amount thereof consented to by the lessees in terms of the said lease of the 24th day of June, 1885. Is not that a direct, and obvious and indisputable contradiction—one part of the Act saying that it shall be raised to \$20,000, and another part saying that in no case shall it go beyond the \$8,000? The friends of the Bill will see that I am not opposing it by pointing out its inconsistencies, and endeavoring that the Bill shall leave this House in such a shape that it shall not make us a laughing stock. Those blunders will be pointed out, and will tend to the formation of a very low estimate of the care and attention given by the Senate to measures of this kind. I think regard to our own credit should lead us to be careful and see that a measure going to the other House should be made consistent and that it is expressed in terms

that will indicate clearly the object in view in passing such legislation. I hope the friends of the Bill will accept my suggestion, and will bring into proper shape at the third reading.

HON. MR. BELLEROSE—I am thankful to the hon. gentleman for the explanation which he has given before I vote on the Bill. I found this amendment so monstrous that I never thought the Committee would have reported the Bill in such a shape. That is the reason why I asked for the explanation. It is true that one or two gentlemen from Ontario have stated that the parties who have built the road have been ruined by their enterprise, and that it would be only right for the Government to come to their assistance; but, if I am correct, there was a time when the Province of Quebec built a road which cost her \$14,000,000, and which she had to sell for \$8,000,000, and when assistance was asked from the Federal Government, Quebec did not even receive that proportion of the money which she had a right to, because the North Shore, and the Quebec, Montreal & Occidental Roads having been sold to the Canadian Pacific Railway, the Province of Quebec was entitled to receive for those roads as forming part of the Canadian Pacific Railway, \$20,000 per mile. It will be remembered that Quebec was granted only \$12,000 per mile for the section of the road between Ottawa and Montreal, and \$6,000 per mile for the section between Montreal and Quebec, so that she did not receive what she was entitled to receive. Now we are asked not only to give to this company what they have no right to have, but we are asked to consider the claims of the contractors who have built the road, and who cannot be paid because the company will not issue more bonds. Before a man is generous he should at least be just when he is dealing with the public money. He must first decide what is right and what is wrong. Parliament has no right to grant this money. Parliament may steal—if they vote money which is not theirs I say they are stealing, because according to the natural law of every country they are responsible for the public money, and they have no right to vote it away illegally. They are administrators

of the public funds, and they have to administer them according to justice and equity, and this has all to be considered before hon. members can vote money to this company. There is something extraordinary in this Bill; there seems to be jobbery behind it. I do not know where it is, but there are parties here who are, by intrigues which I have seen in the lobbies and in the Committee Rooms of both Houses, jobbers!—living on the public money and asking public men to steal from the treasury to help them to a living! I believe this is a case in point. The way the Bill has been conducted shows it to be so. I have no doubt that the promoters of the Bill are not in those secrets, and like other members of Parliament they have taken charge of this Bill as it was offered to them, and believing that it is all right, are using every effort to have it passed. But whoever may be the promoters of it, it is the duty of every hon. member in Parliament to search to the bottom of this matter and see what is right and what is wrong. As far as I can see, this scheme is bad from the beginning. Even if it were not so bad as I have just stated, no good reason has been shown why so large a sum of the public money as \$32,000 a mile should be given to this company in case the Government should take over the road. I say that no good reason has yet been adduced to justify Parliament in putting its hand into the public treasury and handing the public money over to save some contractors or some other gentlemen who have risked their money in building this road. No doubt the railway is an advantage to Ontario; but Ontario is no worse position than Quebec was. It is well known that the Canadian Pacific Railway, according to the original contract, was to be a line from Callander station to the Pacific coast. The Eastern terminus at Callander was a great distance from Quebec. That Province did not complain, however, and does not yet complain, although she hopes the present Government will see their way to do justice to Quebec, and vote them the \$6,000 per mile to which she is entitled from the Federal Treasury in consideration of the building of the North Shore road. Before Parliament is generous to those railway contractors or promoters of this

road in Ontario, we should be just to Quebec. The Bill as it stands shows that there is something wrong, and I would suggest that it be postponed for another year that we may consider what is the best course to take in the matter.

HON. MR. PLUMB—Before the question in put, I think it is due to myself as having proposed the amendment to this Bill to say a few words. We have drifted very far away from the question. The House has been, by the eloquent addresses of certain gentlemen on the opposite side, made to believe that there is some gigantic fraud connected with this Bill.

HON. MR. BELLEROSE—I believe so. I do not say there is, but it looks like it.

HON. MR. McCLELAN—I rise to a point of order the hon. gentleman from Niagara has already spoken on this motion, and he is not in order to make a second speech.

HON. MR. PLUMB—Then I move the adjournment of the House.

THE SPEAKER—The hon. gentleman cannot make any motion; he has already spoken.

HON. MR. BELLEROSE—You are done for to-day.

HON. MR. O'DONOHUE—It seems to me that the origin of this Bill is pretty well concealed from us. We have not even the advantage of knowing the source of its paternity. Some hon. gentleman speak of those contractors who are concerned in this work as being ruined. No contractor has ever applied to this House or to Parliament on any such subject. The contractors would repudiate any allegation made against their ability to construct this road. This Bill is here, and nobody can tell how it came here except we judge of it by the company it keeps. The simple fact in this contract is this: the Government offered a bonus of \$12,000 a mile for the construction of a road from Gravenhurst to Callandar, a point on the Canadian Pacific Railway. That is one of the lar-

gest bonuses that has ever been given to any road in Canada. That is a simple proposition of itself, as far as the Government were concerned. The Government might well say, and the country might well believe the Government, that when they offered that bonus they were done with the responsibility. They say "let a company go into existence that will construct that road, and in proportion as they go on with the work this \$12,000 per mile will be paid out." Beyond that the Government says to such a company "you can bond the road to the extent \$8,000 a mile on the security of \$12,000 bonus, and there will be no difficulty in your borrowing \$8,000 more anywhere." That is the provision in this contract with the Government of Canada. The Government have no more obligation in the matter except that the company constructing the road may say "we are not able to go on with it; we cannot finish it," then the Government are in the position to say "if you cannot go on with it we will take it off your hands and finish it, because we are in a position to do so. We never gave you \$12,000 a mile to allow you to do just what you pleased with it, and to give us any account you like about it." That is the state of the matter. What is said of it in the other House? If you read the official report of the debate you will find that the Premier states to the president of this road that it is a job of blackmailing. I will read you his words:

It was no fault of the House and no fault of the Canadian Pacific Railway that the hon. gentleman (Mr. McCarthy) did not bring this matter before the House two months ago, and the reason why it was not brought down before, I have no hesitation in saying, is that it is for the purpose of putting the screw to the railway, because they happened to come and make a reasonable proposition to this House. They say: You shall not have what by resolution we declared the other day was right. This Bill is founded on certain resolutions. Those resolutions were considered in committee in full. They were discussed upon their merits, and upon their merits it was decided that a Bill should be founded upon them, and at the last moment the hon. gentleman says: I know we have no right to do it, but we will force the Canadian Pacific Railway by putting the screw to them. I think it is unfair. I have no hesitation in saying it is unfair. It is done in a sort of blackmailing system by the Northern Railway in a way I do not like, and there is no necessity for it in the world.

HON. MR TURNER—Be kind enough to read the recantation of it.

HON. MR. O'DONOHUE—I am only stating that as the fact; you may give it what weight you please. I have read the sentence as it is reported here, not one syllable more or less. I do not say that it was right or that it was wrong, or that the term used was such a term as should have been used. At all events the gentleman who is president of this road, a member of Parliament, had charge of the Bill, and the amendment that he carried in that House came down to us. But the friends of the Bill in this House, not satisfied with the amendment made in the Commons, thought it would be better to get a larger bonding power than they had even by Mr. McCarthy's amendment passed some eight or ten days ago. Why is that? Who in this House had such an interest in this Bill as to ask to amend it to that extent? We see something that could not occur in England. We know that when members of Parliament in England are pecuniarily interested in a bill they do not vote—they cannot vote in committee or out of it—and it is a rule that should be insisted upon, and if we desire to preserve the dignity of this House the more it is insisted upon here the better. It is not seemly to see a Minister of the Crown drawing money from this institution, the president of the Northern Railway, a director in this—it is not seemly to find him in committee pressing this measure through and calling out "carried" before there is even time to read the Bill. That is not a seemly position for the hon. Minister from Toronto, I mean the Hon. Frank Smith. With the assistance of the gentleman who is acting for him in almost every capacity here, the hon. member from Niagara, he does not occupy a seemly position. Then I find another director in the member from Hamilton. His activity is noticeable in like manner in connection with this Bill. That is not seemly, and the sooner it is stopped the better, because we all know if we speak out our minds on the subject that a Minister of the Crown carries a certain amount of influence about him, and that he can carry measures through Parliament which, without that influence cannot be carried? I will read from May for the

satisfaction of the House and in justification of the statement I have made, what the practice is in England :

"The votes of members interested in Private Bills, have frequently been disallowed. On the 20th May, 1825, notice was taken that a member who had voted with the yeas on the report of the Leith Docks' Bill, had a direct pecuniary interest in passing the Bill. He was heard in his place; and having allowed that he had a direct pecuniary interest in passing the Bill; that on that account he had not voted in the Committee on the Bill; and that he had voted, in this instance, through inadvertence, his vote was ordered to be disallowed."

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"In 1796, a general resolution was proposed in the Lords, 'That no peers shall vote who are interested in a question;' but it was not adopted. It is presumed, however, that such a resolution was deemed unnecessary; and that it was held that the personal honour of a peer will prevent him from forwarding his own peculiar interest by his votes in Parliament. By Standing Order No. 178, lords are exempted from serving on the Committee on any Private Bill, wherein they shall have any interest."

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"On the 27th June, three different propositions were submitted to the consideration of the House, in answer to the question suggested by the Committee, which, after a debate; were all ultimately withdrawn; when the House agreed to an instruction to the Committee, 'that the rule of this House relating to the vote, upon any question in the House, of a member having an interest in the matter upon which the vote is given, applies likewise to any vote of a member so interested in a Committee.' Since that time, Committees on opposed Private Bills have been constituted so as to exclude members locally or personally interested; and in Committees on unopposed Bills, such members are not entitled to vote. And a member of a Committee on an opposed Private Bill, or group of Bills, will be discharged from any further attendance, if it be discovered after his appointment that he has a direct pecuniary interest in the Bills, or one of them."

Now what are we asked to do here? We are asked, under the influences to which I have referred, to increase the bonding power of this Company from \$8,000 to \$20,000 a mile. Has any reason for this been shown? It is said that the Government Engineer made a statement as to the cost of the road. Who in this House can tell a word about that statement? The statement is simply that from certain data such results would appear. What knowledge have we of

that? We have no knowledge of it; yet we are asked to go it blind. We are asked to put our hands into the public purse; we are asked to fill up a few men's pockets out of the public funds. That is what we are asked to do. My hon. friend from Delanaudiere spoke of this as a case of jobbery; I have no hesitation in saying with him that it is just as black a case of jobbery as ever came before this House at any period of its history. Where is our right to do a thing of this sort? If those people made a contract to build the road, why not leave them to their contract? Have they made out a case before us for the rescission of the contract made between the Government and the company and those several railroads? Yet if this amendment should pass, it will act as a rescission of that contract. The thing is perfectly monstrous, such as I never before heard of. The letting of the contract for this road was done in a very peculiar manner. The company went through the form of calling for tenders. We had an account of the number of tenders, from the manager, in committee. A large number came in, some of them were only for sections of the road. They were rejected, although the application for tenders mentioned that tenders would be taken for sections of the road. Then the number of tenders came down to a few, and from that they fell down to one. Shortly afterwards there was a company organized and the work was let without tender. It was let at so much per yard, and the measurement was, as a matter of course, to be thereafter ascertained. It was let without tender, and let to whom? Let to the company of which Mr. Hendrie of Hamilton is the chief monied man, and who was President of one of the roads, and I believe he is Director of this. I am not sure of that exactly. Then he did not become the contractor himself, but his son became the monied man in the contract. Look at that connection? Look at that contract, let without a tender, and then ask yourselves if a high price is charged against it why is it so? If that contract had been let *bona fide* to the highest tender for its construction, who would say that this contract would have cost as much as is charged? On these grounds, and believing that this is a job, and a dark job, one that this House should be above counten-

ancing, I shall have great pleasure in voting against this in every phase.

HON. MR. OGILVIE—It is very extraordinary when people see through different spectacles how differently things appear. The hon. gentleman from Toronto has just treated us to the statement, although he sat in the committee as well as I did, that this contract was let without a tender, when he is perfectly well aware of the fact that his statement is totally wrong. It was tendered for, and it was not Mr. Hendrie who took it at all.

HON. MR. O'DONOHUE—Was not Mr. Hendrie in the contract?

HON. MR. OGILVIE—I say that Mr. Hendrie was not in the contract. The contract was taken by one firm. We all know that private individuals, as well as public companies, do not always take the lowest tender. I have myself erected buildings and have given \$4,000 more for stone work than another man offered to do it for, but I wanted to have the work done in time. Mr. Hendrie did not get the contract: another firm got it and later on found it to their advantage to take Mr. Hendrie in, not on his tender, but on their own. Again we find the assertion made by the hon. member from Toronto that this is a dark job. He criticises the action of the hon. member from Hamilton and the hon. member from Niagara; he looks through a different shade of spectacles now to what he did twelve months ago. At that time you would not have found him criticising, as he does to-day, those matters most unfairly. He has made assertions about this road in support of which he brings no proof. We have no evidence that any of those contracts were given out unfairly or improperly. The work was done by contract and given to the best men that would take it. Again, he states that we are asking to put our hands into the public purse; I do not know that he said we were stealing the money, but it was almost that—that we were taking the money out of the public treasury. The amendment to this Bill does not ask us to take out any money at all, if I understand it. It asks for leave to issue bonds to the extent of \$20,000 a mile. That does not

oblige the Government, should they ever take the road over, to pay any more than its value. They do not guarantee those bonds. They are issued by the railroad company, and those who choose to buy them take the railway, and not Parliament, as guarantee for those bonds. That, at least, is the way I understand it, and that being the case all this talk that we have heard around the House about putting our hands in the public purse and abstracting so much money is simply talk for talk's sake; any sensible man knows it is not the case. The hon. gentleman from Delandiere made some assertions that I think are open to correction. He tells you about a certain railway that cost \$14,000,000 and sold for \$8,000,000. He ought to know very well that the statement is wrong, that the railway cost nothing of the kind.

HON. MR. TRUDEL—How much did it cost?

HON. MR. OGILVIE—I simply state that his assertion is wrong and he knows it.

HON. MR. BELLEROSE—It has cost all that, and the figures are there to prove the correctness of my statement.

HON. MR. OGILVIE—The assertion is incorrect; the railway cost no such a price.

HON. MR. BELLEROSE—There is no use in denying it: facts are stubborn things.

HON. MR. OGILVIE—I repeat, notwithstanding what you say—

HON. MR. WARK—I call the hon. gentleman to order: these gentlemen should sit down until we see if they can carry on a discussion across the floor.

THE SPEAKER—It is quite out of order to carry on a discussion across the floor of the House.

HON. MR. OGILVIE—I hope I was not out of order. I simply wished to correct a statement that was wrong. I did that, and that is all I desire to do. I did



not want to discuss the subject of the roads of Quebec and would not have referred to it had it not been brought into this debate, but I say no fair minded man, who does not come here prejudiced against this Bill, can object to the amendment. I can quite understand an objection like that made by the hon. member from Sarnia, that there may be a clerical error in it, but as far as the principle of the amendment is concerned, it is not taking one dollar of the money of Canada, and it will facilitate the opening of a valuable road that I think should be in operation and kept open and equipped with better stock than it possesses at the present time. It would be better for Montreal probably that that road should not be in first-class running order; but I hope we are not so jealous of the success of other provinces and cities that we should not be willing to grant everything that is required to facilitate the commerce of the country.

HON. MR. WARK—I think the statement of the hon. member who has just sat down is not carried out by the statement of the mover of this Bill. He said it was necessary to pass this Bill because the bonds were lying in the Bank of Montreal and not negotiable. The hon. gentleman who has just spoken says this will not affect the value of the bonds in the slightest degree. There is one point connected with this which no one has explained—why the Government put a provision into this Bill that they do not generally, that is the right of taking over the road. I remember when this line was first subsidized, the subsidy was \$6,000 a mile, and they came back a second time and it was increased to \$12,000. The reason assigned for the increase was that it was to be a road for the benefit of a number of railways which wished to connect with the Canadian Pacific Railway. It was understood that all other roads that wanted access to the Canadian Pacific Railway, no matter what cities they were connected with, should have fair running privileges over this road, and it was intended when that clause was inserted in the contract that unless the company gave them all equal rights and privileges the Government would assume the control and take it out of the company's hands. A time

may come when Parliament will have to take this road back, and therefore we would be entirely wrong to saddle it with any additional expense. I think that when they got \$20,000 a mile, if they had handled the money judiciously they could have built the road for that amount. There are such things as construction companies, by which a road can be made to cost anything you please. The way to do with this would be to strike out the amendment and send it back to the House of Commons just as it came, and in taking that course we would be doing nothing more than our duty.

HON. MR. HOWLAN—I did not intend to weary this House, but merely to correct a statement of the hon. member from Toronto with regard to something said by the Premier in the House of Commons. I find him reported in the *Citizen* of the 16th instant, as follows:—

SIR JOHN A. MACDONALD said he wished, before the orders of the day was called, to refer to the unfair use that was being made of his language in the discussion on the Bill for the relief of the Canadian Pacific Railway. It was alleged by the Opposition press that in that debate he had charged his honourable friend from North Simcoe (Mr. McCarthy) with having black-mailed Parliament and the Government. Such a charge would have been very unjust to his hon. friend, and he had no hesitation in saying that it would also have been untrue. He did not say so. The language he used was with reference to the application of the Northern railway, and with respect to that application he had perhaps, under the heat of debate, spoken too strongly, because that railway, like any other institution, had a right to press its interests upon the attention of Parliament. It was true that his hon. friend from North Simcoe was connected with the Northern road, but he had taken great care, both in his amendment and in his argument, to sever himself from his interest in that road. The hon. gentleman had stated that he had received an amendment—presumably from the executive of the Northern—to be moved in the House, but thinking the amendment went too far and was more in the direction of the railway's interest than in the interest of the country, he had declined to introduce it in the House, and had introduced an amendment of his own, which he thought was altogether based upon what he had considered to be the interest of the trade and commerce of Ontario. His whole line of argument was based upon that principle. He (Sir John) differed from the hon. gentleman in that regard, as he then thought and still thought, that the railway and transport business of Ontario would

be fully protected by the law as it stood at present. He was exceedingly sorry that any language used by him in the heat of debate should have caused any misapprehension, and he had no doubt it had given his hon. friend great pain.

That was the explanation. Now with regard to the Bill, as I understand, it comes before the House in this shape: the road was estimated to be built for \$20,000 a mile; \$12,000 was given by the Government of Canada and \$8,000 was supposed to be raised on the bonds of the company. When that work was undertaken the line had not been so thoroughly examined as subsequently, but when it was examined it was found that it would cost \$32,000 a mile. The twenty thousand dollars was simply for the road itself, without including the equipment. The Government sent their Chief Engineer to examine and report upon the line. Mr. Schreiber is a man who is not known to throw away much money. His reputation is that he looks pretty well after it. He states in his report, after going over all the items which the contractors have paid and estimating the work to be done:—

In explanation of this I may say that the original estimate of \$20,000 per mile did not include rolling stock, as it was said that the road was to be operated with the stock of the Northern and Northwestern Railway, neither did it cover the length in excess of 110 miles, there being a mile and a quarter additional length. There appears to be no doubt that the works which were originally covered by the estimate of \$2,200,000 will, when completed, cost a sum of not less than \$2,900,000, the country traversed being very much tougher and heavier than it was believed to be when the original estimate was made, and the bridging being of a much more durable and costly character than was specified. If the rolling stock is to be provided, the cost will no doubt reach \$3,200,000."

That would be \$32,000 a mile. As I understand, when this road was first arranged for by the Government a clause was inserted in the Act, such as is put in many English railway charters, that the Government could take possession of the road.

HON. MR. PLUMB—Merely to hold a check on rates; they had no idea of buying it.

HON. MR. HOWLAN—They very properly put this clause in the Bill. If the Government have any idea of taking

over the road they should surely pay what it cost. They took the only course open to them; they sent their Chief Engineer to see what it cost. This company has a right to raise \$20,000 per mile by bond on this road, and if the Government took it over it must be on the certificate of their Chief Engineer. I do not see any other course that the Government could take under the circumstances. I do not see any course that any bank which was going to advance the money, or any other corporation could take than to obtain the opinion of the chief officer of the Government. So far as this is concerned, therefore, I do not see that they are going to steal any money by it. On the contrary, it is not to be expected, now that the road is leased in perpetuity, that they will do so, but if they take it over they will take it at what the railway cost.

HON. MR. TRUDEL—There was something said by the hon. gentleman from Montreal which requires explanation. There was a contest about the cost of the North Shore Railway. The hon. gentleman from DeLanaudiere said the cost was \$15,000,000. The statement was denied by my hon. friend from Montreal. Those contradictory statements having been made, I asked the hon. gentleman from Montreal to say how much, in his opinion, that road really had cost. As a matter of fact, I think we may say that the precise cost of the road has never been ascertained, because all the documents up to a certain date were burned at Quebec, and at another time a part of the documents were burned in Hochelaga. There has been a good deal of discussion about the real cost of the road: if I remember right the Quebec Government itself admitted that the cost of the Railway was about \$15,000,000. and the Opposition at the time claimed that it was \$19,000,000. It is well known that when the road was sold it was so difficult to ascertain the precise amount of the cost that after it was sold, not less than \$600,000 was expended by the Government to complete some portions of it, and put it in the condition in which it should be to deliver it to the purchasers. Therefore I think the statement of the hon. gentleman from DeLanaudiere did not warrant a contradiction. On the

merits of the question, another assertion has been made to which I wish to allude. It has been stated that the Government will be perfectly at liberty not to take the road, and therefore this amendment does not amount to taking money from the treasury of the country. That is true in a certain sense. It is very true that by this amendment we do not force the Government to give money—that it will require other legislation before the Government can incur any expense in connection with that road. But there is this point: If I understand the matter right, the Government has stipulated in the public interest, that at any date they have the right to take the railway by re-imbursing a certain sum to the present owners. This is a right which belonged to the country, and now, if this amendment is carried, in what position will the country be placed? It will not be able to use this road or acquire it except by re-imbursing to the owners \$12,000 a mile more than they had agreed to before.

HON. MR. TURNER—No, that is not it.

HON. MR. TRUDEL—They will reimburse \$12,000 a mile more because the road will have cost so much more. If the Government, in the interests of the public, choose to take back this railway from the present owners, I agree that it is but fair and equitable that they should be reimbursed for the sum expended upon it; but the point to which I object is this, that we, the Senate, in advance of this action, in which it seems to me the Government in the House of Commons should take the initiative—we, the Senate, lay down the principle that the country will not be in a position to maintain its right to take back this road unless the country pays \$12,000 a mile more.

HON. MR. TURNER—We cannot get one cent more for the road than it cost. If out of this bonded debt of \$20,000 a mile we only spend \$15,000 a mile, we could not get more than \$15,000.

HON. MR. SCOTT—You could under this Bill.

HON. MR. TRUDEL—It is neverthe-

HON. MR. TRUDEL.

less true that according to this stipulation I do not believe it would be fair for the Government to take advantage of the contract and give the country the benefit of the \$12,000 a mile at the expense of the proprietors of the railway; but in the meantime it is not the less true that we are virtually laying down the principle that this which I have mentioned shall be done.

HON. MR. TURNER—We have the particulars of the cost there now.

HON. MR. TRUDEL—I am not discussing the question of the cost—that is the figures. I only say this, that the amendment is tantamount to deciding that we lay down the principle that the Government, to maintain the rights acquired by the contract, will be obliged to buy it at a cost of \$12,000 more per mile. By public money we do not mean merely the cash in the treasury of the country, but we mean all the rights and property of the Dominion. This is a right which the country has now—the right to take this road by reimbursing the owners \$8,000 a mile.

HON. MR. PLUMB—Does the gentleman wish the Government to take this road for less than it actually costs?

HON. MR. TRUDEL—Not at all. What I wish to say is, first, that we should not lay down a wrong principle, and secondly, what I want to do is not to allow such a statement as the one which has been made here—that this Bill does not change the position of the Government—to go uncontradicted. As a matter of fact I say it does change the position of the Government. We, the Senate of Canada, tell the Government: up to the present time you have had a right to take this railway by re-imbursing \$8,000 per mile; we make an amendment by which to-morrow if this Bill is passed, in case you the Government want to exercise the right which you possess under this contract, will be obliged to pay \$12,000 per mile. That is the position in which you are placing the country. It is a proposition which is perfectly distinct from the other one—should the Government consent to give \$12,000 per mile—is it fair

or equitable that it should be done? That is quite another proposition and I am ready to decide it in the negative. I do not think that such legislation should be initiated in our House and that we should take the responsibility of it.

The Senate divided on the motion which was agreed to by the following vote:—

CONTENTS :

Hon. Messrs.

Alexander,	Miller (Speaker),
Allan,	Montgomery,
Bolduc,	Nelson,
Botsford,	Ogilvie,
Carvell,	Plumb,
Clemow,	Poirier,
DeBlois,	Read,
Dever,	Robitaille,
Flint,	Ross,
Girard,	Smith,
Glaesier,	Sutherland,
Howlan,	Sullivan,
McKindsey,	Turner,
McMillan,	Vidal.—29.
Macdonald (B.C.),	

NON-CONTENTS :

Hon. Messrs.

Armand,	O'Donohoe,
Baillargeon,	Paquet,
Bellerose,	Pelletier,
Chaffers,	Power,
Grant,	Reesor,
Guévremont,	Scott,
Leonard,	Stevens,
McClelan,	Trudel,
McInnes (B.C.),	Wark.—18.

HON. MR. TURNER moved the third reading of the Bill.

HON. MR. SCOTT—It cannot take the final stage to-day. If hon. gentlemen on the Committee had not been so arbitrary about changes, this Bill might have gone through; but they would not hear a single word. The hon. gentleman from Sarnia pointed out where it was irregular and inconsistent, but they would not listen to him.

HON. MR. TURNER—The whole object of the opposition is to gain time with a view to having the Bill thrown out in the House of Commons.

HON. MR. POWER—As I understand the question has been raised as to whether it can be read the third time.

THE SPEAKER—I think under our rules, as the Bill has not taken a stage to-day, it can be read the third time. Had we not dealt with the question under our rules, I should have had some doubt on the point, but I think dealing with the subject by our own rule sets the matter at rest, and the only restriction with regard to reading the Bill is that each reading shall be on a separate day. Of course concurrence on the amendments is not a stage in that sense of the term, and if the hon. gentleman insists on his motion it can be put.

HON. MR. POWER—I rise for the purpose of proposing an amendment:

That the said Bill be not now read a third time, but that the following words be added to Clause A: "And provided that, in the event of Parliament of Canada deciding to take over the said Railway under provision of the contract set forth in Schedule B, the sum to be paid for the said railway shall in no case exceed \$20,000 a mile, notwithstanding anything to the contrary in this Act or in the said contract."

That amendment, or one like it, was proposed in the Committee by the hon. gentleman from Ottawa when this Bill was first before it, and I understood then that it seemed to meet with the concurrence of the majority of the members of the Committee. I wish to point out one or two reasons why this amendment should be accepted. It is desirable, no doubt, that if the Government take over this road, they shall not be obliged to pay an unfair price for it. It has been alleged here to-day that the Government engineer certifies that that road when completed fully will cost about \$32,000 a mile. I wish to call the attention of the House to the fact that this amendment covers just that sum. The Government have already paid \$12,000 a mile.

HON. MR. HOWLAN—What is the good of putting that amendment?

HON. MR. POWER—If my hon. friend will keep cool I shall let him know. Under this amendment the Government will pay \$20,000. They have already paid \$12,000. That is the outside estimate of the cost of the road. This House cannot find any excuse for not adopting the amendment. With regard to the suggestion made by the hon. member from Alberton, I may say this: that hon. gen-

tleman I think has been long enough in public life and knows enough about railway business to understand that when a company have a railway to sell, it is not a difficult thing to make it appear by figures that that road has cost a great deal more than the cash which has been actually put into it, and this amendment is simply to protect the public interests. It takes the statement now put forward by the promoters of the Bill, and says the country shall not be obliged, if they take over this road, to pay any more than the promoters now say that the line is going to cost. I think that is a perfectly reasonable and proper amendment, and I hope the promoter of the Bill will accept it.

HON. MR. PLUMB—The promoter of the Bill is unable to accept any such amendment.

HON. MR. POWER—The promoter of the Bill is the hon. gentleman behind me.

HON. MR. PLUMB—I have a right to speak on the subject, and I propose to do so, and the hon. gentleman has no right to designate who shall speak on it.

HON. MR. POWER—The hon. gentleman has not the right to speak for any member who is present and has not asked him to do so. I simply ask the hon. gentleman whether he has any objection to accept the amendment.

HON. MR. TURNER—Decidedly I have.

HON. MR. SCOTT—This proposition seemed so manifestly fair and reasonable to the Committee—I was not there the first day that it met—that it was generally acquiesced in. The promoter of the Bill himself was disposed to accept it; but as the amendment has been drawn up by a gentleman outside of the Committee, it was stated that it was desirable that they should be consulted before the promoters would commit themselves to the acceptance of this proposition. No one advocating the Bill for one moment contended that it was proposed to increase the expenditure beyond the \$32,000. On the contrary, it was stated by gentlemen there who had a right to know, being con-

nected with the road, that the amount to be issued in bonds would not be \$20,000, and that the object was to keep down the bonded debt. I said "Now name an outside sum that you would like to put in the Bill," and this outside sum was mentioned as one which would meet all difficulties; however, it was pointed out by myself that in the original Bill the Government had the option of taking over the road by paying \$8,000 and such further sum as the arbitrators might think it was fairly worth. The Government are bound under any circumstances—and here I desire to correct several mis-statements which have been made—to pay the value of this road, assuming it cost more than the \$20,000 or \$25,000, whatever its value might be. Now the alteration makes the Government pay, not the value of the road, but what it cost. You may unduly swell the cost of a road. I think it is not unfair that we should lay down a limit and say that the Government, if they have to take over the road, need not necessarily pay what the company choose to expend upon it. This House is laying down the proposition that it is not what the thing itself is worth, or what it would actually cost under proper administration, that is to be the criterion, but what has been expended upon it. The original Bill fixed the limit at \$8,000 and such further sum as the road might be worth. As it is now amended the Government are not to do that, but they are to take it at what the owners of the road say they have spent on it. They say it is not going to cost more than \$20,000 in addition to what has been already expended. Then I say put the limit at \$20,000, does not that seem to be a reasonable proposition? It is not pretended that the expenditure now contemplated, assuming that all that has been laid out has been judiciously and prudently spent, will exceed that. The promoters of the road have endeavored to make out a case that the road cannot cost up to the \$32,000—that that is an excessive sum. Then I say lay that down as the limit. We know that that is an outside figure. Is it not fair, then, to say that the sum they have to pay shall not exceed \$20,000? If you do not say that, you make \$20,000 the starting point and such further sum as the company may have expended.

HON. MR. POWER.

HON. MR. HOWLAN—How are you going to ascertain the value of the road?

HON. MR. TURNER—By arbitration.

HON. MR. SCOTT—The words of the arbitration clause read in this way :

Parliament of Canada may, if it see fit, cancel the said lease and take over the said railway free from encumbrance upon assumption of the bond or debenture debts of the lessor company to the amount of eight thousand dollars per mile of the railway, and upon payment of such further sum of money beyond the said bond debts of eight thousand dollars per mile and the said subsidy, as the said railway may then be worth, the value thereof to be ascertained, in case the Government and the company cannot agree by arbitration.

HON. MR. HOWLAN—How can the public be robbed by this?

HON. MR. SCOTT—We are changing all that now.

HON. MR. HOWLAN—The value has been fixed by the report of the Chief Engineer.

HON. MR. SCOTT—We have no evidence of that kind. We have an *ex parte* statement. I say we are nullifying that clause. I state that as a lawyer and a Senator—we are nullifying that. We are laying down a proposition that the Government, if the company choose to issue bonds to the extent of \$20,000 a mile, will have to pay that.

HON. MR. HOWLAN—If they take the road.

HON. MR. SCOTT—Yes, if they take the road.

HON. MR. HOWLAN—But they will only do so on the valuation of their Chief Engineer.

HON. MR. SCOTT—Instead of taking it on the value of the road, we take it on the cost.

HON. MR. HOWLAN—No, no.

HON. MR. SCOTT—Of course the hon. gentleman can have his reading of it : I have mine.

HON. MR. HOWLAN—The Government acts on the report of their Chief Engineer. If the hon. gentleman was the Minister of Railways he could do no more.

HON. MR. SCOTT—Does the hon. gentleman tell me that an *ex parte* statement is to govern us.

HON. MR. HOWLAN—It is not an *ex parte* statement.

The Senate divided on the amendment which was rejected by the following vote :

CONTENTS.

Hon. Messrs.

Armand,	O'Donohoe,
Baillargeon,	Paquet,
Bellerose,	Pelletier,
Chaffers,	Poirier,
Grant,	Power,
Guévremont,	Reesor,
Leonard,	Scott,
McClelan,	Stevens,
McInnes (B.C.),	Wark.—18.

NON-CONTENTS.

Hon. Messrs.

Alexander,	McMillan,
Allan,	Macdonald (B.C.),
Bolduc,	Montgomery,
Botsford,	Nelson,
Carvell,	Ogilvie,
Clemow,	Plumb,
Cochrane,	Read,
DeBlois,	Robitaille,
Dever,	Ross,
Flint,	Smith,
Girard,	Sullivan,
Glasier,	Sutherland,
Howlan,	Turner,
McKindsey,	Vidal.—28.

HON. MR. VIDAL moved

That the said Bill be not now read a third time, but that it be amended as follows :

That all the third section of clause A after the word "enacted" in the first line thereof be left out and the following substituted therefor : "That the parties to the said contract may alter the terms thereof to the effect that an amount not exceeding \$20,000 per mile may be substituted for the amount of \$8,000 per mile, as the limit to which the assumption of the bond or debenture debt by Parliament may extend."

He said : I shall not occupy the attention of the House, as I have already stated this evening my reasons for wishing to have such an amendment made.

HON. MR. PLUMB—It is precisely the same thing we have voted down.

HON. MR. SCOTT—No, there is a misconception as to that.

HON. GENTLEMEN—Lost, lost !

HON. MR. POWER—I do not see why hon. gentlemen should say that it is lost. I do not think they understand the effect of the amendment.

HON. MR. PLUMB—Of course not ; we are very obtuse—it is the very same principle.

The Senate divided on the amendment which was rejected by the following vote :—

CONTENTS :

Hon. Messrs.

Armand,	Paquet,
Baillargeon,	Pelletier,
Bellerose,	Power,
Chaffers,	Reesor,
Guévremont,	Stevens,
Leonard,	Vidal,
McClellan,	Wark.—15.
McInnes (B. C.),	

NON-CONTENTS.

Hon. Messrs.

Alexander,	Macdonald (B. C.),
Allan,	Miller (Speaker),
Botsford,	Montgomery,
Carvell,	Nelson,
Clemow,	O'Donohoe,
Cochrane,	Ogilvie,
DeBlois,	Plumb,
Dever,	Read,
Flint,	Robitaille,
Girard,	Ross,
Glasier,	Smith,
Howlan,	Sullivan,
McKindsey,	Sutherland,
McMillan,	Turner.—28.

HON. MR. BELLEROSE—I believe it is pretty well shown that there were good reasons for opposing concurrence in the amendments to the Bill before the House. The last amendments which were voted down I supported because I thought it was the best way to see whether the promoters of the Bill intended themselves that the door should be left open to anyone who wished to make a job of it. It has been stated three or four times to-day

that the amount the railway would cost would be \$32,000 per mile. By both of the first amendments it was proposed to give that money, but the House refused that because they thought it was better to leave it to arbitrators to say how much the road cost the company. It was stated in committee to-day that the cost was not as much as \$32,000. If the House was willing to do what was right, and to give the parties what they are entitled to, that is justice, even at the expense of the Government, they would have accepted the amendment, and I favored the amendment in order to show to the public what was aimed at by the present Bill.

The House divided on the motion, which was carried on the following division :

CONTENTS :

Hon. Messrs.

Alexander,	Miller (Speaker),
Allan,	Montgomery,
Botsford,	Nelson,
Carvell,	Ogilvie,
Clemow,	Plumb,
Cochrane,	Poirier,
DeBlois,	Read,
Flint,	Robitaille,
Girard,	Ross,
Glasier,	Smith,
Howlan,	Sullivan,
McKindsey,	Sutherland,
McMillan,	Turner,
Macdonald (B.C.),	Vidal.—28.

NON-CONTENTS :

Hon. Messrs.

Armand,	O'Donohoe,
Baillargeon,	Pâquet,
Bellerose,	Pelletier,
Chaffers,	Power,
Grant,	Reesor,
Guévremont,	Scott,
Leonard,	Stevens,
McClellan,	Wark.—17.
McInnes (B.C.),	

The Bill was then read the third time, as amended, and passed.

QUEBEC HARBOR IMPROVEMENT BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill 140, "An Act respecting the Improvement of the Harbor of Que-

bec." He said: This is a Bill respecting the improvement of the Harbor of Quebec by which it is proposed that in addition to the sum already advanced for the purpose of improving that harbor, the Governor in Council may raise by the issue of debentures, bearing interest at a rate not exceeding four per cent., a further sum of \$750,000 to enable them to complete their wet and tidal docks now in course of construction.

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

### DUNVILLE DAM AND BRIDGE TOLLS BILL.

#### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (139) "An Act respecting tolls over the Dunville Dam and Bridge connecting works constructed over the Grand River." He said:—The preamble of this Bill recites that the public convenience shall be greatly advanced if the tolls shall be abolished on this bridge. There is but one section in the Bill, and I move the second reading.

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

### CARLETON CITY OF ST. JOHN RAILROAD BILL.

#### REPORTED FROM COMMITTEE.

Bill (137) "An Act respecting the Carleton City of St. John Branch Railroad," was reported from Committee without amendment.

### NORTH-WEST TERRITORIES LAW AMENDMENT BILL.

#### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (133) "An Act further to amend the law respecting the North-West Territories." He said: This Bill is to provide for the appointment of judges and to establish a supreme court of record and of original and appellate jurisdiction in the North-West.

HON. MR. POWER—I think this is a Bill of so much consequence, that the gentleman in charge should give a little information on the subject at the second reading. It has the effect, among other things, of establishing a Court up in the North-West Territories which is to cost the country at the rate of about \$1 a head for the whole population of the North-West. We have at present a system there which I think is good enough and expensive enough for the Territories; and when we are making so important a change, at any rate the Minister or Minister *pro tem* or *quasi* Minister in charge of the Bill should explain to the House why the measure is necessary.

HON. MR. PLUMB—I wish to explain to the hon. gentleman that the salaries of those judges although amounting to \$1 a head of the population is not to be paid by the people of the North-West. The provisions of the Bill are perfectly simple and I will explain them in Committee.

HON. MR. POWER—It is unusual that a gentleman in charge of a Bill, when asked to explain it, should refuse to do so.

HON. MR. PLUMB—The Bill is perfectly simple and easily explained. The hon. gentleman supposes that because I do not happen to be of the legal profession that I am not able to explain the provisions of so simple a Bill as this.

HON. MR. OGILVIE—The Bill explains itself.

HON. MR. PLUMB—I will explain it, to satisfy the hon. gentleman from Halifax.

HON. MR. BOTSFORD—He is very unreasonable to ask for an explanation of so simple a bill—it is merely to detain the House that he asks it.

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

THE SPEAKER—It is understood that the seventh order goes to the foot of the orders on the list for to-morrow.

The Senate adjourned at 10:25 p.m.



## THE SENATE

*Ottawa, Friday, May 28th, 1886.*

THE Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THE LATE JOHN GRAY.

## MOTION.

HON. MR. O'DONOHUE moved

That an humble address be presented to His Excellency the Governor General; praying His Excellency to be pleased to cause to be laid before this House, a copy of the Minute of the Treasury Board and Order-in-Council appointing the late John Gray Deputy Collector of Inland Revenue at Prescott, and also a copy of the Order-in-Council or other Order cancelling said appointment, with their respective dates.

HON. MR. SMITH—I will just say a word by way of explanation before I speak of the papers that are asked for. There came a vacancy in the collectorship of Customs at Prescott in consequence of the Collector having been superannuated. It was the desire of the Government and of the Minister of Inland Revenue to do something for the late John Gray. They found, however, that owing to the state of his health he would not be able to take charge of that office as Collector. In talking with him they decided not to appoint him Collector at Prescott, but to appoint him Deputy Collector for Stratford. They did so appoint him and he went to Stratford, and staid there some ten days or a couple of weeks. His health became so bad that he then applied for leave of absence in order to go down to Prescott and take some rest and see if he could not get better. Leave of absence was granted to him and he returned to Prescott, and he was never able, after going home, to return to his duties. He was attended by his medical adviser, and he was unable to return to Stratford. The Government therefore allowed Mr. Gray's pay to continue until his death, and after his death they allowed two months salary, which was all they could allow, to his widow and family. The papers that the hon. gentleman has called for will be

brought down as soon as they can be prepared.

The motion was agreed to.

LOT 66, ST. ANN'S, MANITOBA.

## MOTION.

HON. MR. MCINNES 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 applications, declarations and affidavits in connection with claim to Lot Number Sixty-six and the Hay privilege, St. Ann's, Lorette River, Manitoba.

HON. MR. PLUMB—With reference to this motion, I am instructed to say that the patent for lot 66 was issued to Auguste Harrison on the 9th April, 1886. Scrip in commutation of the outer two miles appurtenant to this lot has not yet been issued, the evidence on file not specifically showing to whom it is due. There is no objection to the address.

The motion was agreed to

PORT MOODY WHARF.

## INQUIRY.

HON. MR. MCINNES (B.C.) inquired

Has the Minister of Railways or any Member of the Government given instructions to have the Iron Piles and other material for the Port Moody Wharf landed at Victoria, B.C.? If so, the reasons for so doing?

HON. MR. PLUMB—I am instructed to say that no such instructions have been given.

ORDNANCE LANDS AT SOREL.

## INQUIRY.

HON. MR. GUÉVREMONT inquired

Le gouvernement a-t-il l'intention de vendre les propriétés qu'il possède dans la seigneurie de Sorel, et dont les baux sont expirés le ou avant le 1er mai courant? Quand ces propriétés seront-elles mises en vente?

HON. MR. PLUMB—In reply to the hon. gentleman's inquiry I am instructed to say that it is the intention of the Government to deal with the ordnance lands at Sorel in the manner prescribed in the

Ordnance Lands Act. An officer of the Department will be detailed to report upon each of the properties, the leases of which expired on the 1st inst.; and such of them as the Minister of the Interior decides, upon this report, to dispose of will be sold in the manner prescribed in the Act.

HON. MR. BELLEROSE—En Français!

HON. MR. PLUMB—The hon. gentleman himself is too great a master of the English language to require me to reply in French.

The motion was agreed to.

### GOVERNMENT SAVINGS BANKS IN THE MARITIME PROVINCES.

#### INQUIRY.

HON. MR. POWER rose to call attention

To the exceedingly large sums deposited in the Government Savings Banks in the Maritime Provinces, and to ask the Government what steps, if any, they propose to take in order to prevent the continuance of the diminution of the deposits in the chartered Banks of the said Provinces, and the rapid increase of deposits in the said Savings Banks.

He said—I had intended to call attention to this matter earlier in the session; but, like a very distinguished member of the Government, I have an unfortunate habit of putting things off, so that I am proceeding much later in the session than I should.

HON. MR. PELLETIER—You would make a good minister.

HON. MR. POWER—Perhaps I would. There is one reason why I need not regret this; for I see that pretty nearly all I had intended to say on this subject has been better said by a writer in the *Montreal Herald* who signs himself "Lower Provinces." If I thought that that newspaper was one that was carefully read by members of the Government, I should not think it necessary to call their attention to the matter in this House; but I have some little doubt as to whether all the members in the Government care-

fully read the *Herald*, and being in a state of doubt I think it well to bring the matter before the Government and this House in a more official way than a newspaper does, and with a view to finding out what policy the Government have on this important subject, or whether they have any policy. At the same time, I shall not hesitate to avail myself of the statistics given by the writer in the *Montreal Herald*, because he is a gentleman perfectly familiar with the business of banking and finance generally, and his figures are taken from the official record of the Government. The first thing I have to do is to establish the fact that exceedingly large sums are deposited in the savings banks. When I say Savings Banks, I do not mean the Post Office Savings Banks, but the ordinary Government Savings Banks, as we have them in the Maritime Provinces. I find that the writer to whom I have referred says this about them:—

"There are just fifty of them altogether, and of the whole number no less than forty-five are situated in the Lower Provinces. Of the remainder there is one in Ontario, one in Manitoba, three in British Columbia, but not one in the Province of Quebec. And of the total amount collected by them is drawn from the—

Lower Provinces .....	\$15,269,695
Ontario .. . . . . .	854,752
Manitoba .. . . . . .	841,639
British Columbia.....	2,165,579
Quebec .. . . . . .	000,000

HON. MR. ALLAN—What difference does the hon. gentleman make between Government Savings Banks and Post Office Savings Banks?

HON. MR. POWER—I make the distinction in this way: The Savings Banks which we have in the Lower Provinces are those which are controlled by the Finance Department and generally denominated Government Savings Banks. In our Province they have very few but these. The form the Savings Banks assume in the Upper Provinces is that of Post Office Banks chiefly. There is this practical difference: In the Government Savings Banks a depositor can deposit \$3,000; in the Postal Banks he can deposit only \$1,000; and I may say further that there are facilities for withdrawing money from Government Savings Banks which do not

exist as to Post Office Savings Banks. The depositor can go in without any notice whatever to the Government Savings Banks and withdraw the whole of his deposit. In Post Office Savings Banks a notice I believe has to be sent to the Postmaster General before the deposit can be withdrawn. As I said, the amount deposited in the Lower Provinces was \$15,269,695.

HON. MR. MACDONALD—In the three Provinces?

HON. MR. POWER—Yes. The following figures show the growth of the deposits in the Government Savings Banks in the several Provinces:—

JUNE 30, 1868.	
Nova Scotia.....	669,637
New Brunswick.....	813,581
	1,483,218
JUNE 30, 1876.	
New Brunswick.....	1,189,427
Prince Edward Island.....	305,269
Ontario.....	167,789
Manitoba.....	40,685
British Columbia.....	927,954
	4,303,162
FEBRUARY 29, 1886.	
Nova Scotia.....	8,168,712
New Brunswick.....	5,211,334
Prince Edward Island.....	1,889,649
Ontario.....	854,752
Manitoba.....	841,639
British Columbia.....	2,165,579
	19,131,665

Making altogether on the 29th February 1886, \$19,131,665. It is unnecessary to call attention to the enormous growth of those deposits. If the deposits in the Government Savings Banks were of the same character as the deposits in similar banks in other countries—if they represented the savings of poor men, this exhibit would be very gratifying, but it has been made clear from returns submitted to the other House, and everyone who knows anything about the mode in which business is prosecuted in the Lower Provinces knows it is true, that these deposits are not of that character at all. The Government limit of \$3,000 is a very high one to begin with. The number of laboring men or mechanics who are able to lay by \$3,000 at the present time, is very limited; but that is not all. The limit of \$3,000 is really not any limit at all. It is quite a

common thing for a man to deposit in the Government Savings Banks \$3,000 in his own name, and another \$3,000 in the name of his son or his wife, and \$3,000 more in the name of some other member of his family, and so on.

HON. MR. SMITH—That might be dangerous.

HON. MR. POWER—In the Lower Provinces there is greater confidence existing amongst members of the same family than is perhaps to be found elsewhere.

HON. MR. PLUMB—More than my hon. friend seems to have in people generally.

HON. MR. POWER—There are the facts then, that enormous sums of money are deposited in the Government Savings Banks, and that the greater proportion of this money, as has been shown by returns and as we know from experience, is money invested by people who are well off—largely by capitalists.

The next question is what the Government are paying for money. The Government are paying to depositors 4 per cent. Then we have to add to this the cost of management. In England, where the country is small and the population dense, the rate of cost of management of these Savings banks is 1.40 per cent. Now suppose we take the English rate—and I am quite confident that our rate is larger—we find that the country is paying for this amount nearly \$20,000,000 at the rate of 5.40 per cent a year.

HON. MR. PLUMB—How does that make 5.40 per cent.

HON. MR. POWER—The Government pay 4 per cent to depositors, and the management costs 1.40 in England, and I take the same rate for this country.

HON. MR. PLUMB—You mean that the management is one-fortieth of one per cent.

HON. MR. POWER—No, one per cent and decimal 40 per cent.

HON. MR. PLUMB—For the management? The hon. gentleman is quite astray.

HON. MR. SMITH—It is not a quarter per cent.

HON. MR. POWER—I may be in error; if I am, the writer of whom I have spoken, who is very familiar with those things, is also in error.

HON. MR. PLUMB—My hon. friend must be aware that the rate of interest in that country is only 2 per cent, and even less than that.

HON. MR. POWER—Granting that this is a mistake, and that the cost is exaggerated, let us say it is four and a half per cent.

HON. MR. PLUMB—No, nothing like it.

HON. MR. SMITH—Not a beginning to it.

HON. MR. POWER—Well, we shall take it at 4 per cent.; it weakens the argument but does not destroy it at all—the country pays something over 4 per cent. for this money. At the present time the Dominion can borrow money at a lower rate than that in England. I think the last 4 per cent. loan brought a premium of 8 or 9 per cent., and the Government could borrow this money in England at a less rate than it is paying for it here, and would in that way bring a large sum of money into Canada without injuriously affecting any interest whatever, and I think that would be much the more advantageous course. The cost of the present system to the country, at the lowest figure, must be something like \$200,000 a year—I mean that the Government are paying something like \$200,000 a year more for this money than they would have to pay for it if they had borrowed it in England. Now this sum is levied upon the whole population of the country chiefly for the benefit of a few persons who choose to invest their money in the savings banks—that is, persons who are well off. I am not objecting to giving 4 per cent. interest to the class for whom the savings banks are intended; but this tax is levied on the whole population principally for the benefit of comparatively wealthy investors who ought to find some other place to invest their money. Even if no special injury was

inflicted on any class of the community, this course of the Government would not, I think, be justifiable—this plan of taxing all for the benefit chiefly of persons who do not need such assistance. I wish it to be understood that I am not reflecting on the present Government. I am not calling attention to this matter as an indication that they are to any extent to blame. The system was adopted long ago; it prevailed under Mr. Mackenzie's administration; and it continues now. There is no party object to be gained in calling attention to it: I simply do it in the interest, as I conceive, of the Maritime Provinces.

HON. MR. MACDONALD—It prevailed before Confederation: we had savings banks in our province before it became a part of the Dominion.

HON. MR. POWER—And we had them in Nova Scotia too. There is this point to which the attention of this House and the Government ought to be called—that while four per cent. was an exceedingly low rate even ten years ago, it is now a high rate. Hon. gentlemen know that the value of money is to-day at least one and a-half per cent. less than it was at any rate in 1868—that it is as easy to get money at five per cent. now in most places as it was to get it at seven per cent. then; and consequently in former years, going back ten years or so, the four per cent. interest which was given by the savings banks did not offer any special inducements to the class of investors of whom I have spoken; to-day four per cent. does offer that inducement, and I think that, for investors of that class at any rate, the rate to-day should not be more than three per cent. Three per cent. is now as high a rate, if not higher than four per cent. was ten years ago.

HON. MR. MACDONALD—Not in British Columbia.

HON. MR. SUTHERLAND—Not in Manitoba either.

HON. MR. POWER—The present system, it is apparent without further argument, which takes over \$15,000,000 out of a community of some 900,000 people

—that is about the population of the Maritime Provinces—must be a very serious injury to the business of that part of the country. The money is taken away from their business resources and locked up in the Government coffers—or is supposed to be; it is really expended by the Government in other places, some of it possibly in the Lower Provinces, and for various purposes. If it were not for the fact that this large sum is taken up by the Government Savings Banks in the Lower Provinces a very large portion of it would be in the chartered banks and aiding the business of the community, and money for business purposes would be much cheaper than it is now.

HON. MR. PLUMB—What is the rate there now?

HON. MR. POWER—The rate varies according to the customer.

HON. MR. PLUMB—But there must be some general rule?

HON. MR. POWER—Some of the banks will not take deposits at all.

HON. MR. PLUMB—Then they cannot be much injured by the savings banks.

HON. MR. POWER—No bank in the Maritime Provinces pays more than three per cent. now. Some time ago the rate was four per cent., but now no bank that I know of, in Halifax at any rate, will pay more than three per cent.

HON. MR. PLUMB—That does not show a scarcity of money!

HON. MR. POWER—I do not think it needs any argument to show that the subtraction of so immense a sum from the business of a comparatively small community like the Maritime Provinces must have an injurious effect on that community. This writer gives some statements as to the amounts deposited at interest in the chartered banks of the Lower Provinces.

“At the end of 1883 the deposits at interest in the chartered banks of the Lower Provinces were \$7,117,976. By the last government statement (made probably in April) they were \$5,941,205. Showing a reduction in a little over two years of \$1,176,771 or sixteen and a half per cent. During the same period the Government savings banks deposits in the Lower Provinces increased from \$10,846,348 to \$15,269,695.”

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HON. MR. PLUMB—What are the figures for the Province of Nova Scotia?

HON. MR. POWER—I did not separate them. I find, however, that in 1883 the deposits in the savings banks in Nova Scotia were \$5,790,633 and in 1885 they had increased to \$8,045,621; and the deposits in the chartered banks in Nova Scotia in 1883 were \$5,981,264, and in 1885 \$5,169,324, a falling off of over \$800,000 in two years. This writer to whom I have referred says this about the effect on business:

We are taxed to an inordinate extent to support a great variety of unprofitable undertakings, the most expensive of which are outside of the lower provinces. The National Policy was certainly not conceived in our interest. Our wholesale merchants complain that our provinces are used as a slaughter market for Ontario and Quebec. And when we are struggling along as best we can with our largely unnecessary load, striving hard to believe that it is still a great privilege to be able to call ourselves Canadians, the Government, that the last straw may not be wanting, establish a system, unknown in any other part of the Dominion, or in any other country in the civilized world, by which these provinces are nearly denuded of their floating capital and our industry is burdened with an artificial and excessive rate of interest. Surely, in times like these, when all our industries are so depressed, and we are carrying such a heavy burden of taxation, largely for the benefit of the western provinces, the least we might expect from our Government is equal justice and equal laws; and that at any rate our productive powers should not be threatened with paralysis while Ontario and Quebec are left unhindered.”

Now, in order to show that that view is not peculiar to the Maritime Provinces, I may be permitted to give two or three extracts from the *Monetary Times*, a paper which is not suspected of being hostile to the Government or to the Upper Provinces. I quote from the first issue of this year as follows—

“The comparative high rate which the Government continues to pay for deposits still forms a subject of discussion. We have no hesitation in saying that at least three-fourths of the money deposited with the Government in the so-called “Savings Bank” is of the amount and class which would properly find its way to the chartered banks.”

It is sometimes rejoined that the banks have already as much money as they can employ legitimately, and that any further increase of deposits would only burden them with money which they could not employ. But a large increase in the deposits of the banks, especially such an increase as would approximate

to the figures of the Australian colonies, as quoted in last week's issue, would introduce many and important changes in the modes by which bankers employ the money committed to them. For example, it is almost certain that in such a case the banks would become large holders of government securities. They might carry thirty or more millions. Canada would then become a centre of monetary operations in a way that is not possible to present. Many loans that are now negotiated abroad would then be managed in our own market. Railway loans, loans of the Provinces, loans of Towns and Municipalities, might be, in that case, managed here with ease."

I quote next from the issue of the *Monetary Times* of the 8th January, the following from a correspondent. He is referring to the article which I have just read from, and he summarizes the bad results of the present system of conducting the Government Savings Banks as follows:—

1st. It brings the Government into contact directly with the banks as a keen competitor for business—in fact the rate paid amounts to a positive canvassing and bid for money. The Government have already taken the circulation of \$1, \$2 and \$4 bills from the banks, they bid against them for deposits and comparatively speaking they might as well take the remainder of the business for all the profits left in it.

2nd. It is notorious that the banks as a rule cannot afford to pay more than 3 per cent. for deposits, the prevailing rates prevent it. Now, I think the well-known rule in finance in England is, that the Government rate shall be one per cent. below, or certainly shall not exceed, the minimum rate of the bank. In this country we have the spectacle of the Government actually paying one per cent. more for deposits than its own banker (the Bank of Montreal) can afford to pay. In fact we may go further and probably see in the recent reduction of the Canadian Bank of Commerce dividend an indirect result of abnormal Government competition—in this way: it is probable the bank in question had to reduce its rate for deposits and consequently depositors withdrew largely, because they could get more from the Government.

3rd. I have shown that the Government has directly entered the market as a competitor against the banks; why not go further and open a large co-operate store, for dry goods, groceries, hardware, boots and shoes, etc.? It would be quite as legitimate.

4th. Beyond all this, however, there is a more serious aspect to the question. Speaking from memory, we have a population of 4,500,000 or 5,000,000 in the Dominion. Adjoining, divided for the most part by an imaginary line only, there is a Republic, with a population of 55,000,000. The vastness of its territory, the much greater possibilities to be arrived at there than here, naturally at-

tract emigration to our detriment. But when we add to this that money is much dearer here than there, it is entirely likely that it must seriously interfere with our manufactures, even with a wall of protection dividing us. If manufacturers there can get money from 2 to 4 per cent. and must pay 7 for it here, it makes a vast difference to the cost of production (leaving out of sight that their market is unlimited and ours the reverse) hence those there can come across and sell here, at least upon equal terms."

I simply give that quotation: I do not undertake to say that all those statements are accurate.

HON. MR. PLUMB—I should say not.

HON. MR. POWER—I simply give it as the opinion of a business man.

HON. MR. PLUMB—Other business men have a different opinion—men who have had some experience too.

HON. MR. POWER—I now quote from an editorial article in the *Monetary Times* of the 29th January last:—

"We have already pointed out that a still further lowering of the rate of discount would be feasible, if it were not for the heavy drain of deposits from banking channels, owing to the peculiar manner in which the Savings' banks of the Government are conducted. The mercantile community is deeply interested in bringing about a practical reform in this matter. It is a grave mistake to suppose that this is a question for bankers only. The mercantile community is far more interested in it than the banks are. And the Government itself, if it would only take a prudent forecast of the position, is more interested than either.

"Three steps in the way of reform are undoubtedly necessary. The *first* would be to limit the total amount that could be deposited by one person and so ensure that the Government Savings' Bank shall answer the purpose for which it was created, namely:—To afford a safe and convenient place of deposit for the savings of the poorer classes of the community. The *second* would be to provide the reserve spoken of. The *third* reform is of no less consequence than the other two, namely:—to lower the rate of interest. It is nothing less than an absurdity for the Government of a country like this to be paying more for the temporary use of money than the banks do.

"The country is losing hundreds of thousands of dollars yearly by this foolish absurdity. These considerations might be pressed by the mercantile community, and in time they must surely prevail. Abuses which have been grafted on to a well intentioned system cannot permanently attain it."

The last of these quotations is from the *Monetary Times* of the 5th February, and the article is headed "Cheaper money for our Manufacturers and Merchants"—

"We have several times referred to the rate of interest allowed by the Government and the competition it is keeping up with the chartered banks. It is asserted, and with force, that Canadian banks as a whole have far too much capital paid up. It is *capital*, not deposit money, that is in excess. Deposits are cheap, but capital is the dearest money banks can use.

The English and Scottish banks make their handsome profits out of deposit money, the price of which fluctuates, not being, as in Canada, a fixed rate, and that too high. It is a fact which is too apt to be forgotten that many Canadian banks, during the past year or more, have not been getting over one per cent. for large amounts lent in New York and London. Although the three per cent. paid by the large banks here is too high, the Government pays a still higher rate."

HON. MR. PLUMB—But they are already lending it at one per cent in New York.

HON. MR. POWER—Yes.

HON. MR. PLUMB—It is a slight contradiction.

HON. MR. POWER—Such is the statement.

"Not only does the Government pay more than it need do, but the rate mentioned compels the banks to pay more than they can afford. Yet, on account of having a good deal of surplus money lent at under 3 per cent. the banks cannot voluntarily reduce their discount rate to manufacturers and merchants. The surplus capital is seen in the street rates charged in Toronto and Montreal: 2½ to 4 per cent., varying according to security or the strength of the borrower. The eastern banks are worse off than the western; the latter, having their business scattered in small places, can get better rates than can be charged in the older cities."

To the manufacturer and the wholesale merchant a reduction of interest would be a boon. It would give them about the only profit they could get, where now, at the best, they can only about make ends meet.

If, therefore, the banks could get cheaper money they could lend more cheaply, and thus a little encouragement could be held out to the great borrowing classes. The late Finance Minister used to speak of an increase of deposits as "revenue" which could be used—or fixed. In such shapes it will not be likely to breed; but put this money at a

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cheap rate in manufactures and in trade, and there will be an increase."

I have been trying to show that the effect of the present system on the business community in the Lower Provinces was injurious, and, incidentally, those quotations I have given go to show its effect on the chartered banks as well as on the business community at large. I have therefore already to a certain extent indicated what I believe to be its effect on the banking community; and I have some figures here which go to show that this writer who signs himself "Lower Provinces" is correct in his view. He says:

It is, I believe, a canon in banking science, that to make the business even moderately successful, deposits must bear a very large proportion to capital. With a small amount of deposits successful banking is all but an impossibility. This is well illustrated by the following figures.

BANKS IN		DEPOSITS.		Per cent. of rest of capital.		Average deposits for each Bank.....	
Scotland.....	10	\$45,260,000	\$415,195,680	917	\$12.65	\$63.80	\$41,519,568
Australia and New Zealand..	18	64,975,000	405,000,000	623	12.62	42.70	22,500,000
Ontario and Quebec.....	27	53,798,825	89,637,818	166	7.01	30.44	3,319,919
Lower Provinces.....	16	6,757,646		128	6.14	17.95	590,702
Number.....		Paid up Capital in Dollars		Percentage of deposits to capital.....		Dividends per cent.....	

"These figures show only too clearly that our banks are small and poverty stricken compared with those of Scotland and Australia where the system of banking is similar, and are even markedly poorer than those of the Upper Provinces. When the Government are giving four per cent. for money, practically in any quantity, while the market rate for deposits is three per cent. and under, the result need not be wondered at. The direct effect is to dwarf the banks and limit their usefulness. In the whole of Scotland there are only ten banks with an average of \$41,519,568 of deposits for each. In Australia and New Zealand the average for eighteen banks is \$22,500,000 each, in Ontario and Quebec with twenty-seven banks the average is \$3,319,919, while in the Lower Provinces with fifteen banks the miserable average is only \$580,702. The contrast is as great in the matter of dividends and rest as in deposits, as the above statistics unmistakably show. That the Government competition for deposits is largely responsible for the unfortunate results here visible there can be no doubt whatever. The very life-blood of the banks is deposits, and the Government like some huge vampire has fastened itself on those unfortunate institutions and is fast draining the life from them."

But this is not all. The Government is not only draining from the banks their means of living, but they use the banks themselves as a most efficient aid to their own destruction. A banking friend thus describes the process: "Wherever there happens to be a chartered bank agency there is usually a Government savings bank almost next door. If the chartered bank happens to be a strong, reputable concern, it will at the present time be paying only 3 per cent. for deposits. The Government savings bank offers 4 per cent. The security of no joint stock bank can be better than that of the Government, and the latter's rate being 1 per cent. higher, they, of course, get the bulk of the deposits. How do they dispose of the money? They do not keep expensive safes and vaults at their numerous country offices as the chartered banks are compelled to do. They simply deposit the money with the agency of the chartered bank in the neighborhood to the credit of the Assistant Receiver-General. That bank has to remit the money at its own expense to Halifax or St. John. By and by the party, probably a trader, who deposited the money in a Government savings bank, wants a draft on Halifax or St. John to pay a bill. He goes to the agent of the savings bank and gets a cheque on the Assistant Receiver-General at Halifax or St. John free of expense. Or he may want a draft on Yarmouth or Pictou, or Truro or Moncton, or Fredericton or Campbellton, or any other town in the province where there is an agency of a chartered bank. He does not go to the chartered bank in his neighborhood for his draft, for he would have to pay them a small commission for it, and that is out of the question. A parental

Government has rendered that unnecessary. He gets from the Government savings bank agent a cheque as before on the Assistant-Receiver-General, which the chartered banks have to pay at par at any of their agencies. In fact he is furnished with a travelling credit on any bank in the province, for which he pays nothing.

"The situation may be summed up thus:—The Government first steals the deposits from the banks. Then they compel the banks to transmit those deposits for them to Halifax at their own expense. Then the banks must keep funds at every one of their agencies—not for their own use, but for the Government to draw on."

Is it any wonder that banking does not pay and is not successful in the Lower Provinces, or that we have a crowd of miserably attenuated banking institutions living a hand-to-mouth existence on the verge of starvation? It is safe to say that there is no other civilized country in the world whose government has taken such pains as ours has to strangle its banks and paralyze its industries.

That is a statement, by a man who knows what he is talking about, of the effect on the banks of the lower provinces. We have had evidence during the present session that that view is the correct one, because we have within the past few weeks passed through this House not less than three Bills for reducing the capital of banks in the lower provinces. If the banks were very prosperous I do not think it would be necessary to do that. This system which I have endeavored to set before the House is an unusual system. I do not think there is a similar system to be found in any other country in the world. It involves a considerable annual loss to the taxpayers of the country; it injures the business of the Maritime Provinces, by drawing away funds which ought to be employed in business, and it seriously cripples the chartered banks of the country who deserve to have fair play. I have further information on the subject; but I have probably detained the House long enough, and I shall not do any more than briefly advert to the possible remedies. I do not pretend to know much about finance or banking, but I know that remedies have been suggested by some of the persons from whom I have quoted and from whom the information comes; but I do not know that I should go as far as some of them do. In the first place there is this change that might be made. I think that the Postal Savings Banks, which cost nothing for manage-



ment, and which are the usual savings banks in the Upper Provinces, might be largely substituted in the Lower Provinces for the existing government savings banks. In that way the country would be saved the cost of keeping up agencies in the numerous towns in the Lower Provinces ; and under the rules of the Postal Savings Banks no depositor is allowed to have more than \$1,000 on deposit, and he is not allowed to deposit in any one year more than \$300. I think that if the postal system was made to take the place of the other system to a large extent, that would be a beneficial measure. It would save the country the cost of management, and would not interfere so much with the legitimate business of the Maritime Provinces. Then as to the savings banks generally, as it is a very desirable thing to encourage poor people to save their earnings, the Government might allow a rate of 4 per cent. on sums up to \$1,000 ; but no depositor should be allowed to have in a government savings bank, either directly or indirectly, more than \$1,000. When a man has more than that amount of money put by he ought, I think, to invest the surplus as people do in the Upper Provinces in other banks or in other securities. I do not think the public at large should be taxed to pay him a higher rate than the money is worth. That change might be made as to the future—that Government savings banks should not take from any one depositor directly or indirectly more than \$1,000, and I do not think they should take more than \$300 from any depositor in one year. As to existing deposits it would be fair and reasonable to allow after a given time—after giving the depositors fair notice—4 per cent. on deposits up to \$1,000, and only 3 per cent. on any sum beyond that amount. The effect of those changes would be to considerably reduce the cost to the country of those institutions, and to do away to a considerable extent with the injury which the present system is doing to general business, and particularly to the chartered banks in the Maritime Provinces.

HON. MR. READ—I was very sorry to hear my hon. friend from Halifax give such a gloomy account of the banking business in the Lower Provinces. I am sorry to hear that there is either lack of

opportunity or lack of enterprise for the people of Nova Scotia to employ their money in the manner that people in other parts of the country are employing it. I simply wish to refer to one statement that he has made, and that is, that the money in the savings banks is costing the country more than we are paying to foreign lenders. I will not speak from my own calculations, I will speak from the calculations made by the Department. For the last ten years we have borrowed a large amount of money and it is fair to calculate what that amount of money is costing the country at the present time for interest-

HON. MR. POWER—No, no !

HON. MR. READ—I will admit that to-day money is cheaper than it has ever been in the history of this country. I have been borrowing money for 50 years, and I say that to-day I can borrow it cheaper than I could at any time, so far as my recollection is concerned, during that period.

HON. MR. SMITH—That is so.

HON. MR. READ—Thanks to the National Policy we are increasing in wealth and have the money to lend, and while we have more money, we can lend it at a lower rate of interest and still have a good income. From calculations made of the interest we have paid on the money we have borrowed for the last ten years, it has cost as nearly as possible four and a half per cent.

HON. MR. POWER—That is not a fair way to do.

HON. MR. READ—Many of the statements that the hon. gentleman has read to-day are not fair ; but I am stating what the money is costing the Government now. On the money that is loaned to the Post Office Savings Bank, the interest and expenses amount to four and four-tenths per cent. In the Finance Department the average is 4.22 per cent. Putting them both together it is costing the country an average of 4.16 per cent ; while the money that we have borrowed from foreign lenders is costing fifteen one hundredths more, so that we are paying

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less to Canadians for the money that we have borrowed at home, than we are paying on foreign loans, including cost of management. It seems to me we ought to give our own people the same opportunity of lending to the Government, as we give to foreigners.

HON. MR. BOTSFORD—There are a great many widows and orphans in Canada who are depositors in the Government savings banks.

HON. MR. READ—Yes, a great many who do not know how to invest their money any other way or what to do with it. I urged upon the Government years ago the importance of establishing in this country some system by which investors and trustees could invest their savings in Government securities. It is only lately that the people could get hold of Dominion debentures. I am happy to say that the Government in their wisdom have arranged so that trustees or other investors can purchase Government debentures. It is only a day or two ago that I saw a gentleman in this House, whose name I do not care to mention, have a number of cheques for interest on his investments in Government debenture stock. I was proud to see it. I wish I had some of it myself. While money borrowed in this way by the Government is costing the country less than foreign loans surely it is no cause of complaint. I think the hon. gentleman from Halifax might have found some other matter which he could complain of more than this. When we see that in October last in the Post Office Savings Bank alone there was \$15,509,000 of deposits, and in those savings banks they do not take more than \$1,000 of any one man's money and the deposits average from \$50 up to \$100 or \$200, it will be admitted that it is a benefit to the working classes. There is no doubt that if the people had not the opportunity right at their doors to deposit their money they would spend it in extravagance, and in their old age they would have no savings to fall back upon. It has been stated that we are paying a higher rate of interest in those banks than is paid in other countries. The States of New York, Massachusetts and Maine are paying five per cent. on similar deposits. In

England the Government pay on such deposits a much higher rate of interest than the ordinary banks do, and while we do not pay any more, it is certainly satisfactory that the Government are borrowing from our own people at a lower rate of interest than they are obliged to give to others. I merely wish to say that for a number of years past we have been paying 15/100ths less per cent. for the money we have borrowed from our own people than we are to the foreign lenders.

HON. MR. WARK—I read the article that the hon. gentleman from Halifax has quoted from the Montreal *Herald*, and all the others he has quoted belong to the same family. They are all written in the interests of the bankers, every one of them—not one in favor of that large class of our working people who have been encouraged since I have been in the country to save their earnings by giving them facilities to deposit them in Government banks. We had a savings bank in the city of St. John which was managed by private gentlemen who had no profit in it whatever, and they managed it for a number of years. They gave 5 per cent. to depositors, and the province paid them 6 per cent. for the money. The balance lay, with the exception of what was necessary to pay one officer to manage its affairs, until they had sufficient accumulated to build a very handsome free-stone building. Recently a change was made. The hon. gentleman speaks of agents being appointed to manage these Maritime Province banks. The agents were what we formerly called the deputy treasurers. We did not call the head of our financial department the Collector of Customs, because there was a collector under the Imperial Act called the Collector of the Customs, and we therefore called the head of our department the Provincial Treasurer, and his deputies were deputy treasurers; but they were the persons who were authorized to receive deposits from the working classes throughout the country. Now it is a mistake so say that the Government are not stringent with regard to those deposits. I think they are, with respect to depositors, rather too stringent. For instance, if a man is at work all winter and draws his wages on the first of May and deposits it

on the second or third, and if he has to draw it out towards the latter end of October, he gets no interest for the month of May or for the month of October. He draws only four months' interest. I think that is too stringent, because if a man deposits in one of the chartered banks he gets a deposit receipt and his deposit draws interest from the day it is placed in the bank until he withdraws it. The Finance Minister of the late Government gave greater favors to depositors. He introduced certificates of stock, and if a man had an amount of \$50 deposited as his savings and did not require it immediately, he got a certificate of stock at 5 per cent. Now the object of these articles which the hon. gentleman has quoted from is to force people to withdraw their funds from the Government savings bank and deposit them at 3 per cent., and perhaps not more than 2 per cent., in the banking institutions—these large and wealthy corporations. They complain now that they have too much capital. They are paying it back. The hon. gentleman has referred to three banks which have had their capital reduced, and the stockholders have had to take their money back and invest it as best they can. If they turn round and ask to deposit it in those banks again they would not perhaps get 3 per cent. for their money. But there is another question: on the money borrowed by the Government in this way the interest is payable half-yearly to people who turn round and expend it in the country. The money that is borrowed in a foreign country, or in England, if the Government have not money to pay the interest deposited in one of the banks there, they have to withdraw it at least a month before it is due in England, and buy exchange at whatever rate they may have to pay for it. These things are all against the borrowing of money abroad. For my part, so far from finding fault with the Government for receiving money in the savings' bank, I think if they were to establish a system of annuities where the annuities would be paid in the country and spent in the country they would be doing good service to the people. I brought this question to the notice of the late administration on one occasion, and I am still in favor of it. If the Government continue to borrow money from our own

people I would like to see the system of annuities introduced, by which men could purchase annuities for themselves or members of their families, and when those annuities expired so much of the public debt would be paid. I altogether disagree with my hon. friend from Halifax in his pleadings in the interests of the banks, as being opposed to the best interests of the working classes of this country.

HON. MR. ALEXANDER—I do not know how this question may be regarded in the cities of Halifax and St. John, but I am quite sure that I am expressing very correctly the feeling that prevails through the Province of Ontario when I say that I quite agree with the views expressed by the hon. gentleman from Belleville, and most respectfully differ from the views expressed by the hon. gentleman from Halifax. I am of the number who have always maintained that when we require to borrow money, the more we can borrow from our own people in the Dominion the better for the country. The interest does not then go out of the country. Now with regard to the rate of interest we can scarcely blame the Government for giving the rate of four per cent. in the savings banks. I do not think that money obtained at four per cent. from the depositors in the Dominion costs us any more than money borrowed in England when we take into account what we have to pay our financial agents for their commissions. We have to pay commissions on the sale of our debentures and we have also to pay them upon the payment of interest, which must be remitted through the financial agents. We have to pay an annual charge upon the payment of interest which must be transmitted through the financial agents. I am quite sure that I express the opinion of the people of Ontario when I say that the Government are not deserving of censure on this particular point. There is this to be said however, that the Government is so reckless and extravagant that the more money they get the more extravagant they become. If they got less money it would prevent them being so reckless and extravagant as they have been.

HON. MR. McCLELAN—As far as I

have been able to discover the rate of interest which the Government have to pay for money borrowed abroad, as stated by the Finance Minister lately—and the statement I believe has not been controverted in any way—within a period of 10 years back has averaged four and a third per cent.

HON. MR. READ—Four and a half.

HON. MR. McCLELAN—I make the statement on the authority of the Finance Minister. His statement is as follows:—

Taking the several loans, from 1874 to 1885, I find we have borrowed \$124,796,598. Upon that sum there was a discount, to which I referred in the early part of my observations to the House, of \$5,965,040. So while we have borrowed \$124,000,000 odd, and we owe for that and are paying interest upon it, and some time we shall have to pay the capital, we did not receive that much money, nearly \$6,000,000 less, so that the annual interest on the gross amount of those loans is \$4,991,863. Then take one-half of 1 per cent. added as commission for paying interest, and it makes the total amount per annum to interest, \$5,016,823, and an actuarial calculation shows that including charges the rate which the Government pays on these loans is nearly  $4\frac{1}{2}$  per cent. Now, the returns of the working of the post office savings banks show that the cost, including interest and expenses, is  $4\frac{1}{10}$  per cent.

HON. MR. READ—In the first edition of the official report of the debate of the House of Commons, it is four and a-half per cent.

HON. MR. McCLELAN—By the same calculation, if we are to place dependence on the published speech, the interest paid by the Savings Banks is four and one-tenth per cent.—that is to say, the money which is used by the Government of the country, taken from deposits in the Savings Banks, costs that rate, which is less than the Government had to pay on foreign capital, and although I have listened with a great deal of interest to the remarks which have fallen from my hon. friend from Halifax, yet I am disposed to agree with the hon. gentleman who followed him in this matter that he has been unable to convince me that it is expedient for the Government of this or any other country to pay more interest for money obtained abroad than they pay to their own subjects.

The object of the Savings Banks, I take it, is a very good one: it is to place facilities within the reach of the poorer classes for depositing their savings, by which they will be encouraged and induced to lay by from time to time a portion of their earnings to provide against a day of misfortune or "a rainy day," as it is called. If the Government can encourage that sort of investment it is an exceedingly good thing to do. It strikes me that if greater encouragement could be given in some way for the depositing of these earnings, particularly of the wage earners, that it would be of great advantage to the country: it would indicate a degree of thrift far greater, perhaps, that we possess now. He says it is true there is no way of distinguishing the proportion between the deposits of those for whom the banks were originally intended and the wealthy class. I am convinced that a very large proportion of the deposits lying in the savings banks in the Lower Provinces have been placed there by the wealthy classes, but looking to the rate of interest which the country has to pay for loans of large sums I see no particular objection to that whatever. The reason of it is quite apparent: I think that has been indicated very properly by my hon. friend, that there is such a perfect lack of confidence in the country at the present time, owing to the unfortunate operation of the National Policy in the Provinces down by the sea, that there is no sort of investment in which prudent safe-going people can place their money, and hence they take four per cent in the saving banks. It is not quite four per cent, as the hon. member from Fredericton has explained, because the month in which the deposit is made and the month in which it is taken out, are not reckoned in the interest, and of course in some other respects many people in the country districts are subjected to expenses in making their deposits. It is not always practicable to furnish the facilities of savings' banks in all parts of the country. It is not surprising, therefore, that so much money should be found to be deposited in these institutions. Those who have been foolish enough to be led away by the boom which was promoted by the papers, particularly those supporting the Government, showing the large gains which would come from taking stock in

sugar refineries, cotton factories and different other industries which have been promoted and worked up, have in many cases unfortunately lost their money—at least up to this time they have not been able to receive any gain equal at all to their anticipation, and therefore that shows a sufficient investment of capital has taken place in that direction. Any more would only increase the competition and reduce the returns. Hence it is quite natural that careful-going, prudent people would seek other investments. We all know that real estate, shipping, and almost every description of property in the Lower Provinces have suffered a very great and fearful depression. The consequence is that the people are uncertain as to the end of it. They are looking for a change—hoping for some improvement—but the improvement does not come, and therefore it is a natural result that they should lack confidence in all the ordinary investments of the country and rush to these institutions, which are supposed to be perfectly safe, having the Government at their back, and place their surplus earnings there. With reference to the remarks which fell from my hon. friend regarding the impropriety of the Government of the country establishing savings banks as rival institutions to the chartered banks—

HON. MR. POWER—I quoted that.

HON. MR. McCLELAN—The observation was that wherever a chartered bank was in existence the Government were pretty sure to establish next to it a savings bank. That was not fairly put, because I think the saving banks had the ground first, and therefore the establishment of a chartered bank was subsequent and the Government certainly should not be blamed for starting a Savings Bank under the circumstances. Another point to which the hon. gentleman from Halifax alluded, is a comparison between the advantages possessed by investors in Canada and in other countries, and the statement was made that in the United States money was cheaper, I hardly see how he could establish by that statement that the 4 per cent. given in Canada is too great, because—and I do not know but it has already been alluded to by my hon. friend from Belleville—so far as

some of the States are concerned, the rate paid on Savings Banks' deposits there is greater than in Canada. I think that in New York, Massachusetts and other States, the rate paid on deposits in the Savings Banks is 5 per cent., and hence I do not see how the statement that he made about money being cheaper in the United States can be any argument in the case. The same observation might apply to other countries. I think that in England and several other countries the Government Savings Banks pay a higher rate of interest than is usually given by other monetary institutions.

HON. MR. POWER—They are strictly Savings Banks ; I do not object to that.

HON. MR. McCLELAN—My hon. friend from Halifax makes a suggestion with reference to a proposed change limiting the amount to \$1,000 and the deposit at any one time to not more than \$300. I have already replied to that observation, if the money is cheaper, if it cost the country less than we have to pay for loans obtained abroad, as the country needs money and can hardly get from their own people these deposits at a lower rate, I do not see any possible advantage in reducing the rate or limiting the amount of deposits. The only point that I see in the argument made by my hon. friend, who has certainly taken a great deal of pains in dealing with this subject, and perhaps we are indebted to him for bringing it up—is the effect of the Government Savings Banks on chartered institutions, and whether they are, under the circumstances, as profitable to the shareholders as they would be if the savings institutions did not exist; but if it did I do not see that that is a matter about which we need very much concern ourselves. It strikes me that the chartered banks and those connected with them are not in such a state of destitution as my hon. friend represents, and they are, as a rule, abundantly able to take care of themselves. As far as the Government are concerned, it is their duty to look after the people generally who require to make these deposits.

HON. MR. HAYTHORNE—The subject to which the attention of the House is called by the hon. member from Hali-

fax is really a very important one, and has given rise to a very interesting discussion. Having read the article in the Montreal paper to which the hon. gentleman alluded, I am very much impressed by the important fact that such large deposits should be made in the savings banks of the Maritime Provinces, and that those amounts should be withdrawn from the commerce of the country and placed in the Dominion Treasury. All thoughtful persons must come to the conclusion that there is something amiss in those provinces if the earnings of the people do not find a ready investment there. In the ship-building and lumbering provinces the solution, or partial solution, of the difficulty readily occurs, because it is pretty well known in those provinces that in former times persons of all classes were in the habit of investing their savings in shipping—domestic servants and wage-earners of all classes were in the habit of investing their savings in ships on the stocks. If I am in error in this statement the hon. gentleman from Hopewell is able to correct me. Now it is well known that large portions of the capital which some few years ago were invested in these enterprises have been lost, or remain idle or have found their way to the savings banks. I do not propose to discuss this question at any length as regard the other Maritime Provinces, but in my own Province the deposits are very large in proportion to the population and my impression is that this is partly owing to the fact that one of the island banks has broken down completely, another was for several years in existence without paying dividends, and the third formed a union with the Bank of Nova Scotia. These circumstances, of course, caused great losses in the Province and tended to destroy confidence in the banks. It was not infrequent, a few years ago, if any of the shares of the three Charlottetown banks was offered for sale by auction, to see about as keen competition for those shares as hon. gentlemen have seen in larger cities for much better known stocks. I have myself seen them run up to 35 per cent. premium and it is a fact that the stock of the Bank of Charlottetown, which has recently been wound up, has been sold at auction in that city at 75 per cent. premium, but in consequence of

the public losing confidence in those banks, wage earners and others who had money to invest had to seek some other means, and the Savings Banks afforded them that opportunity; it has happened also that persons of larger means than those for whose special benefit the Savings Banks were instituted have taken advantage of the Savings Banks and deposited considerable amounts in them. That I have reason to know myself, but the wage earners have also done so. I have in the course of my experience quite a number of times opened accounts in the Savings Banks for servants in my own employ who were earning more wages than they could spend. I have always endeavored to induce such persons to deposit their savings and I know personally that a considerable proportion of the deposits in the Savings Banks in Prince Edward Island belong to people of that class. It is a fact well known to everybody who has attended Parliament this session, that several Savings Banks have sought to have their capital reduced—three the hon. gentleman from Halifax mentioned. Now, it is rather a singular fact that three of the banks in the Maritime Province, should have applied to have their capital reduced. I do not think we heard anything of that kind at the time the ship building business was brisk. That fact, taken in connection with the large amount in the Savings Banks, seems to me to afford a clue to this important fact which has been brought to the notice of the House.

HON. MR. BOTSFORD—The price of lumber, as well as ship-building, has declined.

HON. MR. HAYTHORNE—The depression in ship-building and the lumber trade has rendered it impossible for the banks to find employment for all the capital they used to employ in those branches of business. Just in the same way the want of confidence in the chartered banks in Prince Edward Island has induced the people in that province to deposit in the savings banks money which would otherwise have been deposited in the banks or otherwise invested. And that is a point which I think is really well worthy of consideration. If this subject had been brought forward in the early

part of the session it would have been a wise thing to have submitted the whole question of the savings' banks in the Maritime Provinces to the consideration of a committee of gentlemen of this House well versed in those questions, of which there are many here ; but I think it would not be wise for the Government to suddenly make a material difference in the rate paid to depositors, because it would not be easy for parties holding say \$2,000 or \$3,000 in the Government Savings' Banks to find another suitable investment. Those who place such sums there are careful persons, who are making provision, perhaps, for old age, or providing for others, or depositing the money temporarily for some purpose, and cutting down the rate should be done carefully, and only after full investigation and consideration of the whole question.

HON. MR. PLUMB—I regret that I must take up the attention of the House for a few minutes when there is so much other business pressing, but I can scarcely allow the inquiry of the hon. gentleman to pass without a remark. The hon. gentleman has given us a very extraordinary disquisition on the question of savings bank deposits. I do not question the hon. gentleman's intelligence on all subjects he brings before us, but during the whole time I have been privileged to sit in this House I have frequently heard the hon. gentleman, and never heard him approach any subject with so entirely unbiased a mind as he has in regard to this, for he evidently does not know much about it. He tells us that great injury is being done to the commercial interests of the country by the high rate of interest paid on deposits in the savings banks which the Government have established through the country. That interest is nominally 4 per cent. It is really, considering the terms upon which the deposits are received, 3·85 per cent. It is obvious to every reflecting mind that it is most desirable to afford the community a perfectly safe means of depositing their savings—a perfectly safe means of placing, for the time being, the money which they may not want to use immediately—a perfectly safe means for those who are not acquainted with the investments of the country, who are ignorant and liable, if they cannot invest their

money in any better way, to fall into the hands of designing men who are always on the watch for people of that kind. I say it is the duty of the Government, so far as they can, to protect such savings from speculators or unprincipled persons, or, more than that, to afford to those who have not the ability to manage the moneys entrusted to them, though they may be perfectly honest, a secure place in which to deposit them. There are many risks run by investors. The hon. gentleman argues that wherever there is a bank established, the Government very improperly places a savings bank alongside of it.

HON. MR. POWER—If the hon. gentleman will allow me to explain, I gave a rather long quotation from a correspondent and that passage occurred in the quotation.

HON. MR. PLUMB—When the hon. gentleman brings a quotation of that kind in support of his argument he is responsible for it. It is part of his argument. His argument is made up altogether from newspaper scraps, all tending in one direction of endeavoring to compel the depositors to take there money out of the hands of the Government and place it in the chartered banks. The hon. gentleman is inconsistent in another way : he argues one instant that the banks are depleted by this system, that they are not able to carry on their business in consequence of it and they are losing there profit, and he tells us the next moment that they are reducing their capital because they cannot lend their money. There is no use for their money we are told : then what would they do if they had to pay interest on the large sum deposited in the savings bank ? They would not be any better able to lend it. I wish the hon. gentleman to understand that there ought to be no complaint on the part of the banks. The banks are very largely favoured with deposits. The banks have got \$49,000,000 on deposit without interest, and they have about \$57,000,000 on deposit with interest. I do not pretend to state the exact figures however.

HON. MR. POWER—Not in the Lower Provinces.

HON. MR. PLUMB—The hon. gentleman must take the system together. I do not intend to separate it.

HON. MR. POWER—I did.

HON. MR. PLUMB—Would the hon. gentleman be kind enough not to interrupt me. I do not know any man in this House who complains of interruptions so petulantly as the hon. gentleman.

HON. MR. POWER—Hear, hear.

HON. MR. PLUMB—The bank deposits altogether are \$107,876,000 upon a paid-up capital of about \$49,000,000. That is a very respectable proportion, and it is well known that the banks are not able to use the money in Canada for commercial business; they are lending it in New York at low rates, sometimes as low as two per cent. a year. The interest paid by the Government to depositors is four per cent., as the hon. gentleman states. The Government Savings Banks do not interfere specially with the banking business of the country, although I hear bankers constantly complaining; but until the bankers can show that they have not capital and deposits and circulating notes enough to supply their customers at a fair rate of interest then there is no occasion for the hon. gentleman from Halifax to make such an argument as he has made in the House to-day, and no grievance has been shown or pretended to be shown. The banks in Canada have constantly large sums of money lying at their credit, in New York where they can lend their money on call, and it is lent at very low rates of interest. We must understand that if any system of this kind is to be at all workable—if it is to do what it is intended to do by the Government—to give the people an opportunity of lending the Government small sums—for that is practically what it amounts to, a permanent rate of interest must be fixed. It would be exceedingly inconvenient if because 3 per cent. only should be paid for a while by the banks that interest on those deposits should also be reduced to 3 per cent. The Bank of England itself last year during the Russian alarm raised the rate of interest higher than 4 per cent. I have frequently known the rate of inter-

est of the Bank of England to be 8 per cent. for short periods of money stringency. I have known it to be at 7 per cent. for some time and to range between 2 and 10 per cent. within my banking experience. The Savings Banks system of this country could not follow any such fluctuations. The object is to provide a safe repository for the savings of wage earners and others who are ignorant of other means of keeping their money except by hoarding and the hon. gentleman is entirely mistaken when he states that the head of a family may deposit up to the limit in his own name, and as much more in other names and in that way a large sum beyond the limit may be deposited by one individual. It cannot be done. There is a restriction which I can show the hon. gentleman in regard to that matter.

HON. MR. POWER—Whether there is or not, they do it.

HON. MR. PLUMB—It cannot be done.

HON. MR. POWER—It can be done and is done.

HON. MR. PLUMB—What possible objection can there be to the Government borrowing money from the people of Canada at four per cent. when we pay four per cent. to capitalists of other countries? Where is the harm? What reason is there why we should not borrow money at home and pay the interest at home to those who are willing to lend us at four per cent.? I am in favor of doing so, and I am glad to have the opportunity to bring out in the course of this discussion evidence of the thrift of the people, and especially of those of the province in which the hon. gentleman from DeSalaberry, who sits near me, now resides. Of the 38,000 depositors in the savings banks of the Dominion in 1883, more than one-third were residents of the Province of Quebec. Yet the hon. gentleman wants to force out of the hands of the Government the savings of our careful, thrifty working people and have them deposited in the chartered banks of the country; and for what purpose? For the avowed purpose of enhancing the profits of the shareholders of those banks, if the hon. gentleman's argu-



ment is of any force. I am surprised that the hon. gentleman should have made an argument of that kind—an entirely selfish argument. The whole discussion is a perfectly gratuitous one. Taking the returns made in 1883 as a basis, it may be assumed that there are over 50,000 depositors in the Government Savings Banks. This vast amount of money which my hon. friend complains is taken away from the chartered banks amounts to exactly \$338 to each depositor, taking the calculation made in 1883 and taking the same proportion as applied to the \$19,000,000 which is now deposited in the savings banks of the country. No greater disaster could befall this country than to drive those depositors into the chartered banks; I say it advisedly, and I say also that I am glad it has been the general policy of this Government not to favor the establishment of private savings' banks. No greater disaster could befall the country than the failure of a savings' bank in which the poorer classes have deposited their money. It would be deeply injurious to public confidence, and would create in the minds of those poor people the feeling that their money had been squandered, and that they had no redress or remedy. I have seen the effect of a panic in a run upon a perfectly solvent savings' bank, when the bank was kept open until twelve o'clock at night to satisfy depositors, that there was no danger and that they were ready to pay. The crowd was immense even at that hour, the excitement was incontrollable, deposits were drawn out by frightened depositors. In many cases the people who drew out their money were robbed before they reached home with it. I understand from the hon. gentleman that the rate of interest is even lower than I have stated at which the banks have been compelled to lend their money during the present plethora. He has told us that they loaned it at one per cent.

HON. MR. POWER—No.

HON. MR. PLUMB—I have taken it down.

HON. MR. POWER—I cannot help that.

HON. MR. PLUMB.

HON. MR. PLUMB—The hon. gentleman is keeping up a running commentary during my remarks, and I am compelled to request him to desist.

HON. MR. POWER—The hon. gentleman puts words in my mouth which I did not use, and when I say I did not use them, he talks of my keeping up a running commentary on his speech.

HON. MR. PLUMB—The hon. gentleman is a little touchy, and there is good reason for his being so to-day. I think the banks whom the hon. gentleman seems to have taken under his protection will not thank him when they read the report of his remarks for the manner in which he has spoken of the decline of their business and of the depression in the value of their shares. I think it is one of those cases where they can truly say "save us from our friend."

HON. MR. POWER—The same as the Government in this House.

HON. MR. PLUMB—The hon. gentleman told us that he intended to conduct his discussion without reference to party.

HON. MR. POWER—Certainly.

HON. MR. PLUMB—We know how he has carried that out. Now I will show to the hon. gentleman who are the depositors in those savings' banks. In 1883 a classification was made, and from that return it will be seen that they are not the bloated class of capitalists which the hon. gentleman would lead us to believe. They are:—

Farmers—14,000.  
 Mechanics—7,850.  
 Trust accounts for young children—5,500.  
 Laborers, including sailors—4,270.  
 Clerks—3,000.  
 Tradesmen—1,600.  
 Farm and other male servants—1,470.  
 Professional persons—1,572.  
 Miscellaneous—1,680.  
 Married women—12,000.  
 Single women—10,500.  
 Widows—3,240.

Those are the persons who would be

affected by the hon. gentleman's suggestion that the Government should reduce interest on savings' banks deposits for the benefit of the chartered banks of this country for whom he complains, because the Government have taken from them the privilege of circulating bills under \$5, and by that means are injuring their business and reducing their profits. If I remember correctly, when that privilege was taken from them, under the Finance Ministership of Sir Francis Hincks, they were at the same time relieved from taxation. The hon. gentleman says the cost of managing savings' banks in England is one-fourth of one per cent a year on the aggregate deposits. We will not dispute that proportion. I will show the hon. gentleman that the cost of managing the system in Canada is one-fourth of 1 per cent. The hon. gentleman said that the cost was one per cent. and forty hundredths, nearly one and a half per cent., which shows the familiar acquaintance and intimacy which the hon. gentleman had with the figures—he did not even know their value. The average rate of interest is 3.85 per cent., and the reason the interest is brought under 4 per cent., which is the regular rate, is that the deposits draw interest from specified periods, and when drawn out interest is lost for a short time, so that the average rate is 3.85 per cent., and the expense of management is one-quarter per cent. The deposit amounts to about \$19,000,000, the total expense of management would be therefore about \$47,000. That is the enormous burden under which the country is groaning, as the hon. gentleman has very pathetically told us. I believe that if the hon. gentleman looks into the Public Accounts, and sees the amount paid Government Agents in England for the management of the public debt he will find that the sum I speak of compares very favorably, on the score of economy, with the amount paid to our financial agents in London. The transactions, though small, are numerous, and it costs as much time to make an entry of a small amount as a large one, and if it were twice as much as it is I should lift up my voice always, as long as I have any public position in the country, against any such proposition as the hon. gentleman has urged. The hon. gentleman of course endeavored

to show that the cost of management in this country was far greater than it was in England, and in more than one way. I have a comparison in my hand of the clerical force which is employed in conducting the savings bank system in this country, and in England. The clerical force in the Canadian department is in proportion one to every 3,200 depositors, and I wish the House to understand, as I have just now stated, that it costs as much to make an entry of £5 as to make an entry of £500; therefore it is fair to take the number of savings bank depositors and the number of transactions in paying in and drawing out their money. There is one clerk to every 7,900 transactions in a year. It is believed that in the British Savings Bank Department the force is in the proportion of one clerk to every 3,100 accounts; whereas in Canada it is one clerk to every 3,200 accounts; therefore the difference is in favor of the management of the Canadian Savings Banks. I quite agree with the hon. gentlemen who have spoken before me, my hon. friend from New Brunswick and the hon. gentleman from Belleville especially, that it is desirable that we should in every way endeavor to avail ourselves of the capital that may be at our disposal in this country. I do not think however that it is desirable to divert that capital from the commercial transactions of the country by paying too high a rate for it. Nor is it particularly desirable to those who are making small deposits to be paid a high rate of interest. The first thing to be considered is that their money shall be secure beyond peradventure. We have known even the largest and best managed banks standing in the highest credit, within the last few years—even within a very short time, suddenly becoming bankrupt. Supposing they had a portion of this \$19,000,000 that the hon. gentleman wants to force the people to deposit in the chartered banks, what would have been the consequence? What would have been the result to the small depositor of \$100 to \$500 if he found his deposit was delayed month after month until he might be forced to make heavy sacrifices in order to raise money? He forgets that the Government in providing a fair rate of interest for depositors is doing the working classes the greatest possible financial service that can be done for them,

encouraging them in thrift and industry, and teaching them to save their earnings and place them where they earn as high a rate of interest as the country can afford to pay. That is the policy I have always advocated, and I shall never consent to any change which will reduce the rate of interest in such a way as to induce depositors to take their money out of the hands of the Government and place it in the banks. I have no antipathy to the banks; on the contrary I desire in every possible way to encourage the banking system; but there are large numbers of deposits which are not legitimate banking deposits. The banking deposits should not be deposits on interest except in special cases. They should be principally deposits connected with and growing out of commercial men leave thousands of dollars day after day on deposit without interest in the ordinary transaction of business. The trading class of people do not deposit in the Savings Bank. They use their money day by day in their business, and the Savings Bank system does not reach them at all; and why the hon. gentleman from Halifax desires to put the class to whom the Government depositories are a convenience and a safe means of keeping their money to the inconvenience and hazard of finding some other place for it, where he intends that they shall have less safety and get a lower rate of interest, I cannot understand. He says the banks cannot afford to pay 4 per cent. The whole scope of the hon. gentleman's argument is to prevent the industrious working classes, who have accumulated a little money, from obtaining a fair rate of interest for it, and to induce them to withdraw their money from the hands of the Government and deposit it with the chartered banks at a smaller rate of interest. If the Government to-day should say they would not pay interest on deposits, or only 3 per cent. there would be a competition among the banks to seize upon this money. The whole course of the *Monetary Times* for the last year has been in the interests of the banks who desire to clutch this \$19,000,000, which is less than one-fifth of the vast amount they hold themselves. They have so much money already—they are glutted with money—that the rate of interest rules exceptionally low, and they cannot loan it

here but have to send it to New York and lend it at the rate of 1 or 2 per cent. in Wall street. That is a state of things the hon. gentleman has been unconsciously exhibiting. It shows, and I wish to do credit to the hon. gentleman's kindness of heart, that he has been entirely misled in the argument which he has adduced before the House. He has not understood at all the effect of the proposition which he has made here—I will do him the justice of saying so, because I do not think if the hon. gentleman understood the position he would have attempted to sustain the argument that the earnings of the people shall be withdrawn from the Government Savings Banks by reading extracts from newspapers in the banking interest. The hon. gentleman says that in his own Province, so far as the banks are concerned, there is a stagnation of business. We have been accustomed to hear the hon. gentleman, and another hon. gentleman who did not back him up to-day, but usually does, depicting the country as in a state of prostration. That is the hon. gentleman's stock in trade. We are perfectly willing that he should use that stock in trade. He has not, and his party has not very much benefitted by it up to the present time. I do not think the public put much confidence in those statements that are constantly dinned into their ears, that the industries of the country are languishing, that the banks cannot make reasonable profits for their shareholders and that the business of the country is prostrate and not likely to revive until the hon. gentleman and his friends have an opportunity of again showing their skill in the management of affairs. There are many points that could be touched upon in regard to the banking question. The subject is full of interest and importance; but it is a recondite subject; it is one with which those cannot very well deal who are not familiar with the operations to which the hon. gentleman has referred. It is a special study, one which he seems not to have made with care, and even with the most careful study there is large difference of opinion among those who deal in fiscal affairs as well as those who write upon fiscal questions. I can only say to the hon. gentleman that his enquiry can be answered in this way: Speaking without authority or instructions, I may say

that as a rule I should consider it would be best to let commercial events take care of themselves, and that the less any government meddles with those affairs the better for the community. That is my view. I may be mistaken, but I think commercial events will take care of themselves in spite of any interference of the Government or in spite of any but those who are interested in them. The public will put their money where they choose; they will make such use of their money as they choose—always within the limits of prudence, it is to be hoped. I am instructed to say to the hon. gentleman that in December, 1887, during the period of another Administration, the amount which could be received on deposit from a depositor was limited to \$10,000. The present Government in 1880 made a reduction and limited the amount to \$3,000. The Government have now under consideration the propriety of reducing the limit still further.

HON. MR. POWER—Hear, hear.

HON. MR. PLUMB—That is as much information as I can give to the hon. gentleman on that subject.

HON. MR. POWER—I wish to make a few remarks in reply to what has fallen from the hon. gentleman.

HON. MR. PLUMB—I beg to call the attention of the House to the fact that the hon. gentleman has already made his statement, and under the rule of the House he cannot reply except by way of explanation.

HON. MR. POWER—I think it is the first time I have known in this House a member who had brought a matter of this sort to the notice of the Senate being refused the courtesy of being allowed to make some remarks in reply.

HON. MR. PLUMB—I shall put it as a question of order.

THE SPEAKER—If the question of order is submitted I shall rule that the hon. gentleman having made his statement has not the right to speak again.

HON. MR. ALLAN—I would suggest that as the hon. gentleman from Niagara questioned something which the hon. gentleman from Halifax had stated, he should have an opportunity of explaining.

HON. MR. PLUMB—I have no objection to the hon. gentleman making an explanation if he has one to make.

HON. MR. POWER—I think the hon. gentleman leading the House will do well in some respects to follow the example of his predecessor, and he will probably find that it would conduce to his success as leader more than the course which he seems inclined to adopt.

HON. MR. PLUMB—I wish I could follow his example.

HON. MR. POWER—I think it but right, I should explain my position. A number of gentlemen seem to misapprehend that position. I did not advocate the abolition of the Savings Banks. I did not advocate the taking away from poor people the facilities which are now offered them to make investments; I simply spoke of the system which prevails in the Maritime Provinces. I called attention to the fact that there were over \$15,000,000 deposited in the Savings Banks of the Maritime Provinces; to the fact that the deposits in the chartered banks had fallen off to less than \$6,000,000, and to the fact that the increase in the Savings Banks and the falling off in the chartered banks were continuing. The proposal which I made was one, after all the hon. gentleman has said, and after the way he has denounced my supposed desires and wishes and argument, that the Government themselves according to the statement of their recognized representative in this House are thinking of adopting. The practical suggestion that I wound up with was that the limit of the amount to be deposited by any one depositor should be reduced from \$3,000 to \$1,000.

HON. MR. PLUMB—I must interrupt the hon. gentleman for one moment. He is not stating correctly the answer that I gave. I did not state that there was any intention on the part of the Government to fix the limit below \$3,000; or that they

were going to change that limit ; but that they had it under consideration.

HON. MR. POWER—When it is stated that the Government have the matter under consideration, it is to be presumed that they are thinking of making the change. If my proposition was so ridiculous, so absurd and so unpatriotic as the hon. gentleman stated it was, how is it that the Government have that very proposition under consideration? I wish to say simply this—that no perverted ingenuity could distort any argument of mine into an argument in favor of depriving the laborers and mechanics of the privilege of investing their money at a fair rate of interest. I called attention chiefly to the abuse of the savings banks system in the Lower Provinces where those banks are made use of as banks of deposit by wealthy people ; and I am glad to have heard from the hon. gentleman from Niagara that the Government have under consideration the propriety of reducing the amount that can be deposited in those savings banks. The hon. gentleman, with that courtesy which so distinguishes him, was kind enough to refer on two or three occasions to my entire ignorance of this subject. Inasmuch as the statements which he has attributed to me were quotations from one of the most experienced bank managers in the Maritime Provinces, it will be seen that the hon. gentleman's charge of ignorance on my part does not hurt me a great deal. He said that the bankers, whom he presumed I represent—which is not the case at all, I represent the people at large—might well say "save us from our friends." I say this, and I say it in the judgment of this House, that if the bankers, from my failure to advocate their claims properly, had any reason to be asked to be saved from their friends, the Government and the conservative party have every reason to ask to be saved from the advocacy of the hon. gentleman.

HON. MR. DEVER—After the debate I have listened to for the last half hour, perhaps it is unnecessary for me to say much ; still I do not think I can allow this opportunity to pass without saying a few words on the subject. I think political economy is a science which is not so

well understood as it should be amongst men who speak on financial questions. For my own part I must admit that I know very little about it ; but, I think, I do know some commercial laws that are of benefit in a discussion of a question of this kind. There is one point in this debate which I wish to point out and it is this ; I do not agree with those gentlemen who claim that it is a sign of prosperity when large amounts of money are found on deposit in the savings banks. I look on it in the contrary light. I consider that when moneys are placed in the savings banks to a large amount it is a sign of dull times, of depression of business and of a deficiency of commercial activity that holds out no inducement to invest in commercial pursuits. But whilst I hold this view I am not opposed to these savings banks. On the contrary I think they are beneficent institutions. I would be very glad to see the Government borrow more money from our own people—borrow money on the French plan, instead of sending abroad to borrow and then sending the interest for that money out of the country. I should prefer to see it kept at home. I believe this country is in such a condition that a very large amount of money might be had from our own people. It would enable us to dispense with large loans which we now obtain abroad, and retain the interest we have to send out of the country annually. I wish also to say in reply to the hon. gentleman from Belleville that whilst it is a pleasing matter for gentlemen of Ontario who appear to take pride in their prosperity under the National Policy, which I do not envy them in the slightest degree, I cannot as a representative from the Maritime Provinces agree with them. I think it is my duty to say that the contrary is, in my opinion, the fact in the Maritime Provinces. Whatever prosperity may arise out of the National Policy it certainly does not prevail in those Provinces to the extent that commercial men had a right to expect. Many branches of trade in the Maritime Provinces that were prosperous when they had free and unrestricted trade are to-day, owing to our restricted relations, by which we are compelled to purchase in markets which certainly do not suit us, are in a

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depressed condition. As I mentioned a moment ago I do not say this in a spirit of hostility by any means, but as a matter of fact, so that if there are rejoicings in one part of the country it should be remembered there is another portion which is suffering from a depression that operates extensively on the real estate in that part of Canada. I say, and say it advisedly, that real estate to-day is not worth one-third of the value it held ten or fifteen years ago. I am aware of cases where money was loaned some seven or eight years ago to the extent of \$12,000 on property which was considered good security then, but which subsequently was sold at public auction under a foreclosure of that mortgage for \$5,000, and was bought in by one of the parties interested.

HON. MR. MCKAY—What has that to do with the savings banks?

HON. MR. DEVER—If the hon. gentleman knew anything of political economy he would understand that it had something to do with the question; but if he has not brains to understand it I cannot give them to him. This is a serious subject: it is not well for gentlemen in Ontario, engaged in manufacturing enterprises, to jeer, and laugh, and sneer at those who do not share their prosperity; they must not fancy because they are prosperous that all the rest of the country is satisfied. I know other instances where property which was valued at \$30,000 a few years ago would not bring to-day \$7,000. I also know wharf property that was worth \$10,000 some time ago, which to-day would not bring \$5,000. I also know that trade is reduced exceedingly.

HON. MR. BOTSFORD—Is that in consequence of the deposits in the savings banks?

HON. MR. DEVER—I think it has a very striking connection with deposits in the savings banks. It shows that the money cannot be utilized in commerce, in real estate or general business, and hence people are compelled to deposit in savings banks the money which should be in circulation in the commerce of the country. I wish it to be understood that I have no ill-feeling towards the chartered banks. I

have many friends in them but I never saw that they were of much use or profit in the country. They do not grow fields of wheat or build ships: they advance their money for the largest profit they can get. In fact they are shaving shops, and on that account I have no particular sympathy with them, and I felt it my duty to make these statements to you to show that the feeling that prosperity prevails throughout the Dominion at the present time is not general. I am very sorry that a depression exists. There is no man in the Dominion who would go further than I am prepared to go to bring about prosperity, and I think it behooves a government, the financial portion of it at any rate, to see that the financial matters are evenly balanced, so that in this new country we shall have the prosperity and freedom of trade which should prevail.

#### SATURDAY'S SITTING.

HON. MR. PLUMB moved that when the House adjourns this day it do stand adjourned until the following day at three p.m. He said: There has been some conversation in the House in regard to sitting to-morrow. It was thought at one time that possibly the sitting could be dispensed with, but the state of the public business is such, so far as I understand, that it is absolutely necessary that the House should sit to-morrow.

The motion was agreed to.

#### A QUESTION OF PRIVILEGE.

HON. MR. ALEXANDER—Before the orders of the day are called I rise to a question of privilege. It is very distasteful to me and to a large number of members of this House to be obliged to refer to the reports of our debates which are published in the *Ottawa Citizen*, but the report in yesterday's *Citizen* is so unfair and one-sided as to affect the dignity of this House. The report gives some remarks made by the hon. Senator from Niagara and which make him charge me with preferring malicious charges and then afterwards pronouncing them to be slander, and the reporter of that paper contents himself by saying that I supposed it

refers to me and made no additional remark. He makes the Speaker of this House to say that the member for Woodstock has now the liberty to formulate his charges or to leave himself in an unenviable position. The House will remark the expression "unenviable." Was ever a member of this House used as I am when I try to discharge a very simple duty? I simply rose on a former occasion to put a respectful question to the member from Niagara asking him if he would authorize us to deny certain rumours, and when I did so I was stopped, as usual, by the hon. gentleman from Sackville (Mr. Botsford). If the hon. Senator from Niagara had simply replied "I do authorize you to deny these statements," the whole matter would have been at an end. What sort of treatment is it when a member of this House rises to discharge an important duty according to the rules of Parliament and is called a malicious slanderer while the proprietors of the newspaper have been inspired to omit his reply? I do not believe that the gentleman who represents the *Citizen* would ever have done this, if he had not been inspired from some improper quarter to thus mutilate the report, to as to make it appear that there was no truth in the rumor respecting the hon. gentleman from Niagara.

HON. MR. PLUMB—I call the hon. gentleman to order.

THE SPEAKER—The hon. gentleman is wandering from the question of privilege. No attack can be made on another member under the cover of a question of privilege. These remarks about the hon. member do not come within the scope of the hon. gentleman's privilege.

HON. MR. ALEXANDER—I do not make any attack on this question of privilege: I merely explain that I put a question and was called to order before a reply could be given.

THE SPEAKER—I may say with regard to the report in the *Citizen* newspaper that I did not see it this morning: it escaped my notice. For the first time I hear the expression of my own remarks on the occasion of the subject being brought before the House by the hon. member

from Niagara yesterday. I have nothing to complain of in regard to the report of my own observation on that occasion. I made that remark and used the word to which exception has been taken by the hon. gentleman, and used it advisedly, and I now see no reason to withdraw it. My reason for doing so was this, that I believe, in common with every member of the House, that on the occasion when the hon. member was called to order he was not making a friendly inquiry of the hon. gentleman from Niagara, but deliberately attacking his character—not, it is true, in a manly and open way, but by inuendo and insinuation, which is sometimes more offensive and painful to an honorable mind. It was because I considered that having been challenged to formulate his charges, if he did not do so he would occupy an unenviable position.

## FISHING BY FOREIGN VESSELS BILL.

### THIRD READING.

The Order of the Day having been called for the third reading of Bill (136) "An Act further to amend the Act respecting fishing by foreign vessels," as amended,

HON. MR. ALLAN said:—Before the Bill is read the third time, I desire to refer it back to Committee of the Whole for the purpose of striking out the last clause in the schedule of the Act. The point involved is the one to which my attention was called by the hon. member from Halifax yesterday, that inasmuch as Prince Edward Island did not come into the Confederation until after the Dominion Statute respecting fishing by foreign vessels had been passed, that it might happen in that way, if this Act was not shown to apply to Prince Edward Island, that it might be outside of the legislation on the subject. I consulted the hon. Minister of Fisheries and the Minister of Justice in reference to it, since the House met last night, and they said that, as a matter of course, this Act would be included in the Consolidated Statutes this year, but that in order to preserve the continuity and to prevent the possibility of danger, until the Consolidated

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Statutes had received the Royal assent and this became a part and parcel of the Consolidated Statutes and applicable to the whole Dominion, Prince Edward Island amongst the rest, it might be as well to strike out the clause which does away with the Prince Edward Island statute.

The motion was agreed to.

In the Committee,

HON. MR. ALLAN moved that the last clause in the schedule be struck out.

HON. MR. HAYTHORNE—If I understood the hon. gentleman aright it was to substitute the operation of the clause he is now moving, for any legislation of the Province of Prince Edward Island—am I right?

HON. MR. ALLAN—No. The objection was that inasmuch as Prince Edward Island came into the Confederation subsequent to the enactment of the Dominion Statutes relating to fishing by foreign vessels, of which this Act is an amendment, and as this Act is intended to apply to the whole Dominion and so does away with all the Acts enumerated in this schedule, that perhaps in that way Prince Edward Island might drop out, and therefore it is proposed to continue the Prince Edward Island Act until this becomes part of the Consolidated Statutes, which will be assented to at the close of the present session.

The motion was agreed to.

HON. MR. BOTSFORD, from the Committee, reported the Bill with the amendment, which was concurred in.

The Bill was then read the third time and passed.

### ST. JOHN BRANCH RAILROAD BILL.

#### THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (137) "An Act respecting the Carleton, City of St. John, Branch Railroad.

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

#### BILL INTRODUCED.

Bill (10) "An Act respecting Real Property in the Territories.  
(Mr. Plumb.)

At 6 o'clock the Speaker left the Chair

#### AFTER RECESS.

#### THIRD READINGS.

The following Bills, reported from Committee of the Whole, without amendment, were read the third time and passed:—

Bill (140) "An Act respecting the Improvement of the Harbor of Quebec."  
(Mr. Plumb.)

Bill (139) "An Act respecting Tolls over the Dunnville Dam and Bridge, connecting works constructed over the Grand River."  
(Mr. Plumb.)

Bill (133) "An Act further to amend the law respecting the North-West Territories."  
(Mr. Plumb.)

#### THE EXECUTION OF LOUIS RIEL.

#### DEBATE CONCLUDED.

The Order of the day having been called

Resuming Debate on the honorable Mr. Trudel's motion:—Calling the attention of this Honorable House to the statements of two of the Honorable members of the Government in two manifestoes, one of which has the character of an official document, which have been printed and publicly circulated, the one being entitled "*In re Louis Riel convicted of treason and executed therefor*;" and the second, "*The Riel Question—Letter of the Honorable J. A. Chapleau*."

And inquiring of the Government whether it is their intention to have an additional declaration upon the same subject, or in any other manner?

HON. MR. TRUDEL said:—When the House adjourned the other night I was going to discuss the relations between the Hudson Bay Company and the population of the North-West. I had occasion to call attention first to this striking fact, that while the circumstances alluded to in



the motion occurred in the year 1869, still the Government of Canada only acquired their right to the North-West on the 1st of July, 1870. Secondly, I went on to show that it has been formally recognized, first by the Colonial Office, and secondly by the Secretary of State for Canada, that the pretended Acts of authority in the North-West had been exercised without any real authority—that is, that those who pretended to act for and in the name of the Government had not and could not have authority in the North-West, for the good reason that Canada had no jurisdiction in the North-West, because the transfer had not then taken place. I showed by the depositions of such gentlemen as Gov. McTavish, Col. Dennis, Mr. Hargrave, Mr. Bannatyne, Mr. Spence and Lieut.-Governor Archibald, that a serious spoliation of property had taken place—that tracts of land several miles square had been surveyed with the intention of being taken possession of by new comers who were not citizens of the country and who had no possible title to those lands, and that all this was done to the detriment of the half-breeds of that country. I called attention to the extraordinary occurrences which, in my humble opinion, cannot be interpreted otherwise than meaning that a kind of conspiracy had been organized against the people of the North-West to deprive them of their rights, and more particularly of their property. I called attention specially to this succession of facts: First, orders given by one of the departments of the Government at Ottawa to their officer to go to the North-West with special instructions to survey the lands at Oak Point and on the banks of the Red River, the two places where the French half-breeds had settled. Secondly, that according to the report of Col. Dennis he had foreseen that his surveyor would be stopped by the half-breeds and that he had given written orders as to what should be done in the event of such an occurrence, and that he was surveying on the property claimed by the half-breeds. That several months before this several young men had arrived in the North-West and had boasted that they were not common laborers although engaged with the surveying party, but that they were soldiers, that they had

come to the North-West to drive out the half-breeds, and that, later on, when the transfer of the country would be made to Canada, their superior officers would come to command them, and that they would drive out the half-breeds. That several months after, by the report of Col. Dennis, there was practically a military organization ready, exactly as those young men had predicted several months previous. Of this military organization Col. Dennis was in command, he had under him Major Boulton, Capts. Webb and Hart, and all the members of the surveying parties who were graduates of the military schools. I mentioned all these facts, and the further fact that at the very first, when the surveyors were stopped by the half-breeds and were told that they were trespassing on their lands, the latter had no arms in their hands and did not use any violence to the surveyors except by putting their feet on the surveyor's chain. Still from that moment the half-breeds were called insurgents, rebels, delinquents, and treated as criminals. I called attention to all those facts and asked if it was possible that all this was merely the result of chance or if it was not rather the result of a plot concocted elsewhere by somebody. Then I had the honor to point out from official documents that the Provisional Government had been organized regularly; that all the members of that Provisional Government had been chosen by a convention of 40 delegates duly elected by the people—in most cases unanimously—and that this organization fully represented the will of the people and was the legitimate authority in the country. I have also quoted from the highest authorities on national law to show that when a people are abandoned by their legitimate government—when the legitimate government ceases to act, the people have the right to constitute a government themselves. This is the law of nations, and I showed from official documents that before organizing such a government this convention sent four of their delegates to Mr. McTavish whom the Governor-General and the then Secretary of State, and in fact everybody, recognized as the only legitimate authority at the time, and Mr. McTavish declared solemnly to those four delegates that he considered that the Government of

Assiniboia had been abolished by Mr. Maccougall's proclamation; and not only did he not oppose the formation of a new government but he pressed upon the delegates the necessity of organizing a regular government.

HON. MR. SUTHERLAND—In what month did that occur?

HON. MR. TRUDEL—This took place, I think, in January 1870.

HON. MR. SUTHERLAND—That was some months after the half-breeds had taken up arms.

HON. MR. TRUDEL—Yes. There had been a first organization. I am very glad that the hon. gentleman is in his place to-night, because the other day I had the honor to cite the evidence he gave in the Lepine suit, and before the Commission of 1874. I called the attention of the House to the authorities on public law, which I quoted, who go so far as to say that supposing there has been a government which at first would have been a usurpation, that the consent of the nation is sufficient to legalize that Government.

HON. MR. SUTHERLAND—I can tell the hon. gentleman that one-half of the population never recognized the Government—never.

HON. MR. TRUDEL—I hope the hon. gentleman will remember the circumstances that he was himself one of the delegates, and that it was stated by not less than seven or eight witnesses that the members of the Government had been elected by the Convention.

HON. MR. SUTHERLAND—They were not elected at all; they were merely nominated.

HON. MR. TRUDEL—I may possibly use an expression which is not correct; but the hon. gentleman will please remark this, that I am summing up what I proved the other night by official documents which I quoted. I have no objection to repeating the particulars, but I think it would be unjust to those who have already heard them, and who thought they were detain-

ed long enough listening to me for three hours speaking and reading documents. My argument may be taken for what it is worth, and of course the hon. member is perfectly in his right to question any of those documents or meet them by the production of other documents. I was not present there and I cannot do better than take the depositions which were given under the oath of such men as Archbishop Taché, Mr. Bunn, who was the secretary of the Council of Assiniboia, the evidence under oath of the hon. gentleman himself, the evidence of Mr. Bannatyne, of Mr. Cowan, and all those whose statements I quoted the other day. The hon. gentleman will not deny, I suppose, that before nominating the members of the Provisional Government he himself, with Mr. Frazer and two other men, I think Mr. Pagé was one, went to Governor McTavish who advised them to form a Government—at least the hon. gentleman stated so under oath. I quoted the report of Lord Dufferin to the Imperial authorities in which he stated that the Provisional Government had been duly nominated by representatives of the people and duly elected and that all those men were of high respectability and had been sent there by the people.

HON. MR. SUTHERLAND—I think I will correct some of the hon. gentleman's statements as he proceeds. I do not wish to go into the matter but with his permission I will correct him when I find that he is in error.

HON. MR. TRUDEL—I have no objection. I will now call your special attention to some of the occurrences which took place between the people of the North-West and the Provisional Government and the Hudson Bay Company.

HON. MR. SUTHERLAND—Does the hon. gentleman know why that loan was made?

HON. MR. TRUDEL—I know it from the documents I read.

HON. MR. SUTHERLAND—I can tell the hon. gentleman the reason why it was made. It was merely to allow the

Hudson Bay Company to go on with their trade—for that alone.

HON. MR. TRUDEL—The hon. gentleman will, I suppose, take the documents which are published in the blue books.

HON. MR. SUTHERLAND—I know what I am stating of my own knowledge.

HON. MR. TRUDEL—The letter reads as follows:—

I have not seen President Riel yet, and am anxious to know whether he is keeping off till I write him, or is just waiting till he has time to see me. Should I write to him and beg him to come and see me, as I have long made up my mind, on the point he and I last spoke? I know I have before given him offence by asking to come to me, and I don't want to do that. At the same time no feeling of ill-timed vanity has interfered with my asking him now. A mere hint for me to open communication with him or not will suffice. But I would prefer agreeing to the loan personally, as thought in the first instance, and I would like at the same time to speak to him about his communications for Fort Ellice and other posts. I am afraid you will have difficulty in reading this scrawl.

Hoping you will excuse my troubling you to-day and all days, believe me, with very sincere feelings of gratitude,

Yours very faithfully,

(Signed)

W. MCTAVISH.

We see that the Ex-Lieutenant-Governor of the North-West, who was still the head of the Hudson Bay Company, wanted to see the President to complete a loan spoken of before, and to speak about communications with Fort Ellice and other posts, probably the matter to which the hon. gentleman has alluded. On page 55 of the documents of 1870 I read this, in another letter of Governor McTavish, speaking of the members of the Provisional Government having taken possession of Fort Garry:—

“On coming into the Fort they earnestly disclaimed all intention of injuring either person or property within it, and it must be allowed that in that respect they have kept their word.”

So that His Excellency the Governor, who was at the head of the Hudson Bay Company, declared that they had injured neither person nor property.

HON. MR. SUTHERLAND—What date was that?

HON. MR. SUTHERLAND.

HON. MR. TRUDEL—The letter was dated 9th November.

HON. MR. SUTHERLAND—I thought so.

HON. MR. TRUDEL—I come now to the deposition of Mr. Bannatyne, at page 124 of the documents of 1874. In this deposition Mr. Bannatyne says:

“Colonel Dennis commenced trying to arm the people in opposition to the French; took possession of the Lower Fort Garry; enlisted a number of Indians with their chiefs; failed to get the old settlers to join him, and left in disgust; and then found out at Pembina, or somewhere else, that he had no authority for acting as he had been doing. While at the Lower Fort he sent up and enrolled a number of strangers, who had just come in, and who were called the Canadian party; the men were requested by Colonel Dennis to return to their homes, and remain quiet until he asked for them; instead of which they gathered in the house of Dr. Schultz with their arms, at Winnipeg, for the reason, as they stated, that they were protecting private property of Dr. Schultz and of the Dominion Government, although neither kind of property had been interfered with at that time of my knowledge.”

HON. MR. SUTHERLAND—What is the date of that?

HON. MR. TRUDEL—Mr. Bannatyne gave his evidence before the Committee in 1874. He does not give the precise date when those troops came back from lower Fort Garry and occupied the house of Dr. Schultz; but hon. gentlemen may see by the fact that it was after Mr. Dennis' failure to organize an army, and after having gone back to Pembina to Mr. Macdougall, where he found that all he had done previously was wrong. The hon. gentleman knows this was done after the proclamation of Mr. Macdougall, which was dated 1st December, 1869, and he remembers that these efforts to organize a military force took at least one month, so that Mr. Bannatyne must refer to the beginning of January or February, 1870. It cannot be otherwise, according to the facts and dates which we have in the public documents.

HON. MR. SUTHERLAND—That occurred before the 1st of January—it must have occurred somewhere in December, because very shortly after that the

property was taken from Dr. Schultz's place, every bit of it—there was nothing left. All depends on the dates.

HON. MR. O'DONOHUE—This is entirely out of order.

HON. MR. TRUDEL—I have no objection to these interruptions. I am very glad that the hon. gentleman is here to give us information. I know he was in that country at the time of those occurrences. The House will be good enough to remember my declaration at the beginning of my remarks. I do not examine this question from a political point of view. I say we, the Senate of Canada, ought to take a higher ground, and try if we cannot succeed in removing misunderstandings which exist, unfortunately, between two races, and which, in my humble opinion, to a certain extent at least, endanger, or at all events injure, the interests of the Dominion. I do not come here to try and put this Honorable House in error. All I want to do is to invite hon. gentlemen to do what I have taken about six months to do, that is, to read the public documents carefully, compare them, and try to find what is the truth in all these matters, and see the share of responsibility of everybody, without seeking to make any persons bear the burden even of their own responsibility. Suppose I should come to the conclusion from the documents that there are citizens who do not appear very advantageously in these matters, I do not desire to find fault with them. If the hon. gentleman had been here the day before yesterday he would have seen that whenever I met with the name of somebody who might be injured, not by my own opinion of him, but by the statements contained in the documents themselves, I omitted to mention it. For instance, I was referring to a time before the half-breeds were thought of, when there was a good deal of trouble in that country, when jails were broken into and prisoners taken out of them, and at the time the legitimate government of the country could not find a single man amongst the English speaking population to sustain them—at least the document says so. Governor McTavish complained of it, and some Canadians, who were not more than 20 or 40 in number, began to display an ill feeling towards

the French half-breeds because they were sustaining the authority of the legitimate government. At that time the loyalists, as they called themselves, were organizing a Republic at Portage la Prairie. I think it is Mr. Cowan who testifies to that fact. I stated this the day before yesterday, taking my information from evidence given under oath. I have here a document, which is of considerable force, but I will not read it, and I will tell you why. It is the deposition under oath, and based on official documents, of Father Richot. His evidence will be found in the documents of 1874 beginning at page 86. The hon. gentleman will find there not only what this man says under oath, but what he is proving by letter and documents which he filed at the enquiry; but of course he is a Catholic priest and I shall not read his evidence! I have already given more than is sufficient. I will supplement what I have just stated by the evidence of a man who was certainly not a friend of the half-breeds, Mr. William Cowen. Speaking of this jail-breaking and of the great difficulty arising from the trial of a young man for a criminal offence in the settlement, for which he was convicted, he says:—

“ The next great difficulty after that was in the Spring of 1863, arising from the trial of an Englishman for a criminal offence in the settlement, for which he was convicted. He had been a rather prominent opponent of the company politically, and on that ground a strong feeling was created in the settlement in his favor among the English. During the first months of his confinement there were frequent threats of taking him out of gaol by force, and at the end of two months a petition was presented to Governor Dallas for his release. But the Governor referred it to the judge and magistrate, who recommended that it should not be granted, and it was not granted. The friends of the prisoner soon after assembled at a session of the Petty Court, and when the court was over they broke the gaol and released the prisoner. The following day one of the gaol breakers was arrested and imprisoned, and an application was made for his release, which was refused by the Governor, and his friends came there armed and in broad day took him out of the prison. The Sheriff had endeavored to raise a force among the English to defend the gaol, and could not, and the French then came forward and offered themselves to the Governor for that purpose; the Governor refused this on the ground that he did not wish to set one portion of the people against the other. A strong memorial arising out of the matter was sent by the magistrate to the

Imperial authorities for assistance, but no answer to it was ever received. This added to the dissatisfaction; one or two minor matters afterwards occurred. No assistance came from England. The Hudson's Bay Government grew continually weaker, until finally the out-break took place."

The hon. gentleman will see that this resembles my own statements. I read from the sworn evidence of a man who certainly is a reliable witness. I do not profess to know personally what took place in the North-West, but I am trying to elucidate the question as well as I can by studying the public documents. It would have been very easy to make a case by taking the evidence of the friends of those of my race; but you will see that I generally give the evidence of the other side, so that there may be no dispute as to the facts I am bringing before the Senate. At page 154, I find that Governor Archibald, after the trouble was over, thus speaks of the French half-breeds:

"The difficulty is not among the people of the country, but among the small band of lawless men, idlers and roughs who infest the taverns of Winnipeg. These men have no influence except for mischief, but they might light a flame it would be hard to extinguish. For a few days I felt the danger was extreme. The only possible way to avoid a serious out-break was to get rid of the two men whose presence in the country formed the pretext for the action of the roughs at Winnipeg."

The hon. gentleman knows the two men. They were Riel and Lepine. I find in the same document something very strange, to which I call special attention; the Canadian party, who as I proved the other day by documents, publicly set at defiance the legitimate authority of the Government of Assiniboia—that loyal group of Canadians who said that when the country would be under the authority of Canada they would drive out the French half-breeds and show the authorities of the North-West how to govern and what is the law, went so far as to accuse the half-breeds of being rebels—why? Because the were sustaining only the legitimate Government of the country. This is very hard to believe; but I will establish it by the documents. At page 31 of the Reports of 1870 there is a letter sent by the loyalists of Winnipeg to Mr. William Macdougall; it is not dated, but I see that the following docu-

ment bears date the 7th November. I will read the letter:—

"We as friends would advise you by the bearer, who is a reliable man, as to the position of affairs here. The insurgents have taken possession of Fort Garry, and established sentries at the gates. No opposition offered by the officers of the Company, although informed that such events would take place twelve hours before. The Town is also occupied by the rebels; so far no disturbance has occurred. Considerable wavering among the half-breeds of Riel's party, on account of Mr. Provencher not being allowed to address them in public, and many would be glad to go quietly to their homes. The rebels call a general meeting about Monday next, and will then demand an expression of the whole settlement, which we will take care to have present, and have no doubt that a large majority will be in your favor, and advise you strongly to await the result at Pembina.

The Hudson's Bay Company are evidently with the rebels, and their present role is to prevent your having any official intercourse with them. It is said that the rebels will support the Government of the Hudson Bay Company as it now exists. All the subordinates in the party say that, if you have a commission from Her Majesty to enter here as Governor, they will lay down their arms."

So that it will be seen that the only legitimate authority in the land, according to this letter, was evidently with the rebels. Then, against whom were they rebels? Was it against the authority of the Canadian Government to occupy a country of which they did not get possession until the following year? I do not believe it. And those rebels were not such bad rebels after all, since it is admitted by their enemies that their desire was to maintain the Government of the Hudson's Bay Company, and that they were willing to lay down their arms when the country was transferred to anyone holding a commission from Her Majesty. You recollect that Lord Granville, Secretary of the Colonies, in the name of Her Majesty, said that the only legitimate authority in the land was that of the Hudson Bay Company. Mr. Howe wrote to Mr. Macdougall, "You know very well you had no power there, that the only legitimate authority was that of Governor McTavish, and it is too bad that you should have given that commission to a man of so little discretion as Mr. Dennis. You know all these warlike preparations are against the law, and he will be responsible in justice for every life that may be lost." Was not

this substantially the document sent by the Secretary of State which I read to you the other day? These men are accused of sustaining the legitimate government of the country; and that is the reason why they are called rebels. But that is not all; Mr. Macdougall had his commission in his pocket, and of course it was not very pleasant to be a Governor on the American territory and have no authority. It was not the fault of the half-breeds. It was the fault of those who had sent him there before the territory was transferred to the Canadian Government. He wrote as follows on the 20th Nov., 1869, to the Secretary of State:

"I have felt it my duty to mention these circumstances, to enable His Excellency to understand the difficulty that meets me in attempting to organize, in connection with the authorities, any resistance to the conspiracy which has already made such head in the settlement. The confirmed belief of every person I have seen, or whose testimony has reached me (whether in the confidence of the rebels or friendly to Canada) is that the Hudson Bay Company's employees, with scarcely an exception, are either actively or tacitly encouraging the insurrection. It was the prevalence of this belief that determined me to force the authorities into a public declaration of some kind that would dispel this illusion—if such it should prove to be—or compel them to shew their hand as abettors of the insurrection."

This is the statement of Mr. Macdougall, who had no more authority in the Red River country than the Emperor of China has in Canada, that he wanted to see whether the legitimate authority of the country was not an abettor of the insurrection.

HON. MR. PLUMB—I would like to know whether the hon. gentleman recognized the Governor and Council of Assiniboia as a legitimate Government?

HON. MR. TRUDEL—Certainly.

HON. MR. PLUMB—I find on the 25th October 1869, Judge Black was acting in the place of Mr. McTavish on account of his serious illness, and he held a council at which there was a statement made that there was dissatisfaction among the Metis. The Council stated that Mr. Riel just before, early on the morning of the 23rd November, had gone to Mr.

John McTavish, and he demanded the public accounts—had taken the public accounts, and compelled them by force to give them up. Then at this meeting Judge Black who presided stated that there had been a strong force, an insurgent force, of armed bodies of half-breeds who had placed themselves on the road between Pembina and Fort Garry:—

"The Council unanimously expressed their indignant reprobation, of the outrageous proceedings referred to by the President, but feeling strongly impressed with the idea that the parties concerned in them must be acting in utter forgetfulness, or even, perhaps, ignorance of the highly criminal character of their actions, and of the very serious consequences they involved; it was thought by calm reasoning and advice they might be induced to abandon their dangerous schemes, before they had irretrievably committed themselves. Mr. Riel and Mr. Bruce, who are known to hold leading positions in the party opposed to Mr. Macdougall, had been invited to be present at this meeting of the Council, and on being questioned by the Council as to the motives and intentions of the party they represented. M. Riel, who alone addressed the Council on the occasion, substantially said, in the course of a long and somewhat irregular discussion, that his party were perfectly satisfied with the present Government, and wanted no other; that they objected to any governor coming to Canada without their being consulted in the matter; that they would never admit any Governor no matter by whom he might be appointed, if not by the Hudson Bay Company, unless delegates were previously sent, with whom they might negotiate as to the terms and condition under which they would acknowledge him; that they were uneducated and only half civilized, and felt if a large immigration were to take place they would probably be crowded out of a country which they claimed as their own; that they knew that they were, in a sense, poor and insignificant, but that it was just because they were aware of their insignificance that they had felt so much at being treated as if they were more insignificant than they in reality were; that their existence, or, at least, their wishes had been entirely ignored; that if Mr. Macdougall were once here, most probably the English-speaking population would allow him to be installed in office as Governor, and then he would be "our Master or King, as he says," and that therefore they intended to send him back; that they consider that they are acting not only for their own good, but for the good of the whole settlement, that they did not feel that they were breaking any law, but were simply acting in defence of their own liberty, and that they were determined to prevent Mr. Macdougall from coming into the settlement at all hazards. The Council endeavored to convince Mr. Riel of the erroneous nature of

the views held by himself and the party he represented; explained the highly criminal character of their proceedings, and pointed out the very disastrous consequences which might accrue, not only to themselves, but to the settlement generally, if they persisted in their present course. He was earnestly advised to exercise his influence with his party in dissuading them from attempting to molest Mr. Macdougall in any way, and inducing them to return peaceably to their homes, assuring him that, sooner or later, heavy retribution would fall upon them, if they carried their plans into execution.

Mr. Riel, however, refused to adopt the views of the Council.

I think at that time Riel was a young man of about 21 or 22.

HON. MR. TRUDEL—22 or 23.

HON. MR. PLUMB—He was a young man having the concentration of all the wisdom of the country, and knowing the constitutional rights on which Governments are formed. Riel, the self-appointed leader of this party, was the leader of the 18 men who stood on the chain when the surveyors were trying to survey, but my hon. friend did not mention his name as being the leader.

HON. MR. TRUDEL—No, I did not.

HON. MR. PLUMB—But you knew that he was one of the men?

HON. MR. TRUDEL—I knew that he was, but I was not going to add anything that was not in the document.

HON. MR. PLUMB—The report continues;—

“Riel, however, refused to adopt the views of the Council, and obstinately persisted in expressing his determination to oppose Mr. Macdougall's entrance into the settlement, declining even to press the reasoning and advice of the Council upon his party, although, he reluctantly promised to repeat to them what he had just heard, and inform Gov. McTavish of the result by Thursday at eleven o'clock.

“Mr. Riel and Mr. Bruce having retired, the Council resumed the consideration of the subject before them, and the expediency of calling out an armed force to meet and protect Mr. Macdougall was suggested, but as it was seen that it would be from the English speaking part of the community that such a force, if forthcoming at all, would be chiefly drawn, the result would evidently be, to bring into armed collision, sections of the people,

who, although they have hitherto lived together in comparative harmony, yet differed from each other so widely in point of race, of language and religion, as well as general habits, that the commencement of hostilities between them would probably involve not only themselves, but the surrounding Indians in a sanguinary and protracted struggle; and the Council therefore felt that without a regular military force to fall back upon, they could hardly be held justified under almost any circumstances, in resorting to an experiment so full of possible mischief to the whole country.

“The Council, at length, having heard that a number of the more intelligent and influential among the French were not implicated in the hostile movement against Mr. Macdougall, adopted the following resolution, which was moved by Mr. Bannantyne and seconded by Mr. McBeath:—

“That Messrs. Dease and Goulet be appointed immediately to collect as many of the more respectable of the French community as they could, and with them proceed to the camp of the party who intend to intercept Governor Macdougall, and endeavor to procure their peaceable dispersion, and that Mr. Dease report to Mr. McTavish, on or before Thursday next, as to their success, or otherwise.”

The hon. gentleman will observe that the placidity of the white population was based on a desire to prevent an outbreak which might lead to bloodshed and serious loss of life. Does the hon. gentleman say that because those gentlemen wisely and thoughtfully, knowing the result which would ensue from a conflict of races, took that course, that by so doing they waived their right to govern the country and to represent the Dominion of Canada or the British Government which had the authority?

HON. MR. TRUDEL—I am very glad the hon. gentleman has brought up this matter. I hope he will go further on, and he will find in the report of Colonel Dennis, alluding to this meeting of the Council, that he says at the last Mr. Riel succeeded in showing the members of the Council that he was right and they were wrong. Mere words do not make the criminality of an act. Supposing I should say to a man who is crossing a street “My dear sir, you have committed a great crime” it does not follow that the crossing of the street is a great crime. What was considered a great crime was to prevent Mr. Macdougall exercising the powers of a Lieutenant-Governor when he had no

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authority whatever to do so. Mr. Macdougall, having issued a proclamation, these gentlemen could not imagine that he had not the authority to do so. They found that the transfer was to be made, or something of that kind, and that Mr. Macdougall had some authority; but there is something after that—the letter of Lord Granville, speaking in the name of Her Majesty, and the letter of Mr. Howe, Secretary of State, who says to Mr. Macgall. “You have no authority there at all.” Now is it a crime to prevent a man from exercising authority improperly? As I stated before, I am trying to throw some light on the matter. I do not pretend that all that the half-breeds did is perfectly right and regular from every point of view. The hon. gentleman must have slept part of the time while I was quoting documents the other day, or he would have understood that I mentioned myself this very fact that there was something irregular, but I quoted Grotius and Taparelli to establish that even the authority of the usurper becomes legitimate when it is made so by the people; and this is so in a case where the legitimate authority has abandoned the country. Now, I know it was very humiliating to those gentlemen—I understand they did not like at all to see a poor French half-breed playing an important *role* in the whole matter; but how did it happen? The hon. gentleman quoted the words of Justice Black. If Judge Black had considered that these proceedings were so criminal, how is it that he presided himself at the first meeting of the convention? The two first days he presided. That was before the election of Riel, who was a member of the Council like all the others. Justice Black presided, and Mr. Bunn, the Secretary of the Council of Assiniboia, was the secretary of the convention. He subsequently accepted the position of Secretary of the Provisional Government. I read Mr. Bunn’s deposition, showing that he had gone to the convention on the invitation of Governor McTavish himself. When those facts occurred in January, 1870, does that not cover what happened in November, 1869? And, as a high authority has stated, we ought to take all those acts as a whole. Suppose in a case of war a house is destroyed to make way for the construction

of a fortification, or something of the kind. If I were to come to the Senate and say “Gentlemen, I was the owner of a house, and Mr. So-and-so came one day and demolished it: was he not a criminal?” The Senate would say yes; but when we add that it was done in a time of war, when the country was threatened by the enemy, and it was necessary to make a fortification there, and that was why the house was destroyed, all the authorities would say that under the circumstances it was all right. The hon. gentleman will find another document to which I will call his attention immediately—a proclamation of Governor McTavish. After the French half-breeds had entered the fort and taken possession of it, he issued a proclamation to condemn that act, but that did not prevent him afterwards writing, himself, letters to his friends to invite them to join the Provisional Government because it was the salvation of the country. It was very clear there were two parties in that country; the English element had taken possession of Lower Fort Garry, and the French element of Upper Fort Garry. Now which of these two acts was the more criminal? Those men believed sincerely, I think, that they were defending their homes; how could it be a crime for them to do so when they saw, as I stated before, men without any authority whatever there with the proclamation of Mr. Macdougall, telling them to fire upon, to kill, to break into, to destroy, and to do everything of that kind.

HON. MR. PLUMB—Did anybody fire, shoot, or destroy? Who hit anybody? Was anybody killed?

HON. MR. TRUDEL—Yes.

HON. MR. PLUMB—How many?

HON. MR. TRUDEL—Well Messier was one.

HON. MR. PLUMB—Who else?

HON. MR. TRUDEL—And Parisien was another.

HON. MR. PLUMB—And who else?

HON. MR. TRUDEL—I do not recol-



lect all the names, but there were three or five.

HON. MR. PLUMB—By whom?

HON. MR. TRUDEL—I do not know, I was not there. It was a time of war. Parisien was wounded, and received thirteen bullets by a party commanded by Major Boulton, of whom Scott was one.

HON. MR. SUTHERLAND—Twelve falsehoods, he got one bullet in the thigh.

HON. MR. TRUDEL—The hon. gentleman did not cover the whole Territory.

HON. MR. PLUMB—But all the fighting was concentrated in a small portion of it.

HON. MR. TRUDEL—The hon. gentleman knows perfectly well that there were two parties; he knows that those parties at Portage la Prairie and Kildonan organized to destroy the Provisional Government.

HON. MR. SUTHERLAND—No, no.

HON. MR. PLUMB—The hon. gentleman (Mr. Sutherland) is a living evidence that they did not.

HON. MR. TRUDEL—I do not think the evidence we have under oath is to be despised either.

HON. MR. PLUMB—But I think the hon. gentleman (Mr. Sutherland) who is alive and lived in the country at the time, should know what he is speaking about.

HON. MR. TRUDEL—I am willing to meet the hon. gentleman and take his own declaration on this matter. I have the greatest respect for the high character and the high standing of the hon. gentleman in the country; but he knows that all that Governor McTavish and Mr. Bannatyne and Mr. Bunn have declared under oath cannot be false. He cannot pretend that he is the only man who is correct.

HON. MR. SUTHERLAND—Does the hon. gentleman know that all those

men he has quoted were branded as rebels?

HON. MR. TRUDEL—That is, the hon. gentleman belonged to one party who called themselves "loyalists," and, of course, all the members of the other party were "rebels." I suppose the hon. gentleman is perfectly sincere in his statement and in his feelings but he ought not to consider that all the other men who have given evidence in this matter were not reliable.

HON. MR. PELLETIER—Of course they perjured themselves.

HON. MR. TRUDEL—The hon. gentleman knows very well that when the Provisional Government was organized, they were elected by a convention of which he himself was a member. Mr. Ross was appointed Chief Justice, Mr. Bannatyne was nominated Postmaster General, Mr. Bunn was nominated Provincial Secretary—the hon. gentleman knows that.

HON. MR. SUTHERLAND—The trouble was all over then.

HON. MR. TRUDEL—The hon. gentleman knows that Bannatyne and Bunn have declared under oath before the Commission, or in the Lepine suit, I do not recollect which, that these were members of the Government; that they were elected by the convention of the 14th and that out of the forty delegates Riel was elected President by a vote of 37. Of the remaining three who did not vote for him, Boyd voted against him, and the other two were Englishmen who were absent and did not vote. This is what Bunn says under oath, and of course I take the evidence as I find it. I was reading the letter of Mr. Macdougall, in which he says:

"I have felt it my duty to mention these circumstances, to enable His Excellency to understand the difficulty that meets me in attempting to organize, in connection with the authorities, any resistance of the conspiracy which has already made such head in the settlement. The confirmed belief of every person I have seen, or whose testimony has reached me (whether in the confidence of the rebels, or friendly to Canada) is, that the Hudson's Bay Company's employes, with scarcely an exception, are either actively or

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tacitly encouraging the insurrection. It was the prevalence of this belief that determined me to force the authorities into a public declaration of some kind that would dispel this illusion—if such it should prove to be—or compel them to shew their hand as abettors of the insurrection. The “appeal” of the loyal inhabitants (see page C), who had previously opened correspondence with me, was the last screw applied, and seems to have accomplished the purpose, notwithstanding the “peculiar circumstances,” so strongly insisted upon in the inclosed letter to show that the issue of such a proclamation “might affect injuriously the future as well as the present Government.”

This is how the authority was speaking. In the absence of Governor McTavish, a few weeks afterwards, we find the majority of those men who were in the Council of Assiniboia declaring that what Riel and his party were doing was high treason, taking part in the proceedings and even becoming members of the new Government and taking part in their councils. We see that while they were declaring that the French half-breeds did not act properly, the only legitimate authority—Governor McTavish—“raged furiously against them,” and asked what business had Mr. Macdougall to come into the country and try to impose his authority on them. In all cases Mr. McTavish suspected that Mr. Macdougall had no authority, and it is only natural that afterwards, when they found it was perfectly established that he had no authority, the tone of their remarks changed.

HON. MR. PLUMB—May I ask the hon. gentleman if the Hon. William Macdougall was not regularly appointed, Lieutenant-Governor?

HON. MR. TRUDEL—He was regularly appointed and his commission said his authority should begin after the transfer of the Territory should be made.

HON. MR. BELLEROSE—It could not have been otherwise.

HON. MR. TRUDEL—I do not know for whom the hon. gentleman from Niagara speaks here? After all, we may be supposed to have a little common sense. What authority could this man have as bearer of a commission from the Govern-

ment of Canada? What could be his authority in a country which at the time did not belong to Canada?

HON. MR. SUTHERLAND—How was it that his authority was not acknowledged on the first of December, 1869? What was the reason?

HON. MR. TRUDEL—The reason was that at first it was no authority at all.

HON. MR. SUTHERLAND—An armed resistance was the reason.

HON. MR. TRUDEL—The hon. gentleman ought to know that supposing everybody in Canada had placed Mr. Macdougall on a golden throne in the North-West it would not have changed his position—he would have been no more governor of that territory on that account. His authority at the time was practically none, because his commission said “your authority shall begin only when the transfer will have been made.”

HON. MR. SUTHERLAND—His authority was not recognized even after the transfer was made.

HON. MR. BELLEROSE—I rise to a question of order. We cannot be sitting here day and night. The hon. gentleman has had to go over this ground three times already on account of interruptions. If hon. gentlemen would allow him to proceed without interruption they have their chance to reply. How could the Government of Canada have given authority to a man to exercise power in a territory which they did not then own, and which they did not get the title to for some months afterwards?

THE SPEAKER—The hon. gentleman from DeSalaberry had better be allowed to proceed.

HON. MR. TRUDEL—I do not object to the interruptions of the hon. gentleman. I receive them in a friendly spirit. I take it that it is a means of elucidating the question, and as I am ready to answer any question that he can raise, I invite interruption. If the hon. gentleman will listen while I read the commission appointing

Mr. Macdougall, he will see the force of my argument.

HON. MR. SUTHERLAND—I have not the slightest intention of interrupting; only there are certain of the hon. gentleman's statements that are so wide of the mark that I merely mention the fact. I have no intention of going into the debate now, because I cannot see any good that will arise out of the discussion of a dead issue.

HON. MR. TRUDEL—But the hon. gentleman will agree with me that he cannot destroy the official record. I hold in my hand a copy of the report of the Privy Council, dated 20th November, 1869. It reads as follows:—

*“ To the Honorable the Secretary of State for the Provinces, Ottawa :—*

*“ On the recommendation of the Honorable Minister of Justice, the Committee advise that the Honorable William Macdougall, C.B. be appointed Lieutenant-Governor of the North-West Territories, and that a Commission under the Great Seal do issue, to take effect from and after the day on which such Territories are transferred by Her Majesty to the Dominion of Canada.”*

Mark the words “to take effect from and after the day on which such Territories are transferred by Her Majesty to the Dominion of Canada.”

HON. MEMBERS—Hear, hear.

HON. MR. TRUDEL—Now take the Commission, which is published on the following page of the blue book, and you will see that it is in the very same words as the Order in Council. Now, will anybody deny that this transfer by Her Majesty took place only on the 1st of July 1870; and if that is not denied, is it not as clear as daylight that in October, November or December 1869 Mr. Macdougall had no more power in the North-West than I had myself? It is no use repeating and repeating matters that are as clear as daylight.

HON. MR. BELLEROSE—It is common sense.

HON. MR. TRUDEL—I think I have said enough on this point. In my humble opinion the greatest cause of trouble, and

which more than anything else created the unfortunate difficulty between the two different nationalities in this country, was the execution of a man named Thomas Scott. This was, I readily admit, an act much to be regretted; but I think it can be shown very easily that this act was not of the atrocious character which it is supposed to be by a certain portion of the population. I always proceed in the same way, to prove my case by official documents. Now what are the facts! If I am not mistaken; if the highest authorities on public law are not mistaken, Lord Dufferin and all those who testify as to the regularity of the organization of the Provisional Government in the North-West are not wrong. Whatever irregularities may have been committed in October, or November or December of 1869—and there were many irregularities—they did not come from the place whence it is supposed they came. But supposing there were half-breed irregularities, according to the best authorities this provisional government was a legitimate government, but the hon. gentleman opposite says no. Will he then explain why it was that the Government of Canada treated with the delegates of this provisional government? How will he explain the action of Lord Granville, who ordered the Government here to receive those delegates and treat with them? How will he interpret the action of Lord Granville who, when informed by telegram that those delegates had been arrested here, telegraphed immediately that it was against the law of nations that those men should be arrested, and demanded that they should be immediately released? Perhaps Lord Granville's action was influenced by the fact that he knew something about governments. Not only did the Government treat with those delegates, but I will show, I am sure to the extreme surprise of hon. gentlemen, that when the delegates were received, one of them had orders from their President, the unfortunate Riel, to tell the authorities here that he wanted to be relieved of the responsibility of governing the North-West, and the answer of the Government of Canada was, “Tell Mr. Riel to continue the government of the country until we send out a new governor.” And they did more than that. They inquired from

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the delegates whether President Riel would require a regular document transferring his authority to his successor, and the delegates said "No, it is not necessary, because our President understands that his government is only a provisional government, and of course he does not want that his authority shall be transferred to his successor." That is in the public documents, a declaration upon oath of one of the delegates.

HON. MR. BELLEROSE—Oh, he swore falsely to please the hon. gentleman.

HON. MR. TRUDEL—If it is true that there was a legitimate government, and that according to the authority of that government the unfortunate man Scott was executed, it may be called a judicial murder ; it may be called a very improper action ; it may be called an error of judgment, or anything you like, but it cannot be termed a personal murder—because personally Riel had nothing to do with the matter in this sense : he was not a party to the council of war who condemned Scott to be executed. Those are facts which deserve some consideration. I believe it is the duty of the members of this Chamber to endeavor to work for the public welfare without being governed by public prejudice ; but, unfortunately, on this question there has been a great deal of public prejudice. I quoted yesterday from Governor Archibald, who said that unfortunately some prejudiced men went to the North-West sworn to kill all who had been connected with the execution of Scott. Governor Archibald did not look upon that execution as the personal act of an individual, because he adds, "almost all the population had been party to this deed, because it was the act of the Government, and it was found that those threats against the Government were against all the half-breeds." It is well known that we cannot find a record of the trial of Scott as easily as we can find the record of a suit which took place—in Montreal for instance ; but if we were to condemn as murderers all the captains in the army who had sentenced soldiers to execution by court martial because they could not produce a written record of the proceedings of the Council of war who authorized

the execution, I suppose we might find as many murderers as there were officers ordering such executions. The theory of those half-breeds was this : those who were in authority in the North-West had received that authority directly from the general convention—Mr. Bunn, Mr. Bannatyne and several others swore to that fact. Then it follows that Mr. Lepine, who was the Adjutant-General, did not receive his authority from President Riel, but received it directly from the convention ; so that in the exercise of that authority he had no orders to receive, no veto to receive from anybody. Mr. Bunn on being asked in the suit of Lepine "had Riel any authority to stop the acts of Lepine?" replied "No." Archbishop McLean is called as a witness, and he says that he went to the prison and saw the President, and did his best to save Scott ; but he said when he asked for a reprieve, Riel replied "it is not in my power to grant it ; that power belongs to the Adjutant-General," and he sent for the Adjutant-General. The Adjutant-General came, and Archbishop McLean says "they spoke in French and I cannot testify as to what was said between them, but I saw by the movement of Lepine's head, who, after some conversation, got up and left the room, that he had refused to pardon Scott. There were two men who had been condemned to death—Boulton and Scott ; and Archbishop McLean says : "I did not believe that Riel was sincere, but after a time I happened to hear him in another room, and he did not know that I was on the other side, and I heard him praying to somebody to try and settle the difficulties existing between the French and English, and saying, 'if you cannot succeed in settling this difficulty we cannot save the lives of those men,' " and Mr. McLean says that subsequently he met Riel and he had tears in his eyes. This is the man who is represented as being as ferocious and brutal as a wild beast. Now, as to the character of Scott. If we refer to the sessional papers of 1870 we will find a report of Mr. Snow, one of the leaders of the surveying party. Mr. Snow testifies that one day he was nearly assassinated by Scott. He says :

The discontented men (amongst whom was Scott), referred to in my letter, had previously to the date of that letter struck for higher

wages, and forced all the hands to remain idle for a day and a half. Upon my promise to write you they resumed work, and continued up to the 29th of September, at noon, when they again stopped work. On the 30th I sent Mr. Hamilton to the camp with your letter, which was read to them and explained, also a letter from myself, desiring all hands that were dissatisfied to come immediately to the depot, receive their pay, and leave the works. On the 1st of October they all, with the exception of three or four, came to the depot and were paid off for all the days they had worked, as returned by the foreman. And I supposed that the disaffected Canadians and American deserters would go quietly away, but instead of doing so, they suddenly returned to the office in a mass, and demanded payment for the three days they had lost on account of the two strikes.

This demand of course I refused, and was determined not to pay. I told them that they should all have been charged with their board during the strikes, but I had not done so, and endeavored to reason with them, but to no purpose. They then suddenly seized me and dragged me violently from the house towards the River Seine, in which they declared they would drown me unless I paid their unjust demand. After being dragged near the stream, upon the solicitation of my assistant, Mr. Hamilton, I paid their demand, but obliged them at the same time to sign their names opposite the sums they respectively forced me to pay. The same evening I proceeded to Fort Garry, and laid information against five of the leaders in this robbery, and four of them were apprehended on their arrival and lodged in jail. The examination before the magistrates came off on Tuesday, the 5th instant (the reporter for the North-West only being included), when they were committed for trial before the general court, only for violent assault. The prisoners have since been liberated on bail, their surety being a saloon keeper."

At page 47 of this report hon. gentlemen will find a letter from Lieutenant-Governor McTavish, dated 7th October, 1869, in which he relates the same fact, with other circumstances:—

"I am sorry to say that Mr. Snow, the Superintendent on the Canadian road to the Lake of the Woods, has had a serious disturbance with the people employed on the road, the most of whom are, however, strangers in the settlement. The men complain bitterly of their treatment, but are, no doubt, in the wrong, as they used considerable violence in dragging Mr. Snow to a creek, into which they threatened to throw him if he did not pay them some few days wages which they claimed, but which Mr. Snow considered not to be due them. The sum in question he eventually paid them under protest. Mr. Snow laid a charge of robbery against the men, but the magistrates did not consider that the facts

justified such a charge, and committed the men for trial at the November Quarterly Court for assault."

Hon. gentlemen will say that the fact that Scott had made such an attempt was no reason why he should have been condemned to execution by Riel. That is true, but it shows at least that Scott was not a man of such unblemished character that we ought to suppose all possible evidence is against those who condemned him, and that all the facts were in this man's favor. The fact is there was a good deal of reason why he was executed, though I am not ready to say his execution was perfectly justifiable. At all events that execution is not of the character that is generally given to it. Amongst other things which I find in the sessional papers of 1874 is the following from the report of the committee of the House of Commons:

"Amongst the prisoners was one Scott, &c. The very man who, having been brought from Canada by Mr. Snow, all but murdered him at Pointe des Chenes. Passing through Winnipeg on the night of the 13th and 14th, Scott entered the house of one Couter, a relative of Mr. Riel's, and to which the latter often resorted. He enquired whether the president was there, with the intention, as stated by some, of killing him or of taking him as a hostage according to other accounts. Scott, when taken prisoner, exasperated the authorities, and I am grieved to tell you that the unfortunate man was sentenced to death by a court-martial and shot on the 4th inst."

This is from the letter which Archbishop Taché quotes in his deposition, and which at the time he had written to the Secretary of State, on the 11th November, 1870; so that this shows that Scott was tried for two crimes. First, he was accused of having attempted to assassinate the President of the Government; secondly, he was accused of having struck the guards. He was a prisoner for the second time. He had been released once and had been found in arms a second time against the Government which those men considered to be the legitimate authority of the country; and he was again arrested and he struck his guard. He was a prisoner of war, and he struck one of the captains of the guard in the face. It is hardly necessary to say that according to military regulations, even in time of peace, if a soldier strikes his officer it is a very serious offence. It is hardly necessary to explain

what is the law when a man who is a prisoner of war strikes his guard, and more particularly if it is the officer of the guard. This man was a prisoner. He annoyed and insulted in the most revolting language those half-breed soldiers, and above all the officers by telling them they were nothing but cowards and calling them names which I shall not repeat to the House, but I will invite hon. gentlemen to look at the documents from which I quote. It happened one day that those soldiers and officers, especially three of the officers who had been slapped in the face by the prisoner said to the Adjutant-General: "If you have no authority to put a stop to this we will not serve any more under you. If you have any authority we want to be respected, and there must be an end put to this conduct." They assembled a council of war at which the Adjutant-General presided, and they condemned the unfortunate Scott to death. I have here the report of the trial of Ambrose Lepine in 1874—the very man who was condemned in the west because he had been the Adjutant-General under whose authority Scott was condemned and executed. Joseph Nolin, who acted as secretary of the council of war, is examined as follows:—

Q. Did Scott have a trial before his execution? A. Yes, before the council of war, on the evening of the 3rd of March, 1870.

Q. Who were those who composed this council of war?

A. The members of the council of war were Janvier Richot, André Nault, Elzear Goulet, Elzear Lagimoniere, Jean Baptiste Lepine, Joseph Delorme and Ambrose D. Lepine.

You see that Riel was not there.

Q. Who was the president of this council of war?

A. Ambrose Lepine.

Q. And you?

A. I acted as Secretary.

Q. What was the accusation against Scott?

A. For having taken arms against the Provisional Government and struck the captains of the guard.

Q. Were witnesses heard?

A. Yes.

Q. Who were the witnesses?

A. Riel, Joseph Delorme and Edward Turner.

Q. By whom were they examined?

A. By the captains constituting the council.

Q. Was their evidence given under oath?

A. Yes, it was I who administered the oath.

Now I come to the evidence of Rev. Mr. Young who interfered on behalf of Scott:—

"Riel had what he called a council of War. He spoke to me also of his officers, and of the Adjutant-General and of his Captains. The deceased told me that they had subjected him to a sort of trial and that he had been condemned to be shot. He had protested against that trial, because it was conducted in the French language which he did not understand. I went to Riel and asked him if it was true that Scott had been condemned, and if it was their intention to put the sentence into execution. He replied that in fact Scott had been condemned, and that their intention was to carry the sentence into execution. I begged him to delay the execution for twenty-four hours. He replied that he would ask the Adjutant-General about it. He added that Scott had been condemned by the council who, with the exception of one voice had been unanimous in the decision; but still he would submit the prayer of my petition to the Adjutant-General. From what I understood, the Adjutant-General was the President of the council of war. Riel had the Adjutant-General summoned into the room where we were. That officer was called Lepine, now the prisoner. Lepine took a seat and both of them entered into a conversation. I asked again that the execution of Scott should be delayed for twenty-four hours or more. Riel asked Lepine, and after consultation the latter rose shaking his head as a sign of refusal and left the apartment. Riel declared to me then that my demand was rejected."

I will now quote from the deposition of Mr. Bunn:—

"Were the powers of Riel defined? I do not know. Q.—Had he the right of veto or sanction? A. No, he was recognized as the President of the Assembly."

Strange to say the national convention was sitting at the time, and although the witnesses swear that the convention were informed that Scott was to be executed, they did not interfere. I think that is sufficient to show that they did not believe Scott worthy of any sympathy. I will now quote from the evidence of Bishop McLean, who was examined by the Hon. Mr. Chapleau:

Q.—Where were you in 1869-70? A.—Here. Q.—Is it true that you assisted in the election of Mr. D. A. Smith in February 1870? A.—Yes, and I will explain. Captain Boulton having been condemned to death, I received a letter from him one day announcing to me that he was to be executed that very evening at midnight, and praying me to come and see him. I went to the Fort and saw the captain in prison, in irons, and lying on a buffalo robe. After a short conversation I asked to be conducted to Riel, who declared to me that

Boulton was condemned to be executed. I went back to the cell of the condemned, and I told him that I did not think I could succeed in having his life spared, and I gave him religious consolation to prepare for his end, which I believed to be near. With permission of Riel I administered to him the communion. The captain told me all concerning the movement at the Portage in which he had been mixed up; and I then again went to implore Riel, who told me that the execution would be postponed until the next day. Being so assured I left the prisoner, to come back at an early hour the next morning. In the interval several persons of distinction having learned the fact, came in their turn to solicit mercy for the condemned men and to obtain delay for the execution. I was about to go, and I was speaking with Capt. Boulton when Riel entered with tears in his eyes to inform me that he could not succeed in preventing the execution and then he left me alone. Sometime after I heard a conversation between Riel and Mr. D. A. Smith. The former (Riel) implored Mr. Smith to hasten the election of the English representatives, for otherwise he said he could not answer that he could succeed in saving the life of the prisoner. This conversation made upon me a very profound impression, and sometime later Riel entered the second time into the prison and called me into the square and informed me that Boulton would not be shot."

Everybody understands the way that those trials take place, but I think those documents do not show Riel in the light which he is generally represented. Mr. Bunn who was Secretary of the provisional government was examined by Mr. Chapleau who was defending Lepine, as follows:—

"Q—You said that the assembly was in session after the election? A—Yes, and it lasted several days. (By the Court)—Did the meeting know that Scott was to be shot? A—Yes, they said so. Q—Did it occupy their attention? A—No. Q—Why? A—I cannot say. Q—Had Riel the right of veto? A—No."

A moment ago I cited a memo. of the Imperial Government. The Acting Minister of Justice sent a memo. which is published at page 171 of the documents of the 8th volume of 1874. I quote from it the following:

"It is to some extent pretended that in that report by Riel and his followers, that the shooting of Scott was ordered as a necessary thing for the preservation of the peace of the inhabitants of the settlement; that Scott was a dangerous character, and a disturber of the peace; that he had been twice caught in arms, and twice pardoned by the Provisional Government; that he was a violent man;

and even if he had been the ringleader in a rising against Mr. Snow, when in charge of a party employed by the Canadian Government in making a road some time previous.

With regard to the fact of Mr. Scott having been one of the working party employed by Mr. Snow in road-making, the undersigned would refer Your Excellency to an account and receipt filed by Mr. Snow with the Government as a voucher, in which Mr. Snow states that he was forced, under threats and grievous bodily harm, to pay to Scott and others of the working party, the sums opposite their respective names. It is probably to that circumstance that Riel alluded in his remarks to Mr. Smith about Scott before the latter was shot."

We see all those documents confirm each other. Now I took as the basis of my argument what was stated by the present Secretary of State of Canada, who does not hesitate to say that Riel was for the second time a murderer and guilty of high treason. It seems to me that is a rather strong argument, but I shall now refer to another expression of opinion by Mr. Chapleau, under other circumstances. In 1874 he was a member of the Legislative Assembly of Quebec. At the same time the hon. member from DeLanaudiere and myself had the honor of holding seats in the same body. One day Mr. Chapleau came to me and asked me to second a motion concerning those North-West affairs, which I did. That motion, which was written by Mr. Chapleau himself, and adopted unanimously by the House of Assembly of Quebec, was as follows:—

"That the leaders of this movement constituted themselves a government and committed an act to be regretted."

I may say I tried to find in the Library an English copy of the Journals of the House of Assembly of Quebec for 1874, but there is not a single copy of it there, and that is why I have to translate from the French copy as best I can:—

"An act to be regretted accomplished under the authority of that Government was the execution of a subject of Her Majesty; that after the execution representatives of the North-West were received officially by the Government of the Dominion who negotiated with them the conditions of the admission of the North-West Territories into the Union with Canada, and that the Federal Act sanctioned their demand; that this population has seen with surprise and sorrow that prosecutions have been directed against some persons (that is Riel, Lepine, Nault and O'Donohoe) implicated in these troubles attri-

buting to them the personal responsibility, and going so far as to call it a crime of wilful murder for acts which proceeded from the authority of the Government created under those circumstances."

Mr. Chapleau gave as a reason for supporting this resolution that "This act was so mixed up with the political events of that unfortunate epoch that it is impossible to compare it with acts of felony which the law ordinarily punishes."

This is what the present Secretary of State proposed and what was adopted by the Assembly at Quebec unanimously. The least we can do, since the recent statement of the Secretary of State is circulated all over the country—a document which asserts absolutely the contrary—is to bring the other expression of opinion of the same gentleman before the public. There is a document which I have before me called "the amnesty," written by Archbishop Taché. I do not care to quote the evidence of those who are supposed to be favourable to the half-breeds, but as Archbishop Taché is such a high authority I think the House will permit me to read what he says. It will be found at page 27 of this book:—

"The Red River troubles which occurred between the month of October, 1869, and the month of September, 1870, form a political whole of which the parts ought not to be dis-united. We ought not to punish more those who occupied the lower Fort Garry (that is French half-breeds) than those who occupied the upper Fort Garry) that is the soldiers of Mr. Macdougall) not more those who caused the death of Scott than those who caused the death of Parisien. It is not necessary to say that the death of Scott pained and afflicted me very much. It has caused such deep regret to me, as well as to those who know anything of it, that in spite of the sorrow which I feel and the risk which I run of receiving fresh insults, I do not hesitate to say that I am sure that the execution took place, those who ordered it believed they had a right to do so, and it was to prevent greater misfortunes, and if they acted wrongly it is not necessarily before those who had possessed the power had neither the experience nor the cruelty which follows such an infamous profession. The act was attended with far less barbarity than the imagination of some people has invented. The half-breeds of the Red River are very far from being influenced by the barbarous and cruel feelings which are attributed to them, much less than those who, after calm reflection have sought to excite hatred and evil passions."

There is another point to which I shall

briefly refer, and which I consider of great importance. In those documents which are referred to in my notice of motion, it is stated on the evidence of Charles Nolin that Riel was actuated in the recent disturbances by sordid motives—that he wanted to get \$100,000. I will show that there can be no possible doubt that at the time the unfortunate man was insane. I think there is not the slightest difficulty in proving that; but as the alleged act is an isolated one, and the document which quoted the evidence of Nolin took good care not to cite the whole deposition, or parts of it which to my mind are essential, I will add something further. Charles Nolin was an enemy of Riel; he stated that Riel asked for \$100,000, and afterwards offered to accept \$35,000, or something of that kind, but the document does not state that Riel said if got that money it would be for the purpose of establishing a newspaper in the United States to advocate the cause of his countrymen. That fact changes somewhat the character of the act. In the whole career of Riel, the most disinterested man in that country, is it just or fair to take an isolated act or a solitary deposition, and judge him by it? Should we not rather take the anterior acts of the man and show what he did under other circumstances? I will now refer to the documents of 1874, page 55. It happened that in 1871 a leading statesman of this country, Sir George Cartier, had been defeated in Montreal, and his friends were very anxious to procure a seat for him. Telegrams were sent to the North-West asking if Riel, who was a candidate for the county of Provencher, would consent to retire and permit Sir George Cartier to be elected in his place. A man actuated by sordid motives would have tried to take advantage of this circumstance to extort money. There are many people who perhaps would not hesitate to proclaim very loudly that Riel was a sordid man who, perhaps, if their lives were closely investigated, might be found to have thought it not contrary to honor to receive some little compensation for having abandoned their just rights in their counties. It was very well known that Riel would be elected by acclamation, as he actually was after the death of George Cartier. Sir John Macdonald wrote to Lieutenant-Governor



Archibald to know whether Riel could be induced to retire. The Lieutenant-Governor called on His Grace the Archbishop of St. Boniface to ascertain if it could be done, and here is what he says :—

“Riel also strongly objected in the same sense, and besides he said: ‘You know my disposition! I am sure I am killing myself in the estimation of my friends if I do leave, because they would say that I have been bought, and I am not in the market. Besides I have no means to hand, and will accept no favor from the Canadian Government until all our difficulties are settled.’

“I insisted, showing the difficulties for the country involved in their presence, and using all the arguments I could. They were together, and asked me to give them time to think over the matter.”

Sir John Macdonald had sent \$1,000 to pay the expenses of those men to leave the country, because they were exciting the population, and Sir John and Sir George thought that serious difficulties would be created unless this was done. Sir George Cartier was elected in Riel's place. Archbishop Taché says it was very clear that Riel was the only support of his mother and sisters, and that he supported them by the daily work of his hands—that he could not leave the country without providing some support for those dependent upon him. I quote the statement which appears in the sessional papers:—

A few days later they came to me, and said that they would leave the matter altogether to my decision, but on certain expressed conditions, namely: First, that I would give them a letter, under my own signature, stating that it was at my request that they determined to leave; Secondly, that they would be furnished sufficient means to travel, and something to be given their families during their absence. I said I had \$1,000 at my disposal, and as it had been given only for one that I would add something from my own pocket to help them. Riel said “No, I will not consent that you spend one cent in this business. You have done too much already both for myself and my family. Besides, we leave at the request of members of the Ottawa Cabinet, it is but fair they should pay the expenses. We have enough of the trouble and the risk for ourselves, and I wish it to be understood that all the expenses are to be paid by the Canadian Government, because I consider that we are going away on their behalf, and we would consider ourselves as under pay in their services, otherwise we would not accept one cent from them.”

Lieutenant-Governor Archibald's account of the negotiations between himself

and Archbishop Taché will be found at pages 55 and 59 of this same volume. He says :—

“I saw Riel and advised him to retire, giving him the same reasons, and also other reasons on behalf of his country. He told me that personally he would have no hesitation, that he understood perfectly well it would be for the advantage of Manitoba to have a representative in the Cabinet, but that he was not quite sure his friends would view the matter in the same light and that in order to satisfy them he must have some guarantee that the interests of the half-breeds would not be overlooked. He gave me, in writing, his conditions of withdrawal in favor of Sir George. I returned to Mr. Archibald, and stated the conditions, and myself wrote at his desk a translation made by himself, and which he was to have telegraphed to Sir George. I produce a copy of what was so translated, made by myself in Mr. Archibald's presence; I added my signature to the copy Mr. Archibald retained.”

Now this is the man who is supposed to have been capable of betraying his country for money. When he was asked to retire from the representation of his county, let us see what he asks; here are his conditions :—

“That the settlers shall be continued in the exercise of their rights, etc., they have been accustomed to enjoy in respect of the lands on the rear of their lots, and no sales or entries there shall be permitted till the question of their rights shall be settled and adjusted under the agreements with the delegates.

“That no person shall be allowed to enter in the townships laid aside for the half-breeds, from the date of the selection; and any person entered after that date to be removed by the Government authority.

“Mr. Archibald, as he told me, telegraphed to Sir John, instead of Sir George, and on the 10th September I received from Mr. Archibald a letter.”

This man does not even ask what generally all those retiring candidates demand—the amount of the expenses incurred in the election. His only anxiety is to stipulate as the price of his withdrawal the recognition of the rights of his countrymen. It seems to me that this ought to count for something. I beg now to call the attention of the Government especially to a letter which I find at page 41 of appendix 6 of the Documents in volume 8 of 1874; it is a letter from Archbishop Taché to His Excellency the Governor-General, dated Hamilton, 23rd July, 1870, in which it is first explained that after much ill-treat-

ment endured by the half-breeds they were solicited by the Fenians to join them and sever the North-West from the Crown of England. His Lordship says :—

“ The Fenians, as a body, only met refusal or silence when they offered their co-operation. Outside of the Fenian associations, the Provisional Government of Red River has repudiated offers that might have seduced its members had the sentiment of allegiance not prevailed; sums of money amounting to more than four millions of dollars (4,000,000) men and arms, had been offered, and the whole was refused by those ‘rebels,’ whom it is proposed to get hanged by the expedition, after they had refused the help offered to determine them to attack it.”

This statement in the letter of the Archbishop was confirmed under oath by his Grace before the Commission in 1875. Hon. gentlemen may take it for what it is worth, but it seems to me that it is quite as good, at the very least, as anything Charles Nolin may have thought. I hold here a letter which was written to a newspaper in St. Paul, Minnesota, by a priest whom I know. He does not give his name, but I know him, and in case an enquiry should take place he is ready to affirm on oath what he states here. He says :—

“ When the first rising of the half-breeds had come to an end, the friends of Riel, before his departure for exile, requested him to take a sum of \$4,000 which had been obtained as a tax on the property of the Hudson Bay Company. Riel would not consent.”

Hon. gentlemen will recollect that I have established that they had borrowed a sum of money from the Hudson Bay Company. Riel, who had governed the country as is well known never received a cent; his friends advised him that there was still \$4,000 in the public chest it was advisable that he should take it, but he refused.

HON. MR. PLUMB—Governors do not often take the money from the public chest to pay themselves.

HON. MR. TRUDEL—I know perfectly well that nobody is allowed to do so, but I may add that I do not think there are many Ministers of the Crown or Governors who would do as the hon. gentleman himself does here—serve their country for nothing.

HON. MR. PLUMB—They do not help themselves.

HON. MR. TRUDEL—I think perhaps some more clever man would have found a way to pass an Order-in-Council and say “ We have governed the country for several months, and we allow to each of ourselves a couple of thousand dollars.” But no; they do not take a single cent, and this shows, in my opinion, that this man, while he may have committed errors of judgment and done wrong under certain circumstances, was not the blackguard and sordid character that he has been represented—not a man who would betray his countrymen for money as he has been represented to be by Ministers of the Crown. This letter goes on to say:—

“ Not long ago, in 1885, the Canadian Government, through the instrumentality of Mr. Macdonald and another person, whom I shall be ashamed to name, made several attempts to corrupt Riel and induce him to abandon his friends. They offered him a position of \$2,000 a year, and he refused it.”

It is true this is not signed but I give it as I have it, and I will add that should a committee on the question be appointed—which I do not much expect—I pledge myself that the author of this letter will be there to testify to the fact he has stated. I have here another letter which was written to me and which I published at the time, in which the writer says he knows that Riel declared to him that he had tried to get some money to establish a paper, because he considered that it was the only way to secure justice for his countrymen. This letter was written to me by a missionary who is well known personally by both of my hon. friends from Manitoba, and if the name should be given to the public they will not question his standing and character. I will now quote from page 121 of the Sessional Papers of 1874. The hon. gentleman opposite who was a member of the convention of the North-West will be pleased perhaps to be reminded of it. It is a resolution passed by the convention on the 1st of March 1870, and it reads as follows :—

“ That notwithstanding the insults and sufferings borne by the people of the North-West heretofore, and the sufferings which they still endure, the loyalty of the people of the North-West towards the Crown of England

remains the same. Provided their rights, properties, usages and customs be respected—feeling assured that as British subjects, such rights, properties, usages and customs will be respected.

It seems to me that that is not exactly the language of rebels. I will now quote the opinion of a public man whom many hon. gentlemen in this House considers the highest legal authority. It is a report of Sir John Macdonald, in which he says that he recognizes the fact that there was no feeling against the Crown of England in the acts of the half-breeds but that they had been led to do as they had done by the actions of the officers of the Canadian Government :—

“The people have been led to suppose that they have been sold to Canada, with an utter disregard of their rights and position.

When Governor McTavish visited Canada in June last, he was in communication with the Canadian Government, and he never intimated that he had even a suspicion of discontent existing, nor did he make any suggestions as to the best mode of effecting the proposed change, with the assent of the inhabitants.

Lord Granville states “That throughout these negotiations, it has never been hinted that the Company is to be bound to hand over its territory in a state of tranquility, and the dangers resulting from that inability to the neighboring colony, is taken for granted as a reason why its responsibilities should be adopted by Canada.” Now the obvious reason why no express stipulation to that effect made was, that it was assumed by all parties that the Company had both the right and the power to hand over the territory. It was in a state of tranquility, and no suggestion was made of the possibility of such tranquility being disturbed. Canada did not allege, nor did the Company admit any inability on the part of the latter to secure the tranquility of the country in its present condition.

The resistance of these misguided people is evidently not against the sovereignty of Her Majesty or the government of the Hudson Bay Company, but to the assumption of the government by Canada.”

I will now quote from a deposition of Lieutenant-Governor Archibald an extract which will perhaps astonish some hon. members. He declares :

“I believe that the action of the half-breeds at the time of the Fenian raid was attributable to the negotiation with their leaders which I have described, and if the half-breeds had taken a different course I do not believe the Province would now be in our possession.”

So that it will be seen that His Excellency recognized what was due to those men. It seems to me that it is a pretty strong testimonial, and if those half-breeds are entitled to it, they ought to have it. The Lieutenant-Governor describes the circumstances on which he bases this declaration. Hon gentlemen will remember that in the previous part of my speech I quoted from the depositions of Lieutenant-Governor Archibald, in which he describes the odious spoliation which took place at the Rivière aux Islets de Bois. Hon gentlemen will remember that His Excellency says that the half-breeds had their farms fenced on the banks of the river, that some emigrants from Ontario came and decided to settle on those lands ; that there were plenty of other lands at least as good as those occupied by the half-breeds, and in order that the latter should not be mistaken about the meaning of the action of those men who robbed them of their property, they changed the name of the river and called it “The Boyne.” His Excellency describes it in this way :

“Some of the immigrants from Ontario shared the feelings of the disbanded volunteers, and acted in concert with them. A body of French half-breeds had made a selection of a tract of land at Rivière aux Islets de Bois ; some of them had made farms, or at all events enclosures, at that place. There was abundance of land elsewhere equally good, but the new comers preferred this spot. They entered on the ground and staked it off ; put up huts, and declared they would hold it against all comers. To give character to their occupation, they discarded the name by which the river had been known, and called it the Boyne. Of course the half-breeds were enraged, they thought it bad enough to lose land they believed to be theirs, but in the new name they saw something worse—an insult to their religion. They seemed to think that property, race and creed were all to be trodden under foot, unless they took care of themselves. They met in their parishes on the Assiniboine and Red River, and determined to march to the settlement and drive off the intruders. Fortunately I heard of their intentions.

I sent for some leading men among them, and warned them that if they lifted a hand or struck a blow it was all over with them.

The collision was arrested, but not without great risk. Had blood been shed on that occasion we should have had a civil war in which every French half-breed would have been an active participator ; while from the English half-breeds, in accord on the question property with the French, neutrality was the

utmost that could have been counted on, and at this moment we had a garrison of only 80 men to defend all our military stores at Fort Garry, and to preserve the peace of half a continent besides.

The danger was over for the moment, but the feelings of sullen discontent remained. This was in July. In October came the raid. It was predicted on the discontents known to prevail among the French half-breeds.

The leader of the raid had been a member of the Provisional Government; the other members of that Government were in the Province outlawed for their offences, abused by one press and thrown over by the other, and yet exercising a large influence among the population of their own race and creed. Under these circumstances chances were that the French would join the enemy. I had a tough battle to fight.

For a fortnight I labored unremittingly with the French clergy and with the representatives of the French parishes in the Assembly. I pointed out, as well as I could, the advantages in one line, the danger and ruin in the other.

At last my remonstrances and persuasion began to take effect. The clergy assisted me in the movement. The colleagues of O'Donohoe in the Provisional Government, on whom he had counted, began to come out against him. Riel went into the Flemish Settlement and used his influence against O'Donohoe. These two men are said never to have been very friendly.

O'Donohoe was always a Fenian, an annexationist; Riel was neither—his feelings were those of a Frenchman and a Catholic. He could see a chance for his race and creed in the Dominion where a large part of the population is French. The clergy, who were of the same race, naturally shared his feelings in this respect; and they felt more inclined to side with Riel, one of themselves, than with O'Donohoe, who differed from them in race, and, as a Fenian, was not necessarily a good Catholic.

With these influences operating on the French side, their sullenness and resentment were gradually overcome, and they were brought to take a stand in favor of the Crown. My letter of the 13th October, at the close of the raid, addressed to the people of Manitoba, details the progress of events.

It was after that His Excellency added the words which I quoted a moment ago, "I believe the action of the Fenians at the time was attributable to the actions of their leaders which I have described, and if the half-breeds had taken a different course I do not believe the province would now be in our possession."

Riel and Lepine called their men and led them to the Lieutenant-Governor. They had with them a gentleman who was one of the members of this House. As the document is official, I suppose he will

not deny it. This is the evidence before the commission (page 180.)

"I informed the Lieutenant-Governor of their arrival, at the request of Mr. Royal, then Speaker of the Assembly.

I told him that the Metis wanted to meet him either in the fort or on the other side of the river. I told him that Riel and his friends were there. He consulted me whether it would be better to meet them in the fort or on the river. I recommended him to see them at the river. He agreed. We crossed the river; I in a rowboat; the Governor in a scow on horseback; accompanied by Captain Macdonald I think. We came close to them, and I then said to the Governor that these men were ready to go to the front to defend their country; thereupon the Governor spoke to them saying, that he received their offer and had much satisfaction in meeting them.

Afterwards there was a sort of salute fired, and cheerings on both sides of the river."

Afterwards he went with me among the crowd at the river and I, Royal and Debuc, introduced him to the prominent men, amongst whom was Riel. I introduced Riel as the man whom the half-breeds had chosen for their chief for the occasion. I thought it would be better not to give the name of Riel to the Governor. This had occurred to my own mind on the way across the river. It had not in any way been discussed.

I suppose he understood it was Riel.

Governor Archibald shook hands with Riel in the way I have described.

Mr. Debuc introduced Ambroise Lepine by his name as a prominent man, and the Governor also shook hands with him.

Parinteau was also introduced by name, and the Governor shook hand with him

Riel was the first introduced.

After the introduction, Riel addressed the Governor publicly, saying that he was there with his friends to offer their services in defence of the country against all enemies, and asking the Government to accept their services. The Governor thanked him very warmly for that offer of service, and told him it was received with much pleasure.

Afterwards those men marched against the enemy, and have been rewarded—as everybody knows. It is in these terms that the Hon. Senator from Manitoba (Mr. Girard) related those circumstances. The Lieutenant Governor seeing that in spite of the services rendered by these half-breeds, who, according to him have preserved to the Crown of England that enormous territory of the North-West of which we are so proud to-day, proceedings were taken against them, he wrote to the Secretary of State the following letter of the 20th January, 1872. After having explained that whatever might have been done before 1872, and whatever might

have been the opinion of the Minister of the Crown as to merits of the acts of establishing a provisional government and executing Scott and all that, he said it was absurd to continue to persecute those men, and he gives his opinion as follows:—

“It seems to me that the people here must be allowed to be judges of how to manage their own affairs.

At all events this must be so till they cease to possess representative institutions. If they are to be responsible to the people of another province the members should be elected there. At all events one thing is clear, they should not be elected by the men to whom Parliament has given the franchise.

If the other doctrine is sound it should be your business in dealing with these men, to erect not hustings but gallows.

You allow the electors to choose members you allow the members to make and unmake ministers, but electors and members are to exercise their functions with ropes around their necks. Was there ever before a responsible Ministry resting on a House, of whose constituents more than half were liable to be hanged or sent to the penitentiary? To hang all, or to hang a few to whom the rest are blindly devoted is much the same thing so far as a responsible Ministry is concerned.

If then you cannot punish without recalling constitutional government, what use is there in keeping up the pretence of calling these people outlaws. In my view you have to choose between revoking responsible government and admitting that you cannot go back to inflict punishment for offences in which half the population were implicated, committed before responsible government was conceded.

Still I may be wrong. I have no wish that my opinions should go for more than they are worth.

I can give you no better proof of that than I did in offering to remove any obstacle to the adoption to a different view. What I said in substance to you in my last, I afterwards put into formal shape and sent to the Premier.

I did not act under any feeling of irritation. I had no motive other than the desire to have the Government free to take whatever line they thought best.

If, therefore, the Government think it wise to adopt another policy, there is nothing to prevent them from entirely repudiating my actions.

I am quite content to await the time when a healthier public opinion will take the place of the feverish excitement lately prevailing in some parts of the Dominion. Meanwhile, let a different experiment be tried. At the end of a year of such a regime, it will be seen whether as proud a chronicle can be given of peace and progress as the one we have just recorded.

I trust in God it may be so, but it seems to

me that unless you expect to ‘gather grapes of thorns or figs of thistles,’ you can hardly hope to carry on responsible government by inflicting death penalties on the leaders of a majority of the electors.

“I have, etc.,  
“(Sgd.) A. G. ARCHIBALD.”

Hon. gentleman will remember this assurance given by the Lieutenant-Governor of the North-West, that the provisional government respected persons and property, and this is a refutation of some letters written by people who wrote from hearsay that when the half-breeds took possession of Fort Garry the stores and treasury of the Hudson Bay Company were plundered. When it was decided that Riel and Lepine should leave the country, and the sum of \$1,000 was sent by Sir John Macdonald to those two men on which to leave their homes to travel round the world for several years, it was on a letter of Lieutenant-Governor Archibald who proposed such a course. He speaking of Riel especially said this man, considering his talents and his abilities should be sent to Paris, France, to complete his education and to qualify him to render services in the high position which his countrymen reserve for him. I have another letter from one of the hon. Senators of Manitoba which gives a similar opinion of Riel. One day Riel called upon the Hon. Mr. Girard, who was at the time Premier of the Government of Manitoba, and in conversation with that gentleman Mr. Girard says “he asked me to tell him as a Minister of the Crown if he was excluded or not by the proclamation just referred to. I told him officially, no, you are not excluded, and I would like to have a sufficient force to protect you,” said the Prime Minister of Manitoba, “but for the sake of your country and of your friends absent yourself from the country for a time, and be sure as soon as the Government is strong enough to protect you we will recall you that you may take the place to which you are entitled.” And the Prime Minister added “I meant his place there as Minister or representative in the Government of this country.” This was said by the hon. gentleman before the commission of 1874, alluding to a conversation which took place between Riel and himself in 1872. It was said in this memorial of the Secretary of State that the “scoundrel” who had received money to leave the

country, and with a promise not to return, had "dared" to come back again on Canadian soil. I have shown by the conversation of Lieutenant-Governor Archibald as reported by himself, and letters from Sir John Macdonald, the reason for Riel absenting himself for a time, while the excitement was continuing, and only for a while, and according to the official documents, Sir George Cartier and Sir John Macdonald said that it was not to preserve the peace in Manitoba that they required Lepine and Riel to absent themselves, but to preserve the peace in Ontario, and to save the Government from trouble which might arise from the agitation, that was aroused in the Province of Ontario. It was for that reason that those two men were advised to abandon their country and to exile themselves, and this is the letter which the Archbishop, the gentleman who was acting for Sir John Macdonald, wrote to the men to explain the reason and under what circumstances they were to leave the country. It shows whether they left the country as "scoundrels." The letter is published in the 8th volume of the Sessional Papers of 1874, page 56, Appendix No. 6, and it is as follows:—

MANITOBA, 16th February, 1872.

GENTLEMEN—In the conversation we had together yesterday you decided to leave to my judgment the decision to be taken in relation to the difficulties which threatened to arise, owing to fanaticism. Were it not for your well known patriotism and disinterestedness I should not even venture to express the opinion I have formed.

I know a motive of fear or the near desire of personal safety would not influence you; hence I have given hardly a moment's consideration to the chances in that direction. Surrounded by your friends, protected by their devotedness and zeal, you are as safe here as elsewhere, and perhaps more so than you would be travelling; nor is this the question to be considered.

I know that the line of conduct you have marked out for yourselves is rightly dear to your hearts and that you are determined not to deviate in any way from the principles by which you are guided, much less to yield to unjust influences, how urgent soever they may be.

Your fellow-citizens love and respect you, and the influence you enjoy amongst them enables you to do them good and be useful to them. Your presence is a bond of union amongst them. Your departure would be a trial as well as a sacrifice. I know all this, gentlemen; I know it all the better from the fact for a long time past these matters have

occupied my mind and my heart daily; despite that knowledge, I take it upon me to utter the painful and delicate word "go," disappear for a time. Do not leave even a pretext to those who are assailing you so unjustly. They want to accomplish evil ends, to disturb the country, to ruin it if possible, and with that view offer this fresh sacrifice on the altar of your country; you know by experience as well as by principle that it befits for good citizens to place the public welfare above the most legitimate individual aspirations. Show once again that your patriotism is not confined within the narrow straits of personal advantages, but that, on the contrary, you are capable of forgetting self when good is to be done.

I feel, gentlemen, that magnitude and the extent of the sacrifice I ask of you. I have seen many sincere and devoted friends who think as I do. Few, no doubt, will take upon themselves the painful task of begging you to go away. My friendship and my confidence in you have nerved me to do so. I have declared myself your best friend; this has caused me to be insulted by those who hate you, who would treat me with the same contempt they would you. Well, let them insult me again, for I am ready to repeat, and I do repeat, that I consider myself your best friend, and as such I venture to take the liberty of giving advice of so painful a nature. I know how painful it must be to you to go forth to expiate in a foreign land the crime of having so deeply loved the country of your birth. I know the affection you leave behind. If my friendship counsels for your departure, it will also inspire me with compassion, and I shall not fail to offer a meed of consolation to those who must shed bitter tears during the days of your absence. Farewell, gentlemen; I bless you, and, awaiting your return, I pray to God to keep you and to bring you back safe and sound.

Yours, etc.,

ALEXANDER,

Archbishop of St. Boniface.

I think I have proved that those men acted with the Government; that they may have committed an error of judgment, that they may have committed an act of excessive rigour, but we have all the circumstances before us as given in the public documents under oath, which prove that they did not act as criminals. There are other documents that I have not quoted, because they are not official. About two months ago I was listening to a speech of an emigrant lawyer in Montreal, Mr. Champagne, who was at the time of these troubles in the North-West one of the officers of the provisional government. He happened to be in Fort Garry when Scott was executed, and he told me repeatedly, and he told it in presence of thousands of people in Montreal

and elsewhere, and was ready to certify to it under oath, that after the council of war had condemned Scott, Riel did his best to save him; that he succeeded to a certain extent, and that Lepine had consented to pardon him. They said to Scott "You have been taken twice in arms against our government; you have struck the captain of the guard; you have tried to assassinate the President; you have been condemned to death, will you consent to leave the country if you are released? We will send a guard with you to Pembina, and there a sum of money will be given you to take you as far as Toronto," and Scott replied laughing—"You are a lot of scoundrels! You are a lot of cowards! You are playing a trick on me to get me out of the country, and the first use I will make of my liberty is to kill that man." It was then that the Adjutant-General said "This man is my prisoner. It is I who have power over him, and he must die;" and he was afterwards shot. This is what Mr. Champagne declared in my presence. Of course it may be said that was a lawyer's speech; but the second time I heard the statement I wrote to Winnipeg to a gentleman whom I know personally, and who is known very well to the two hon. gentlemen from Manitoba who are listening to me now, and I related to him the facts stated by Mr. Champagne, and asked him whether he could give me information about them. I have his letter before me. His reply was "All that you have said I heard from Lepine and Riel themselves the day after the execution, exactly as it was told to you by Mr. Champagne." And he adds "I am ready, although I do not like to have my name come before the public, to testify to this under oath at any time I am called upon to do it." This is a gentleman who holds a high position in the North-West. I do not give this as evidence, because I give as evidence only what was stated under oath by witnesses, and I do not want to depart from that rule. I say, however, that under the circumstances this information amounts to something. If it is true, those men were exercising an authority committed to them by the people. Rev. Father Ritchot, in his evidence at page 79 of vol. 8 of the report of the Committee of 1874, says:—

I had some conversation with Sir George

Cartier in presence of Mr. Scott (one of the delegates) as to what I should do on my arrival in Manitoba. I do not remember whether Sir John was present or not. This was when we were discussing the Manitoba Bill. I then asked Sir George who was to govern the country pending the arrival of the Lieutenant-Governor, and if he was to name somebody to do so: "No, let Riel continue to maintain order and govern the country as he has done up to the present moment."

Sir John was sick at the time, and Sir George Cartier was acting as Minister of Justice, and in fact was acting as Prime Minister of Canada. Father Ritchot continues as follows:

"He asked me if I thought that Riel was sufficiently powerful to maintain order. I said I thought he was. Then he answered, 'Let him continue till the Governor arrives.' He also inquired whether Riel would require that the Governor should take authority as his successor. I answered that he would not; that his government was only a provisional one, and that he would immediately withdraw when the representative of Her Majesty arrived. 'Very well,' said Sir George, 'let him be at the head of his people to receive the Governor.'" Before my departure on the 28th also, he recommended me to tell Riel and the people that they had nothing to fear. He even told me that it would be desirable if the half-breeds would meet the troops and serve as guides."

And what did happen? It happened according to the evidence of Archbishop Taché that the half-breeds sent guides; but it did not suit the purpose of those great military men who were going to conquer the North-West; and although letters were sent to them that Fort Garry was evacuated; that Riel and a dozen of his men were there only to receive them as recommended by the Prime Minister, they put their army in order of battle and Fort Garry was taken—empty and the doors open, and Riel and his friends were informed about half an hour or an hour after by those men coming in the name of Canada, having no other power than the powers given to them by the Government of Canada that the first thing to be done was to arrest those poor half-breeds who were preparing to meet them in a friendly spirit; that they were to be put in jail, and something worse might happen, and they had to fly. This is the way Canada has acted towards those men all the time; and in spite of this treatment, two years afterwards we have seen them, when they were able to put 1200 men under arms and the Lieutenant-Governor

had only 80 men under his command, after receiving the most extraordinary insult a nation can receive—after having been robbed of their property openly, we have seen them, because they were loyal to the Crown, taking up arms and going to fight the Fenians who were coming across the border. Those men, according to the testimony of Governor Archibald have saved and kept the North-West for the Crown of England, and their reward for their devotion is the treatment I have described. I have nearly completed my task. I undertook to call the attention of hon. gentlemen to those official documents referred to in my motion in which those men were charged with being guilty of high treason in 1879 and guilty of wilful murder. If it is true that those men acted as the public documents show ; if it is true that they have saved the North-West to the Crown of England ; if it is true that they were not after all “scoundrels,” though they may have committed faults, and it is very seldom under such trials men do not commit faults—if it is true that they were good, honest men, and that they have been not only ignominiously condemned as criminals and deprived of their little piece of ground which the law gives to all the half-breeds, but were obliged to exile themselves from home and friends in a foreign land, is it surprising that when the difficulties of 1874 occurred that those men were inclined to perhaps exaggerate somewhat as to the treatment which they had received from the Canadian Government ? I do not wish to introduce politics into this question ; but it is admitted by everybody and the Ministers themselves have recognized the fact that justice has not been rendered to those unfortunate men. It will be recollected that about a year ago the worthy leader of this House recognized that up to a certain time the agitation which had been going on in the the North-West was not by Riel, because it had not been commenced by French half-breeds, but first of all by English half-breeds, and delegates had been appointed to form a sub-committee to communicate with the French half-breeds to see if they would not join the movement, before Riel was mixed up in it at all. Afterwards there was another meeting at which it was decided that delegates

should be sent to the United States to get Riel to put him at the head of the movement. All those circumstances showed that there was not an intention to reverse the authority of the Queen. We have the admission of our leader here that up to a certain date the movement was constitutional, and while it was admitted that the movement was constitutional, and while a Minister of the Crown has declared that those half-breeds have never made complaint, and never sent petitions, I have myself published 78 petitions coming from those people containing complaints and asking for justice. Still we were told here that there was not a single petition—not a complaint ; and the Secretary of State in a letter published in the country stated that there was not a single complaint. And what was done ? The Government admitted that the agitation was constitutional. They thought the best thing they could do was to garrison Fort Garry, which meant this : “You agitate for justice ; we will shut your mouth with bayonets.” I stated at the beginning that the greater part of those unfortunate events were the result, not of malice, but of a misunderstanding. One of the members of the other House, the Hon. Mr. Royal, stated in his speech on the same question some time ago that one day when, in his opinion, the agitation was legal and constitutional, a man of high standing in that country, whom I do not know, the Hon. Mr. Laurence Clark, told the half-breeds “You expect justice from the Canadian Government : instead of sending you your titles they will send bullets for yourselves and chains and iron for your leaders.” Then they began to arm themselves. They were a population of hunters who seldom go out without their rifles. They believed that it was only prudent to organize in self-defence. I do not attempt to defend the occurrences of last year. My proposition at the outset was this : There is a part of this population who profoundly sympathise with the half-breeds and whose feelings have been deeply wounded, not merely because the Metis are of their race, but because they sincerely believe that they have been treated unjustly, or at the very least harshly dealt with. I do not accuse the Government : I have no such strong feeling as would lead me to do so. I



merely ask you to look at all those documents and see whether the French population, after all, is not justified in feeling as we do and whether we deserve the censure with which we have been visited. I have made these observations always presuming that Riel was sane. I would not pretend to justify him or his friends, or even to wholly excuse them, but I shall now read the last of the documents which I propose to submit to the House. For my own part I do not entertain the slightest doubt that Riel was completely insane. I know much of his insanity in 1876 and 1877. In 1874 when he came from the North-West I had him with me in my house for about six weeks; and I declare here solemnly, my belief was then that this man could not long sustain the grief which he felt without losing his reason. One day he seemed to be taciturn and gloomy, and I asked him what was the matter. He said, "it is very strange, but there is an idea which haunts me. I always see the point of a dagger directed against me. I am not afraid of anybody; I can meet any person face to face, but I know there are many people who believe it to be their duty to kill me, and of course I am not master of this idea. I always see that dagger pointed against me." I thought at the time that this could not last long. The theory of those who are averse to our pretension is that this man Riel simulated insanity in order to hide himself in an asylum. Now that could not possibly be the case. I have here the deposition of Riel's uncle, a highly respectable man, and an alderman of the city of Montreal. It is as follows:

I, John Lee, contractor, of the City of Montreal, and one of the Aldermen of the city, declare solemnly as follows:

I am sixty years of age. I am an alderman of Montreal for the St. Jean Baptiste Ward of it. I had been a Municipal Councillor for fourteen years before its annexation to the city of Montreal.

I am an uncle of Louis Riel, who was executed at Regina 16th November last, having married Lucie Riel, sister of the father of the said Louis Riel.

I perceived for the first time certain signs of mental alienation in the deceased in 1863 or 1864; that is to say, about the time of the death of his father, of which I do not recollect exactly the date. The death of his father caused him extraordinary grief. He was then at the College of Montreal, and my wife and I went to him to offer him consolation.

The death of his father so wounded his heart that he was inconsolable. I then perceived that this profound grief affected his brain, and that he was stricken down. This was manifested by his exaggerations and his religious eccentricities, for he was thrown then into excesses of piety and used language on religious affairs which I found unreasonable. My wife also remarked the same thing, for she told me of it. After that he remained in profound melancholy. I observed that that lasted about a year or a year and a half, after which he was restored to his former condition.

In the summer and autumn of 1875 he visited my place several weeks, and afterwards went to Washington, where he informed me he had several interviews with General Grant. So far as I could judge, so much was he excited in political matters that his mind was deranged. He returned from the first trip and afterwards returned towards the end of the autumn.

Towards the commencement of January 1876, I received from the Rev. Mr. Barnabé, curé of Keesville, in the United States a telegram summoning me in great haste. I went there. Mr. Barnabé was one of the most intimate friends of Riel who had been accustomed to spend considerable periods of time with him. That gentleman met me at the cars with his carriage. As we hastily entered the carriage I asked him "What is the matter?" He replied to me "Poor Riel is so insane that he will have to be confined." He recounted to me that Riel had become insane at Washington; that his friend Major Mallett of Washington seeing him in that state had sent him to their mutual friends at Worcester. I believe that they were the French Canadian priests in charge of the Canadian church at Worcester, and that the latter had sent him to Mr. Barnabé under the care of a guardian from Worcester. After having described to me the character of his insanity, he said that Riel had become furious, that he did not sleep and passed the nights in crying and wished to escape; that the guardian who had accompanied him from Worcester and himself were barely able to take care of him, and that above all he had with him at his house his aged mother and his sister, who had a mortal terror of him and could not continue to live in this constant state of anxiety. The evening and the night of my arrival at the residence of the curé of Keesville he did not sleep, but cried all through the night. I decided at once to take him to my house at Montreal, and we took the opportunity to return by a train which passed Keesville about four o'clock in the morning. The guardian from Worcester accompanied me to Montreal. All the preceding nights his cries were an imitation of a sort of bellowing, or roaring.

He continued to cry in the cars. I said to the passengers that he was a poor madman, to excuse his conduct. All through the journey, as soon as he saw anyone speaking

or laughing in the cars; he said to them in a menacing way "be quiet" or "don't laugh; I am an apostle; I am a prophet." Seeing him in that state I telegraphed to Mr. Dumaine to send me a close carriage to St. Lambert with a view to avoiding the crowd at the Bonaventure station. The carriage was waiting for me at St. Lambert, and was driven by a man of the name of Pierre Lauzon, a confidential man of Mr. Dumaine. We crossed on the ice and left by Bonsecour street. In passing near the Bonsecour Church he sought to throw himself forcibly from the carriage to enter the church. It was only on promising him to return there after breakfast that I succeeded in calming him a little. All the time after leaving St. Lambert and in passing through the city, until he arrived at my house, in the village of St. Jean Baptiste, he did not cease his cries. We arrived in Montreal about half-past ten or eleven in the morning.

The following day I dismissed the guardian who had come with me from Worcester, and for two or three months my wife, myself, and a servant, Henri Flégoille, in my employ, took care of him day and night. During the five or six days and nights following our arrival here he did not close his eyes, and he continued to cry, imitating during the night that sort of bellowing or roaring which I had heard at Keesville. He said without ceasing that he was a prophet, that he had a mission to fulfil.

As to this I recollect when I visited him at Longue Point that he told me that he often made that kind of noise and he said to me the reason why he did so was that all the great creatures of God—the Prophets, the sea, the forest, the wind—all these were roaring, and as he was a prophet himself he spent his day in roaring; so it is very easy to see the character of his insanity at the time. Mr. Lee continues:

He was unceasingly excited and crying. He had contortions like a man in a fit of anger. After six days he commenced to calm down; but he sought without ceasing to escape and also to throw himself against the windows, saying that he wished to go to the Church. Nevertheless he calmed down insensibly. A Mr. Gervais, lime burner, one of my neighbors whom I had taken into my confidence, came to assist us in taking care of him, and passed part of the days or evenings in playing draughts with him. At the end of four or five weeks he appeared a good deal better, and begged of me without ceasing to allow him to go to the church. One Sunday morning he appeared so well that I consented that he should go on the promise that he would be prudent. He appeared at mass at eight o'clock, and seated himself in my pew. In the midst of the mass someone brought him to my house and told me that during the sermon (I believe it was Mon-

sieur le Curé Menard who preached) Riel rose in his seat and apostrophized the preacher to contradict him. I am not able to recall exactly that which he stated then. I believe that he wished to state that which was the word of God on the subject of the sermon.

A person who was in his neighborhood went to him and made him go out of the church. The church was full, there being at least 2,000 persons present. The incident created a good deal of excitement, and a number of people rose. The preacher commanded silence, saying, "this is nothing; this is a poor madman." Riel allowed himself to be taken out of the church without resistance. I did not wish any more, naturally, after that incident to allow him to go out alone; but nearly every day we went out in a carriage, which he liked very much.

Some time afterwards his insanity increased. He sometimes went to his bedchamber, locked himself in, and proceeded to tear all his clothes—his underclothing and linen, as well as his outside clothing—and stripped himself completely naked. He tore also all the clothes, quilts and blankets, on his bed. He tore into small pieces all his clothing and all his bedding three times. When I asked him why he acted in that way he did not reply. We gave him other clothing and clad him ourselves, and he allowed us to do so like a little child. Often also he tried to throw himself out of the window saying that he wanted to go to the church. Sometimes when he committed his greatest excesses I reproached him for his insane conduct. He replied to me, "No, I am not foolish, never say that I am foolish; I have a mission to fulfil and I am a prophet. Say rather that you do not understand me; I am sent by God," etc. His madness had always the character of inspiration and religious exaltation. At the end of a couple of months his madness increased, and finally when I saw that he had a mania for tearing all his clothing, and that my wife, my servant and myself were exhausted with fatigue, I proceeded to speak to Dr. LaChappelle, whom I knew to be one of his friends, to ask him if he would not find some means to obtain his admission to an asylum. Dr. LaChappelle approved of my project, and charged himself with taking the necessary steps to obtain his admission to an asylum.

When the permission was obtained, I went myself to take him to Longue Pointe. I had never spoken to him of our project of confining him in an asylum, and no one else had spoken to him of it. He had not the slightest thought that I was taking him to an asylum. We started out under a pretext of going to take a trip in the carriage as we had been accustomed to do. He did not doubt that was the object, until we arrived in front of the asylum at Longue Pointe, when I left main road to go into the asylum. He said to me then, "I understand where you are taking me." When we arrived at the asylum I told him that I intended to leave him there; that his friend Dr. LaChappelle would come

to join him, and that he would remain to rest himself there.

I promised to return the following day; he appeared perfectly indifferent to the matter. It was Dr. Howard who received him. He commenced to examine him, telling him to walk, to stop, etc., and Riel obeyed without saying anything, all that Dr. Howard ordered him to do.

I went to see him twice at St. Jean-de-Dieu. On seeing me arrive he appeared content and asked after his aunt, his cousins and all my family. Subsequently he appeared perfectly indifferent, but he did not show any sign of madness before me. The second time that I went there they told me at the asylum that his madness had increased, and that he had become a good deal more furious—that he tore his clothes, etc. Some time afterwards, I learned that they had decided to send him to the asylum at Beauport. As he had torn all his clothes I sent him a completely new suit. He left Longue Pointe for Beauport towards the end of May, 1876, going by steamer.

The guardians who conducted him were under the direction of Dr. LaChappelle. I was kept a distance from the wharf in order that he should not see me, for I believe that if he had seen me he would have been considerably excited. When he arrived at the wharf the guardians had the greatest possible trouble with him. He did nothing but cry and struggle and did not wish to embark in the steamer. He was taken on board by force, crying all the time. His clothes were in disorder. He had I suppose, destroyed the hat which I had sent him, and had only a straw hat. He was a pitiable object. He remained at Beauport, I believe, a little more than eighteen months. I went there to see him three times and found him indiffereent and taciturn. After having said to me "Good day" he turned his back and proceeded to promenade in the corridors or the parterres without further noticing me. That astonished me, the more so because when in his senses he was exceedingly affectionate and attached to his relations and to us in particular. At Beauport I found him more melancholy than at Longue Pointe. From all that I know from his friends in the United States he was formerly very good natured while he remained at their house, all the time that he was with them, for he appeared to like them before his madness and to be with them. I am certain that if they had not been convinced that he was mad they would not have tried to send him away.

As to myself, I was attached to this young man, and I liked him very much to stop at my place. I have considerable means, and the money which he obliged me to expend was of no consequence to me. Had he been in a state of sanity, so that we could keep him with us, I would have been very happy, and I would, with great pleasure, have incurred all the necessary expenses, as well to calm him and conceal him from his enemies,

as to send him to the United States and furnish him with the means of existence if he had needed assistance. It was myself that decided to get him into an asylum, without any consent on his part and without his having ever spoken on the subject before.

It is absolutely ridiculous to believe, to say or suppose that he was put in an asylum to hide him. His madness, so far from being the means of hiding him from his enemies, was, on the contrary, the most likely way of discovering him, as he was uncontrollable, and in view of his course of life and the eccentricities which he committed.

It is equally absurd to say that he was not insane. As for myself, I never had the least doubt of his insanity; nothing was more evident, and I consider as absolutely ridiculous the pretension that he feigned insanity. I am unable to conceive why he should pretend to be a fool.

When in 1885, I learned of his eccentricities in the North-West, his role of prophet and the rest of it, I knew what would follow by the statements in the newspapers as to the character of his foolish acts, such as I had observed under the circumstances above related, and I had not the slightest doubt then that the unfortunate man had again become completely insane, as he had been before in 1875 and 1876. I was all the more convinced of this from what Dr. Roy had told me at Beauport on one time—that he had never been completely cured. I anticipated what would follow as soon as I learned that he was playing the role of a politician in the Autumn of 1884 and the Winter of 1885, that his insanity would return, and when the events confirmed my anticipations, I was not in the least astonished.

To sum up, from all that I know I affirm solemnly that I have never entertained the least doubt that the unfortunate Louis Riel was insane in the Winter and Spring of 1885, and not responsible for his acts; that it is very probable that he became insane in the Autumn of 1884, that all his political acts during all the troubles in the North-West, dating from the moment when his great excitement commenced, were the acts of a lunatic.

Knowing so well his religious sentiments, his great piety and his extraordinary devotion to his religion, I have not the least doubt that all that he did in the North-West in the way of revolt and apostacy, all the troubles caused to the priests and missionaries, etc., is the result of his lunacy.

I am equally sure and certain, without entertaining the least doubt on the point, that the Government, in ordering that Louis Riel be executed on the 16th of November last, at Regina, ordered the execution of a lunatic.

I have no political interest to serve in thus speaking. On the contrary, I have always belonged to the Conservative party, and I have always been animated by a strong devotion to the Conservative chiefs whom I sought, with all my power, to sustain all my life. It

is to me a great humiliation and sacrifice to remember the deplorable fault which they committed in hanging a madman.

In making this declaration, I am not animated by any sentiment of relationship because of the fact that Riel was the nephew of my wife.

That consideration does not influence at all, and it is only the truth of the facts which has induced me to make the foregoing declaration.

Neither have I any interest to oppose the Government of the day; on the contrary, everything induces me to desire to see them remain in power, and I will gain absolutely nothing by their defeat. The above named Henri Flageolle, to whom I have referred, lives now, I believe, in Chicago; the Rev Mr. Barnabe is dead.

And I make this solemn declaration conscientiously believing it to be true, and in virtue of the Act passed in the 37th year of the reign of Her Majesty, intituled "An Act for the suppression of voluntary and extrajudicial oaths," and I have signed.

Solemnly declared before me }  
at Montreal this twenty-second }  
day of April, 1886. }

JOHN LEE.

C. A. LEVEILLE,  
Commissioner for  
receiving affidavits. }

This is what is solemnly affirmed on the responsibility of an oath, because the law treats such a declaration as evidence under oath. Riel became insane in the United States. He was put in an asylum without knowing where he was going. What becomes of this pretension, then, that he had simulated insanity? I have spoken a great length, but I thought it my duty to show to those who had the patience to listen to me that, after all, the position which was taken in our province was not so absurd and revolutionary as some persons represent it to be. I wish to call the attention of the Government to this point that these facts were known to our population, who believed sincerely that not only he, but all those poor half-breeds in the North-West, had for fifteen years been treated in such a way as to drive them to despair; that when they heard a man of such high standing as Mr. Lawrence Clarke telling them that the Government were sending 500 men to kill them and put their leaders in chains, while it was not true, they were perfectly justified in believing it, and when the whole population had been ill-treated and persecuted in the way described, for instance, by Lieutenant-Governor Archibald, it is quite natural

that they should listen to these evil rumors. They rose in self-defence. I invite you hon. gentlemen to look at the documents, and I will be very glad to be corrected on any point on which I have been misled. I have stated only what I believe to be the truth. If you are annoyed it is not, perhaps, altogether our fault. We are two populations, one speaking French, the other English. The least you can admit is that there are two sides to this question. My impression is that the hon. gentlemen speaking the English language have seen only one side of the question; and I think that if the two sides have not been seen it is because French is not generally read or spoken amongst the English population. I expected that some one who speaks the English language would have undertaken the work which I have done and it was only when I saw that it was not done, at least to any great extent, I thought it my duty, even at the risk of boring you and murdering the Queen's English, to try and put this question before you in the English language. I am very grateful to the House for the patient manner in which they have listened to my remarks.

HON. MR. SUTHERLAND—I have no desire to make a speech in reply to what has fallen from the hon. gentleman, even if I were as able and eloquent as he is. I merely wish to make a few remarks. Of course I would be willing to postpone them until another time.

HON. GENTLEMEN—Go on, go on!

HON. MR. SUTHERLAND—I have no desire at all to interfere in the matter. I merely wish to refer to some points on which the hon. gentleman is entirely astray. I merely wish to state the facts. The hon. gentleman has spoken about nationality and race prejudices. I think if he would consider or examine my career through that former rebellion he would have had no occasion to say that I had displayed national feeling in the matter.

HON. MR. TRUDEL—On the contrary I was very much pleased that the hon. gentleman put questions to me, because I always understood that he was a high-minded man, actuated by senti-

ments of justice. What I said was that there was a difficulty between two races, that he belongs to one and the accused belongs to another.

HON. MR. SUTHERLAND—I did not understand at first what the hon. gentleman was referring to; but I finally came to the conclusion that he was making a strong attempt to justify the rebellion of 1869-70. Now, I must differ from the hon. gentleman so far as that is concerned. Some hon. gentlemen may not be aware that I was a member of the old Council of Assiniboia, and that I saw with my own eyes a great deal of what the hon. gentleman has been speaking of—learned it from my own observation. I was deputed from that council, myself and another member, to go and see Riel at Rivière Sale. This was a few days after they had taken up arms there and blocked the highway and stopped the mails. I was sent to find out what was the matter with those people—what they wanted. I was sent up, I suppose, specially because I understood a little French—at least I thought that was the principal object. I met Riel and his supposed council, which I did not recognize, and I must say just here that Riel twitted me that I did not show them the respect which I should have done. He told me about his objects and his rights. I wanted him to define his rights, but he would not do so. They said the country was theirs and they would have it. I asked him then if he was going to allow Mr. Macdougall to come in. “No,” said he, “I am not going to allow him to come in.” I asked why; he would not say exactly why. “Well,” I said, “you have taken up arms.” “Yes,” he said he had. I said, “you will never get the English people to join you; the English people will not take up arms; they expect to get all the rights they are entitled to in a constitutional way. Now you are taking up arms and we will be divided, and the probabilities are you will get nothing.” I need not give any further explanation, so far as that is concerned. We returned and reported. The third day after that they came into Fort Garry and took possession of the Fort. The hon. gentleman has said a great deal about Governor McTavish; he was under re-

straint; he was guarded. I was there on two or three occasions when I could not get into the house with the armed guards about it. I knew those armed men; I suppose there were not a dozen men in all his army, if you call it so, that I did not know by name. I found them there, and any gentleman can easily understand what Mr. McTavish might expect if he did not agree to everything these people wanted. When I went to the Fort first, those men would come to me and ask “are we doing right? Is this thing right?” Prior to that I had heard that several of these men were forced at the point of the bayonet to come in. There is no doubt about it, because several of the men told me so—that they were forced to come in. There is how the thing started. I believe the hon. gentleman said that it must be a legitimate government because the people were all joined in support of it. I deny it, and you will find every English speaking man who was there at the time agree with me, that they never gave their assent. They merely gave a *quasi* assent to keep the peace in the meantime until matters could be arranged. Then the hon. gentlemen said that Mr. Macdougall had no authority under the circumstances, but what was the reason of that? He was sent there, as I understand, to take possession on the first of December, the date on which, according to the agreement between the two Governments, the transfer was to take place, but on account of this armed resistance it did not take place, and the hon. gentleman must remember that at that time it would take from fifteen to twenty days before we could get a mail; so we could not know what was going on here or in England. I am not sure but it was a monthly mail we had at that time, and consequently hon. gentlemen can easily see how those things could occur, and that we did not know anything about them. I admit at once that it would not have been legal for Mr. Macdougall to assume the Government, under the circumstances, when the transfer had not been made; but why had not the transfer been made? That is the point. Then the hon. gentleman went on to say that the English people approved of Riel's government. I want to show him and the House that the English people never agreed to it. Why was it that on the 15th

March the whole English people gathered together? What was the object? It was not to go and fight the French half-breeds. The object was to take out those prisoners who were badly used, and who had been confined in jail so long for no reason, and especially as we could not see that it was justifiable under any circumstances. I do not see how the hon. gentleman, or any legal or other man, could justify anything of that kind or say that it was a legitimate government when at least one half of the people did not approve of it. I may say that a number of the half-breeds, some sixty of them, were out and out opposed to it—more opposed than the English people to this movement at the start. A great many of those people were brought in by force; but a few of them never did join it, and I could name them. I do not see how the hon. gentleman can make so much of his statement that it was a legitimate government. That was really the only point I intended to refer to, except one other, and that was that in this case when the French half-breeds took Fort Garry they had possession of all the available arms in the country. They had about 300 or 400 Enfield rifles, sixteen pieces of cannon, and stone walls round them, and what could the people outside do? Some few had shot guns, and there were perhaps a dozen rifles among the whole outside population. The English speaking people were not hunters; they were farmers, but of course some of them had shot guns—perhaps in a house where there were three or four young men capable of bearing arms there would be a shot gun. At the time they were going to take the prisoners out, some of them had only clubs. I and several other prominent men endeavoured to negotiate between the parties and we did everything we could to prevent trouble. I may say that all through there was a party there that stood between them. If it had not been for that I do not know what the consequences would have been. The hon. gentleman said that later on the half-breeds saved the country to the Crown.

HON. MR. TRUDEL—It was Governor Archibald said so.

HON. MR. SUTHERLAND—That is all very well. Governor Archibald may

have thought so at the time; but when all the circumstances are known the assertion is ridiculous. As the hon gentleman says, I think there were 150 volunteers there at the time. Then he says there were 1,200 half-breeds; they could not muster 1,200 at any time; they never could muster more than 600. They could not muster more than that, even at that time when they mustered all they could get, when our English people came to take out those prisoners. I must state the reason why our people did not go for them. They came within four miles of Fort Garry and stopped there all night. Unfortunately there were two persons, this Parisien and his son, who had some difficulty with Riel, and they escaped down the river. Those people took them as spies and seized the son and kept him all night. In the morning they were ready to go up to Fort Garry.

Unfortunately my son had occasion to go down that way and this Parisien who, had made his escape in the bustle and got hold of a shot gun loaded with bullets, met my son and shot him down. I think if the hon. gentleman from DeSalaberry had such a case as that, his feelings would be different here to-night. From his manner he seems considerable excited, but I think he would feel a little more excited if he stood in my position.

HON. MR. TRUDEL—Will the hon. gentleman allow me to state a fact? Our hon. confrere here had the misfortune to lose his son, and in spite of that, there is evidence in these documents that he came forward and asked for clemency for those men whom he had a right to consider as his enemies, to establish peace in the country; and there is not, perhaps, a man in the Dominion to whom Lieutenant-Governor Archibald rendered a grander homage than to our hon. friend here for the way he acted under those trying circumstances.

HON. MR. SUTHERLAND—I was well acquainted with all those French half breeds, and I never had anything to say against them. I believe that they were just as good and just as kind as the English half-breeds, and I never looked upon them as anything different; but I know that these men were forced (the

bulk of them I am certain were forced) into it; if they had not been they would never have gone into this trouble of their own accord. Who the party is who urged them to it I am not going to state. There is a great deal more I could say, but I do not wish to discuss dead issues. I do not know that there are half a dozen out there who knew more about the facts of this trouble than I do, because I had occasion, in my endeavors to make peace, to visit their camp probably two or three times a week, and I had every opportunity to know what was going on. As far as Riel is concerned, he is dead and gone now, and I have nothing to say about him; but there is one thing that struck me very forcibly, and that is the fact of the hon. gentleman supporting Riel so strongly. I cannot understand what his object is. Of course I can make due allowance for nationality and all that sort of thing; but I believe that if Scott deserved to die, Riel deserved to be executed.

HON. MR. BELLEROSE—The hon. gentleman says that he does not understand how it is that the hon. gentleman from DeSalaberry has tried to find an excuse for a rebellion. I believe the hon. gentleman did not understand him, because the hon. gentleman from DeSalaberry did not try to excuse the rebellion. On the contrary, he said that rebellion was not allowable; but what he said is there was no rebellion by the French half-breeds in 1869 and 1870 that the rebels were those who called themselves loyalists. The rebels were only those gentlemen who spoke English and came from other provinces, one of whom sits with him on the left side of the House. The rebels were those who in 1867-68 and at the beginning of '69 had agitated public opinion against the peace of Her Majesty. The rebels were those who had organized a republic in opposition to the Government of the Hudson Bay Company. Those were the rebels, but Riel and the provisional government were the men who stood by the North-West and who tried to put down intruders and other who, having been imprisoned, had broken jail and were at open war against Lieutenant-Governor McTavish and the established government of Her Majesty

in the North-West, the Government of Assiniboia. That is what those gentlemen tried to do, and what they would have succeeded in doing, and if the hon. gentleman had not been asleep in bed at the time the evidence was quoted the other day he could have understood it. The blue books show that the first time Riel became connected with the difficulties in the North-West was on the 11th October, 1869, whereas the troubles had begun long before—in 1868, and even earlier, when the leaders of the French half-breeds were Pascal Breland, Jos. Tenton and W. Hallet, our blue books show that Dr. Schultz busied himself exciting the Chipewas and Souix Indians against the half-breeds, for which mischief he was rewarded with a Senatorship and received an indemnity of \$71,000.

The Rev. Mr. Ritchot swears before the Committee of the House of Commons, on the 20th April:

"The troubles were increased in the autumn of 1868 by the arrival of a party of Canadian employes. Difficulties commenced in the course of the winter. The principal cause of the difficulty then was the rumor that these employes had made a treaty with the Indians for a certain tract of land, part of which the people of the country had claimed for themselves. I became aware of this through evidence in the Court, at the sitting of which I was present, in a case against Mr. Snow. On the occasion of that suit, the witnesses stated that on such a day Mr. Snow treated with the Indians, and gave them flour, pork and drink in exchange for the lands."

"From and after the month of June, until the autumn, there were repeated difficulties with reference to the surveyors. The inhabitants demanded of the surveyors on what authority they came to survey the lands of the country."

"Contrary to what usually happens this movement originated with the people themselves—the agricultural classes."

The Very Rev. Archbishop Taché says:

"Having entered upon that course which I cannot qualify otherwise than as false and audacious, *Le Canada* continues: "On the 10th, 1869, the Hon. Minister of Crown Lands sent Col. Dennis instructions to proceed without delay to the Red River, with a view to selecting the most convenient localities to survey townships for immediate settlement.

Joseph Hargrave, a clerk in the employ of the Hudson Bay Company and a Protestant, swears before the committee:—

"Several reprehensible acts were committed by those who were employed to make the survey, acts which created a good deal of discontent."

Governor McTavish wrote on the 4th September 1869 (blue book 1870) as follows:—

"Unfortunately each official of the Federal Government on arriving went to Dr. Schultz.

"Our friends the Canadian French half-breeds doubted with reason that this alliance could have any good result for them

"It was evident that they intended no good on their arrival. \* \* \* These people (of Mr. Dennis) came with their horses and they said that in order to pass the time they would commence to select for themselves lots of land on which the Metis being afraid of them would retire." \* \* \* If the Hon. William Macdougall on arriving here shows "the same weakness that he has shown in trouble at all times."

If Hon. William Macdougall had no authority there, the hon. gentleman says it was on account of the French rebels. There again the hon. gentleman cannot understand; if Mr. Macdougall had no authority in the North-West it was because the Government had not acquired a transfer of the land when Mr. Macdougall issued his proclamation. Does the hon. gentleman not know that that proclamation was issued at the end of 1869, and does he not also know that the agreement and the transfer of the Territories took place only in 1870? If so, how could Mr. Macdougall or any government in the world give authority to any man to act as Lieutenant-Governor in a foreign country? Surely it is not only an elementary principal of national law but common sense that no government or power on earth has a right to send an officer as Lieutenant-Governor into a foreign country with power to kill, make prisoners, break open doors, seize and destroy, as Colonel Dennis had power to do, under the instructions of Mr. Macdougall. If there had been trouble, it was Mr. Macdougall and Colonel Dennis, Mr. Boulton and others, who are the rebels. It was those men who, against every law, went out to rule in the North-West. It is Colonel Dennis and other officials of the Canadian Government, some of whom were taken from the military schools, who told the people that they had been sent there with the surveyors, and that the moment Canada

would have power there they would turn the half-breeds out of the country—those are the rebels. That is what the hon. gentleman from DeSalaberry has shown. The hon. gentleman from Kildonan says that Lieutenant-Governor Archibald was very wrong if he said that Riel and his people had saved the country. I say if the hon. gentleman knew what he was talking about he would not say so. Does he deny that even a republic had been established in the North-West by these men? Does he deny that?

HON. MR. SUTHERLAND—Where was it established?

HON. MR. BELLEROSE—At Portage. Walter R. Bown, successor to Dr. Schultz, as proprietor and editor of the *North-Wester*, a journal whose atrocious calumnies against French Catholic half-breeds has made it conspicuous, swears as follows before the committee of the House of Commons:—

"I was absent from the country at the time of the escape from the prison which has been described to the committee. That was the act of the English half-breeds; the French settlers were opposed to it. They wished to sustain the Company. Before there was any question of transfer (to Canada) there was discontent amongst the English settlers and the new arrivals from Canada because of the arbitrary rule of the Hudson Bay Company.

I remember that a little Republic was established at Portage several years before. There were some twenty or thirty persons in it. They found that their lives and properties were not sufficiently protected."

Archbishop Taché says:

"Some months before the commencement of the troubles a petition was prepared by the so-called Canadian party after the break into the prison, which had in view the rescue of Dr. Schultz."

Does the hon. gentleman deny that Riel and his friends volunteered their services to repel a Fenian invasion from the United States? If so I beg to quote the following statement made by Lieutenant-Governor Archibald:—

"The invasion (Fenian) occurred in the month of October. It was founded upon the discontent of the French half-breeds. The Fenian leader had been one of the Provisional Government, the other members of which were in the Province. \* \* \* O'Donohoe's former colleagues he had counted declared



against him. Riel visited the French inhabitants and used his influence against O'Donohoe."

If the hon. gentleman cannot deny all these facts, if he cannot even deny that some of his own countrymen, amongst whom was Dr. Schultz, were confined in the prisons of the Hudson's Bay Company for their conduct towards that company, and that the doors of the prisons were even forced, can he not understand why Lieutenant-Governor Archibald, who wrote the history of the troubles in the North-West, said that Riel and his people saved the North-West from foreign invaders and from those rebels who at the time called themselves loyalists, and who have received (and, I say it with much regret, with the assistance of my vote because I was misled by my leaders at the time) \$71,000 of indemnity after they had brought upon the country all those sad occurrences which we had not then heard of? Then the hon. gentleman says that the majority of those French half-breeds were forced into the rebellion of 1885. They were not forced into the rebellion, as facts show, but they fought for their rights, they fought in self defense, they fought in defense of their properties, as citations I will make show. No doubt they were wrong, but the guilt of the Government was far greater than theirs, so that their acts were excusable, more so than those of the Government whom Parliament excused. If we could forget, as I said some time ago, that there are French, English, Scotch and Irish in this country we would agree. If we could only recollect what are the true principles of justice, and practice those principles, the whole Dominion would be at peace, as Quebec is to-day. I challenge any party in Quebec to say they are not well treated by the majority of that Province? And why? Because they receive justice at the hands of the majority; and if in a country like ours the minority is to be made to suffer I may tell hon. gentlemen that I have never yet suffered without putting myself on my defence and that it shall be so to the end. Even in this case of the North-West, had there been more loyal men in this country; had there been more men attached to their Queen and their country, these events in the North-West would have passed over without any widespread agitation. But

the moment the French Canadians protested against the scaffold at Regina, what was the cry raised by the organ of the Government and other newspapers in Ontario and Quebec? The cry was "a war of races." I say they are lies. The hon. gentleman from DeSalaberry has proved the facts from public documents, and when many of our population shall have read those documents they will be astonished at the difference in the case as made out by the hon. gentleman and the case as represented by the journals which pretend to inspire the public and to enlighten them as to the truth of the matter. They will be surprised, because until to-day it has been generally supposed that we have raised a national cry, so much so that some of those journals went so far so as to say "do you contend that because a man is a Frenchman he may kill and not die?" Might I not retort and say, because a man is a Frenchman do you pretend he must die for the sins of others? I would ask who is so stupid as to put such a question? Has there not been French-Canadians hanged before to-day, and where was the cry? But there is a cry to-day because the hanging of Riel was a murder. There is a cry to-day because after having thoroughly examined the documents and the whole case we could not help, in justice, and in conscience, if we do not wish to share the responsibility of this murder, to disapprove of the act. That was the issue we took, and as the hon. gentleman from DeSalaberry said at the very beginning, that was his only motive, to establish the facts, and to explain why it was that we took that position. Hon. gentlemen, if we were bound to take that position; if the cry of our conscience impelled us to work it out and know what our duty was, it was also the duty of the majority to look into the case and not to prejudge it, but judge it on its own merits. It was their duty, before coming to a conclusion to know whether it was a crime or not and then approve or condemn it. Many have done so unwittingly. It was done through ignorance, but it was an ignorance for which there is no excuse, because there were public documents under their hand to show them the facts, and there are laws older than the laws of nations to show them the true principles we are to be governed by. There were laws of nations to show

them when a provisional government may and when it may not be organized. So that they might have ascertained the facts and have judged for themselves and they would have occupied a better position than that which they hold to-day. I could not help making those observations, after the remarks of the hon. member who preceded me though I should have thought that the good taste of every member of this House would have indicated to him that it would be better to let the matter drop after the moderate manner in which the hon. gentleman from DeSalaberry had placed the matter before the House to see on which side was justice, equity and humanity. Such has not been the case, however, and I have felt it my duty to make these few remarks in answer to the remarks of the hon. Senator from Kildonan (Mr. Sutherland.)

The subject was then dropped.

**BILL INTRODUCED.**

Bill (132) "An Act respecting the Department of Public Printing and Stationery." (Mr. Smith)

The Senate adjourned at 12:45 a.m.

**THE SENATE.**

*Ottawa, Saturday, May 29th, 1886.*

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

**REAL PROPERTY IN THE TERRITORIES BILL.**

**SECOND READING.**

HON. MR. PLUMB moved the second reading of Bill (10) "An Act respecting Real Property in the Territories."

HON. MR. ALEXANDER—Might I ask the hon. gentleman if he will consent to postpone the second reading of this Bill until Monday? We have not had an opportunity of seeing it yet.

HON. MR. POWER—I understand that this Bill has not yet been distributed, but I do not think anyone will be disposed to raise that technical objection. It is substantially the same Bill that passed this House last year and was sent down to the House of Commons.

HON. MR. PLUMB—This is a Bill referring to the transfer of real property in the North-West Territories. It is based on the principle of the Torrens Act which, as hon. gentlemen are aware, is a large departure from the law governing real estate as it has heretofore been known in this country. The principal departures are that real estate is to be known and held upon a different tenure from what it has been held before—it is to be considered a chattel real—it is to be transferred in a manner which has never been known in this country before. There are certain provisions in connection with it which tend to facilitate the transfer of property and can be made applicable to a new country like the North-West and it has been deemed advisable to make the experiment there. It is known to most hon. gentlemen, no doubt, that the Torrens system has been for years in operation in Australia. I confess that when the Bill of which this is substantially a duplicate, was introduced here last year, I, in common with many of my friends, saw serious objections to it. It is a departure from our traditions, if I may use that expression, in respect to the transfer of real property, which seems at first sight a violent one, particularly those clauses in relation to the right of dower, to establishing any trust and encumbering any real estate with trusts—clauses which have reference to the fact that the husband may make a valid transfer to the wife and the wife to the husband—that there are no words of limitation necessary, no devise and especially no trust can be created on what we have always considered the most permanent form of security. I think however, when we come to consider the circumstances of the new country for which we are legislating, and the necessity of making the transfer of land as simple and inexpensive as possible, making the title certain in the last possessor when it passes to another, which entirely obviates the necessity of searching the register and

other matters of that kind, which I need hardly go into on a motion for the second reading of the Bill—when all these facts are taken into consideration, I have no doubt that the Bill will commend itself to the consideration of the House now, as it did last year when a similar measure in its main features was adopted by the Senate, and when it was presented with such eloquence and ability by the leader of the House, whose absence we lament. I shall not attempt in any way, not being a lawyer, to follow the eloquent argument that the hon. gentleman used in presenting the Bill to the House. As my hon. friend has suggested, although the Bill, which is a very bulky one, relating mainly to details, has not been distributed, I think the principle having been adopted last year, I may venture to ask the House, for the purpose of facilitating the public business, as we are now drawing near the close of the session, to permit the Bill to be read the second time.

HON. MR. SCOTT—I do not propose to go into a discussion of this question, which was very fully gone into last Session. My own views are well known with regard to the propriety of introducing the Torrens system in the North-West. I may say that I opposed it, and the grounds of my opposition were very definitely set forth when I had the pleasure of addressing the House when the Bill came before us last year. I have not had an opportunity of examining whether the changes that were made in the Senate at that time appear in this Bill. Some gentlemen were not prepared to go quite as far in the details as the original Bill was presented to us, and I cannot say whether any change has been made, in conformity with the suggestions and amendments which were offered in this House, whether this is the Bill as introduced to us or the amended Bill, or whether amendments have been made in the House of Commons. I am therefore quite unable to express an opinion whether the Bill is less or more objectionable than it was last year.

HON. MR. PLUMB—I think the Bill has been changed to conform to the general opinion expressed here and elsewhere.

HON. MR. PLUMB.

HON. MR. SCOTT—Is dower absolutely done away with? That was one of my objections to the Bill. Another was its great facility for enabling parties to mortgage their property. I take exception to it on that ground. I think the facilities are quite wide enough at the present time.

HON. MR. PLUMB—The hon. gentleman will find in the 8th Section there is a limitation to the question of dower.

HON. MR. SCOTT—When the Bill comes before the Committee of the whole we can discuss its clauses.

HON. MR. TRUDEL—Last year, when this measure was submitted to us, I expressed my opinion upon it. I shall not weary the House with repeating the reasons which I gave at length at that time. I still entertain the same objections—I may say that they are stronger now than they were last year, because since then I have had not only occasion to think over the matter, but even to consult men of great ability in the law, and all this has brought me to the conclusion that it is a most unfortunate piece of legislation. I will only call the attention of members of this House to two features of the Bill. There is what is known as a system of registration which is called here the Torrens system; but to establish this Torrens system in the North-West it was found necessary—and I never could understand why—to lay down principles of legislation which tend to destroy many things which I consider to be amongst the bases of social order. It destroys, in my opinion, the authority of the husband over his wife and family and the principle of paternal authority. It has the effect of assimilating real estate to movables, where as it is the opinion of many of the highest authorities in jurisprudence and legal matters the only countries which have saved the patrimony of the families and have attained great prosperity are those which have immobilized the patrimony of the family in order that it might not change hands so readily as is proposed by this measure. I recollect very well that the leader of the House last year shared to a great extent, our apprehensions of the working of this law. I cannot understand

why such important legislation as this should be submitted to us, without even having the Bill itself before us, at the very end of the Session—a measure which requires weeks and months of careful study, and yet we are called upon to vote on the second reading of this Bill without even having an opportunity of seeing it.

HON. MR. MACDONALD—(B.C.) The Bill has been down for two months.

HON. MR. TRUDEL—It is well known that members of this House do not read the bills as they appear in the House of Commons. Not long ago one of the leading lawyers in Montreal spoke to me about this legislation. He had a copy of the Senate Debates in his hand, and he asked me how it was that men so distinguished as many of the members of the Senate are—men of such high legal ability—could have adopted such a principle as this. I told him I was very glad to listen to his observations because his education is English, and he was able to compare the different systems of legislation, having studied both the French and the English systems, as we are obliged to do in our province. He told me that he could hardly understand how his fellow-countrymen should vote for such legislation. If I refer to the opinion of this gentleman it is not because I contend that lawyers, even those eminent in their profession outside of this House, have more authority than members of the Senate, but it is to illustrate what I have so often called attention to—that we do not give perhaps sufficient attention to those matters here, and do not compare the legislation of different countries with our own in order to see what is considered the best for the people in the different countries of Europe. My impression is that such a Bill as this would not be passed in England to-day. I think the great majority of the leading men of the legal profession in that country would be opposed to it, so that I regret very much that the question is not stated in the sense which I have the honor to indicate. I merely wish to express my objection to this legislation.

HON. MR. VIDAL—This matter was brought before us last year; it was even discussed briefly prior to that on a motion

which I had the honor of introducing in the Senate. When we remember that it has been really very fully discussed and the principle of it was adopted by the Senate last year, I think that should do away in a great measure with the objection which is now brought, of our not being familiar with the contents of the Bill before us. Again, attention has been drawn to the fact that the Bill has been two months on our table. It was brought here the first week in March; and one would suppose that any gentleman interested in this matter would certainly, in these two months, with the ample time and leisure we have had, take the opportunity to acquaint himself with the provisions of the Bill; so I do not think the mere fact of its coming before us at this late period of the session can be advanced as a reason why the Bill should not receive at our hands courteous consideration, and even great indulgence. This Bill does not propose to interfere with the tenure of land in the older provinces; Quebec has its own system. This merely deals with tracts of land the control of which is under the Dominion Government. I cannot see why the representatives of any province should object to a system which has already proved itself to be an admirable one, and which has answered fully the expectations of those who have introduced it. The system has been for twenty-five or thirty years in successful operation in the Australian colonies; why then we should be debarred from giving to our fellow countrymen in the North-West Territories the opportunity of availing themselves of the advantages which it offers, I cannot understand. It is already in operation to some extent in British Columbia, where it has answered the purpose very well.

HON. MR. MCINNIS—Admirably.

HON. MR. VIDAL—It has been in operation in Ontario for one year. Perhaps it will have a good deal of weight with hon. members, if I remind them that when I first called the attention of the Government to the subject in 1884 our honored friend, Sir Alexander Campbell, was certainly not disposed to look upon it with favor. He shared the prejudices of the hon. gentlemen who have just spoken, but in the course of the year, and before

we met again in Parliament, his attention was directed more closely to the subject; he examined into it, and in spite of the prejudices which had already been formed in his mind, he came to the conclusion that it was a desirable species of legislation; that it would be in the interest of our North-West Territories, rapidly forming into Provinces, that they should begin with a system which offers, as this does, such great advantages. I can easily understand that, without any thought of it in their own minds, legal gentlemen would not favor a measure of this kind—which reduces very materially legal fees. (Oh, oh.) I am not saying that hon. gentlemen would be consciously influenced: but we laymen can understand that under the system we have in this country, and still more so in England, it is enormously expensive to investigate a title; that if a piece of land is cut into two or three hundred lots, and there happens to be some document fifty years ago, the title of every one of those lots has to be investigated, and a very heavy bill of costs attends such investigation in each case. Under this Bill there is no possibility of that. The simple registration puts an end to all such questions.

HON. MR. TRUDEL—Has the attention of the hon. gentleman been called to this point: that in the Province of Quebec the best feature in the Torrens system, the registration of title, is just as simple, easy and cheap—in fact cheaper than in the Bill proposed, and that it is completely useless to lay down a different principle of legislation. It is not necessary to change the whole legislation of the country.

HON. MR. VIDAL—The hon. gentleman seems to misapprehend the character of the Bill altogether. It does not change the character of the legislation of the country. It does not change the legislation in Quebec one iota.

HON. MR. TRUDEL—The point is this; of course it is establishing a new system for a country which is almost uninhabited as yet. It is creating for the people who are to go there—including the people of Quebec, who have just as good a right to settle there as

any other population—a system which we believe to be inferior to our own. Our people who go there should be subject to a system which is demoralizing to a certain extent. It is in that sense that we consider it improper to establish the system there. I understand quite well that it does not change the law in the Province of Quebec.

HON. MR. VIDAL—I presume that people of English, Irish and Scotch descent are just as careful in matters of morality as our brethren of French origin, and when we see that a system of this kind has been in successful operation in British colonies for 25 years, I cannot understand why the hon. gentleman should say that it is something new. It is a system which has been in successful operation for years; it is growing in public favor continually, even in England, although it would be difficult to introduce it there in consequence of the way titles are encumbered. The system is favored wherever it has been tried. Seeing that we have already admitted the principle of the Bill it does appear to me that it would be judicious and proper to allow it to go to the second reading, and then if any specific clauses are to be amended the Senate can do so. It would be a great saving of our time and further our work to allow the Bill to be read at once the second time.

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

## PRINTING BUREAU BILL.

### SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (132) "An Act respecting the Department of Public Printing and Stationery." He said: This is a Bill which has only been put into my hands within a very short time. It comes from the other House, and was passed there yesterday. It is intended by this Bill that the Government shall take over to itself, under its own management, the public printing, and shall adopt the American system as soon as possible. It also provides, as to the stationery arrangements, that the English system shall be adopted

HON. MR. VIDAL.

as nearly as the circumstances of the case admit. The tendency in England has been to assimilate its system with that of the United States and the system that prevails all over Europe and it is sought by this Bill to provide something, as far as we can, similar to that system. Of course it is tentative, and is a very complicated system altogether. While the first experiment in it may not be perfect, of course if we once adopt the principle and the system, which I think will be one of great convenience and economy to the country, any further improvements that may be found necessary from time to time, as experience dictates, in the system and its workings, will necessarily commend themselves to the attention of the Government, and I have no doubt to the approbation of Parliament. The cheapest and most perfect system which has yet been adopted is that of Germany, where it has been worked out, and has been found to be productive of great economy and great thoroughness in the public service. The details of the Bill are somewhat complex and technical. I do not pretend, in the short time the Bill has been in my hands, to have mastered them altogether, because I should be obliged to read the Bill with an expert in order to make myself as familiar with its details before bringing it to the House, as I certainly would have done if it had not been so late in the session. I desire to have the Bill advanced a stage to-day, because I have intimations that we are approaching rapidly that desirable crisis which may be called the close of the session.

HON. MR. SCOTT—The object of this Bill is to change our system of governmental printing. For many years—in fact since I can recollect—in the old Parliament of Canada we had a printing bureau, and the printing of Parliament and of the Departments was performed by the Queen's Printer, strictly speaking—that is, it was done in a Government office, and was a Government service. That led to a good many abuses, and it was thought a more economical system would be inaugurated by putting up the public printing to competition, and so, for the last fifteen years, that system has been in operation. I think the bureau system continued a couple of

years after Confederation—I believe Mr. Desbarats followed Desbarats & Cameron, in the character of superintendent—a position very much the same as it is proposed to create under this Bill. The period is so far distant now that I am unable to say why the system was abolished, but I presume it was because it was thought we could get the work done more cheaply and efficiently by offering it to competition. I quite understand that if a government bureau is properly conducted, with a view to economy and efficiency alone, this system may have its advantages, but with the tendency of the present Government to extravagance and a lavish expenditure of money, I believe the system which is now in vogue, offering the printing to public competition, might perhaps be superior. I have given this Bill a hasty consideration, but the design is to make an independent department of the Government to be called the Bureau of Printing, and this bureau is to have charge, not only of the printing, but also of supplying the stationery for the House of Commons and the Senate. If prudently and economically carried out, the Bill may have its advantages.

HON. MR. TRUDEL—I recollect very well the times under the old Province of Canada, when the printing was done by government printers. It was admitted at the time that the system was a good deal more expensive than we thought the contract system would be. The great objection at the time to the change was that it was thought that private printers could not do their work with sufficient promptitude to meet the wants of both Houses. That was the main argument for adhering to the system of having the work done through the Queen's printer. At that time, as is well known, the Queen's printer realized great wealth, and the system was found to be very expensive. I have not had occasion to study the Bill to see how this new system is to be worked. At first sight, it seems to me not to be the best system. I wish to ask the leader of the House if the Government have any figures by which we might make a comparison between the two systems? I consider that this is to a certain extent a money matter, and that

the House of Commons having passed the Bill is, of course, a great recommendation for us, but in the meantime it would have been more satisfactory for us if the leader of the Government in the Senate had stated that, according to the old system, it cost so much and according to the new system it is estimated that it will cost so much. As to delays I do not think there has been any serious complaint on that score for some years. About ten years ago the House will remember the great complaint of the Opposition was that the measures were not brought in in time and the answer invariably was that it was the printer's fault. We have not heard much of that sort of complaint for some three or four years.

HON. MR. ALEXANDER—The House will observe that much of the legislation lately introduced by the present Government is designed to enable the executive government to usurp the whole power, patronage and control over everything in the Dominion. The question rests with this House to say whether we are prepared to give up all our influence, power and control over everything to the executive of this country? Is our experience of the present Government during the last five years such that Parliament can have any confidence in them? Have they used the power that Parliament has given them in a manner to satisfy Parliament or the people of this country.

HON. MR. HOWLAN—That is the opinion.

HON. MR. ALEXANDER—Have we not seen the Government trying to usurp the power over the whole of the railways of the country, taking away from the provinces almost all the local railways so that they may have the whole patronage, and put their hands into the public exchequer, giving large amounts of money, chiefly to influence the elections? Have they not used the power given them for political purposes? And again we remember the miserable effort made by the Dominion Government, after the Provinces had, under the Constitution, the power to deal with the franchise, to appoint franchise commissioners in each province. Can we

forget the audacity with which Sir John brought in a measure to bring about that collision between the Dominion and Provincial Governments? Could anything be more calculated to produce widespread discontent? What are all these efforts but an attempt to try to extend their patronage and keep themselves in power? Many men will say that I am a pessimist. I think it would be for the public interest that there should be a few more pessimists in Parliament to raise their voices when they see the way the executive power has been used in the past. The Privy Council of Eng'and, fortunately for the Dominion, has checked the Prime Minister on this question of the respective powers of the Federal and Local Governments and prevents the further employment of a number of hungry lawyers in the courts living upon the fruits of the industry of our people. They cannot even let the experimental farms alone. We all desire to establish experimental farms, but we do not desire to see the executive government using experimental farms as a means of distributing patronage that they may have a little longer of lease power.

HON. MR. BOTSFORD—I rise to a question of order.

HON. MR. ALEXANDER—Will the hon. gentleman sit down. Will the Speaker keep him in order? He is simply a nuisance in the House—a man whose whole family is in the public service.

HON. MR. BOTSFORD—This is outrageous.

HON. MR. ALEXANDER—An office seeker for himself and his family.

HON. MR. BOTSFORD—The hon. gentleman from Woodstock is out of order. he is not addressing himself to the question before the House.

HON. MR. ALEXANDER—I have only to say—

THE SPEAKER—I think the hon. gentleman was not exceeding the general latitude allowed to gentlemen in discussing a question of this kind. He was going to show, in connection with this Bill, that

the policy of the Government generally was to assume all patronage for the purpose of keeping themselves in power. That was an argument, a fair argument on a measure of this kind. I am very sorry, however, that I cannot resume my seat without expressing my deep regret that the hon. gentleman could not, when he was called to order, have sat down and not indulged in the personal recrimination which he did.

HON. MR. ALEXANDER—If I sometimes transgress the rules of this House it is because a man would require to have the patience and disposition of an angel to bear with the interruptions of the hon. gentleman from Sackville, who is simply an office seeker.

HON. MEMBERS — Order, order, order!

THE SPEAKER—The hon. gentleman from Woodstock is clearly out of order in making those personal allusions.

HON. MR. MONTGOMERY—I appeal to the House to have the hon. gentleman's words taken down and to have the Sergeant-at-Arms put him outside of the bar of the Senate.

THE SPEAKER—I think the hon. member from Sackville occupies that position in this House that he can afford to stand those remarks in silence.

HON. MR. ALEXANDER—I would say—

HON. MEMBERS—Sit down! Sit down! You cannot proceed.

THE SPEAKER—I think the hon. gentleman should be allowed to proceed.

HON. MR. ALEXANDER—With regard to this Bill for the establishment of a department of public printing and stationery, if it were the Government of Germany under Bismarck, under the upright Empire of Germany, or any other European power, one would willingly give them the power to establish such a department, because when we examine the practical working of those

absolute governments, we find that the money of the people is spent with honesty and economy. It is sad to see responsible Government, which was introduced by the honest and upright Robert Baldwin, simply being used for party advantage. This Government has simply made good institutions to be, in practice, the madness of the many for the gain of the few. We all desire that the Government printing should be done economically, but I think we should postpone this measure until we get a better government, and let everything by contract. I am quite sure that this chamber will not consent to many of the provisions of this Bill.

HON. MR. POWER—We are placed in a somewhat awkward position with respect to this measure. It has only just now been distributed, and members of this House have had no sufficient opportunity to acquaint themselves with the details of the Bill, or to consider the principle of it. The delay in bringing forward this important measure until this late period of the session is altogether indefensible, because this is one of the measures which was promised in the Speech from the Throne at the opening of the session. It is not a new thing. It is not something which has just come up and been forced on the Government by the revelations which have been made during the session, but something which they had apparently intended to proceed with when Parliament opened, and their conduct in bringing this measure into this House within two or three days of prorogation is altogether indefensible and inexcusable. If we have not time to consider the measure and to satisfy ourselves that it is a decided improvement upon the present system, our duty to ourselves and to the country is to throw out the Bill. There is no great urgency for this measure. We have got along for a number of years in a fairly satisfactory way. We could have got along in a much more satisfactory way, if the contract system had been honestly carried out, and we understand—it may be that those rumours are not well founded—that there were serious differences of opinion amongst members of the Government as to the advisability of introducing this measure; consequently I do



not think that any great evil could result should we decline to accept it now. We have not had time to consider the matter as we should ; but it may be worth while to refer to something the hon. gentleman from Niagara said with regard to the American system. He said we were adopting the American system, which had been found satisfactory. In 1884 the Government appointed a commission composed of practical men, Mr. Brown Chamberlin and Mr. Blackburn. They went to Washington and various State capitols in the United States, and made pretty full and thorough enquiry into the working of the system there, which is the same as it is proposed by this Bill to introduce here. Those gentlemen, after they came back, reported adversely to the establishment of this printing bureau. I think the report of those practical men who had made enquiry into the working of this system in other places, ought to carry quite as much weight as the recommendation of the Secretary of State in the other House. I do not see from the Debates that the other Ministers, as a rule, took any active part in the discussion on the Bill. In addition to the argument which is fairly to be drawn from the late stage of the session at which this Bill has come to us, the fact that the Commissioners reported adversely to the system, is a strong argument and one that ought to have great weight with us. The Minister who introduced this measure into the other House, gave as a reason for its introduction that it would be productive of economy, and he concluded that some \$40,000 or \$50,000 a year would be saved by it. We have had some experience of those measures which the Ministry thought would result in saving to the country before now, and I think that in almost every instance, when put into actual operation, those experiments have resulted in an increase in cost to the country. I find that Mr. Chamberlain says in his report that the plant at Washington cost \$600,000, and that over \$3,000,000 is expended each year in keeping up that plant and producing the required work ; in Paris the plant cost \$800,000, and in Berlin \$500,000. The calculation that the Secretary of State has made is that the establishing of this bureau will cost about \$200,000. I cannot help agreeing, however, with the

practical printers in the other House, one in particular who referred a good deal to this report, Mr. Innis, who considered that if it cost such large sums to establish printing bureaus at Washington, Paris and Berlin, it would be found to cost more than \$200,000 to establish it here. It must be remembered that the \$200,000 which the establishment of the bureau will cost has to be considered independently of any expenditure that will be made every year. Supposing \$40,000 a year was saved in the printing, it would take five or six years' savings to make up for the unnecessary cost of the establishment in the beginning. I believe that if the contract system is carried out fairly and honestly it is a cheaper and better system in every way than the system of a Government printing bureau. Not having any practical acquaintance with the printing business, I cannot speak, of course, of the practical difficulties that would have to be encountered by the Government in carrying on the printing business ; but if hon. gentlemen will turn to the Debates in the other House and the report of the commissioners who went to the United States, they will find that very serious difficulties have been experienced there. There is one difficulty which will occur to every hon. gentleman. If we establish a printing bureau, there are certain times of the year, particularly during the session, when there will be a great pressure of work. If we are to maintain for the whole year the staff which will be necessary for the session, this bureau will cost a very large amount. If we do not do that, if we employ during the whole year a staff which is only adapted to the ordinary work of the recess, how are we to get the additional staff necessary to do the extra amount of work during the session? I think there will be found serious difficulty in that way. The number of hands that would be required to be called in before the beginning of the session would be very large, and it would be impossible for the Government to get the best class of workmen at that time. The consequence would be that the Government would be obliged to keep up during the whole year a staff which would be necessary only during the time the press of work was going on. As to the matter of politics, I do not

think that that enters into the question in dealing with this measure. As it now is, the printing of the country is given away very largely—to a most indefensible and improper extent—to the proprietors of certain favored newspapers, who charge prices, in some cases, as much as four or five times the price charged by the Government contractors; and the passing of this measure would probably deprive those favorites of the Government of the large profits which they make off that work now. My own inclination is to regard it as one of those measures that would bear a little more discussion, and it would be better for us to not pass it this session.

HON. MR. HAYTHORNE—I have served on the Joint Committee on Printing ever since I came to this House, and have attended its meetings pretty regularly. I think the origin of this proposition is to be found in the fact that it was exceedingly inconvenient to have periodically to call for tenders for the public printing. Every 4 or 5 years we had to put the public printing up to contract. The consequence was the contractors, whether they had given satisfaction or not, were exposed periodically to great inconvenience and loss; they had either to throw up their business or enter into competition with any individuals in the Dominion, or out of the Dominion, who were willing to put in a lower tender than themselves. Hon. gentlemen are aware of the evils of that system when a contract has to be taken periodically into consideration. The description of plant which is necessary for the public printing does not resemble that commonly used in the trade; consequently contractors have to supply themselves with a special description of plant and stock for the purpose. If those men are compelled to tender for the work and take their contracts every five years at a sacrifice, it is obvious that they have either to abandon their plant and dispose of it at an unremunerative price, or to get rid in some way or other of competitors who offer at a lower price than they do. This is evidently an undesirable state of things; and it struck the members of the Committee that the system of public printing would be preferable to it. Accordingly, a special committee was struck for the purpose of enquiring into

the matter. I think two such committees were struck, and their enquiries spread over two sessions. I served on those committees myself and to my care was deputed one particular branch of the subject. I was assisted by the hon. member of the House who occupied a seat on my right, who was also a member of the joint Committees on printing, and who is now deceased. With his assistance I got up the French case, and our researches were attended with considerable interest. We found that the system had prevailed in France since the days of Louis the XIV, and had given entire satisfaction there; but it must be remembered that the system of Government prevailing there was entirely different from ours. There was no people's Parliament there to hold the Government in check if they did wrong. It was a despotic Government, under a general system of espionage which made it exceedingly useful to the Government to have a private printing office which they could make absolutely secret, and the operation of which should not be known abroad. This bureau printed, but it did not publish or circulate. This system suited France very well, and it has existed, strange to say, throughout all the changes of Government that have occurred there. It went through the old monarchy, through all the changes of the revolution, through the republic, through the empire and continues to-day, and one would be disposed to say that it is a striking demonstration of its utility. However, it is no demonstration at all of its fitness for our purpose, I think we should find an illustration in the enquiries which were made in regard to the printing department at Washington, the results of which were by no means satisfactory; and so with regard to the enquiries in the separate states of the Union the accounts received of the working of this system were not satisfactory at all. Still, there remains that great objection to the present system, that we have to put up our printing periodically to tender. It is well known that we have retained the power to intimate to the contractors that the Government require an extension of their contract for another year, and I believe at this moment notice has been given to the contractors that the extension was required for two years—

evidently with the intention of preparing for the system proposed in this Bill. I may say, myself, that I agree very much with the sentiment uttered on this occasion by the hon. gentleman from Woodstock. It has been put by him in a very forcible way, and I think his general objections to the system were well taken, contrasting what might be the result of this system, if hastily adopted, to this House, and in those objections to the measure I entirely concur. Like another bill we passed a few days ago, its utility and satisfactory working depend to a great extent upon the employes into whose hands the carrying on of that business will fall. It may become a useful institution, and it may become the receptacle of all the incompetent persons found in this trade, as well as other trades who prefer steady employment and fixed pay to fighting for all they can earn in competition with other men. I think this system of government bureaus has rather a debasing tendency. Men of that class who get into government employ, feeling sure of their salaries, are not inclined to put forth any extra exertion, and the printing business is one that requires extraordinary exertions. It consists largely of work which must be done under pressure, and government employes under fixed pay are not so likely to exert themselves as men under the stimulus of high wages and piece work. It has been mentioned by the hon. gentleman from Halifax that some difficulties would occur in such a bureau in maintaining an adequate staff to perform the work of the Department during the session, when there is an unusual pressure of work and find employment for them at other times when the business of the Department would be slack. That may be an objection, and I think it is, to a certain extent; but it must be remembered that the same objection holds good with all other printing establishments, and the present system is equally open to it. But under a public Department, I suppose those conversant with the subject would be able to explain that advantage may be taken of the slack time to get things done a little ahead of business. I myself feel that if this House would take into consideration all the facts of the case, and the danger of establishing a bureau of that description in our country

which may give rise to such abuses as have been pointed out, if we were to advise a withdrawal of this Bill for the present we would act very wisely under the circumstances. With such a bureau as this Bill proposes to establish, once a suitable building is erected for it, and filled with expensive and elaborate machinery—machinery not specially adapted for other trades, the Government would find it exceedingly difficult to get out of such a business if it should be found obviously impossible to work it to advantage, and if we had to dispose of it we should perhaps find it an incubus on our hands. Under those circumstances, I think it would be wise to consider carefully before we decide definitely on the establishment of this bureau.

HON. MR. BELLEROSE—I am not probably in a position to say that I thoroughly understand the question which is before the House; nevertheless I have to take my share of the responsibility in passing this measure. In my opinion the principle of the Bill is good, seeing what is done every day—seeing the patronage which is extended by the Government in sending the printing of Parliament from one end of the country to the other to be done at enormous prices—the report of the Chinese Commission for instance. I believe that if Parliament took entire control of that work it might be done at a lower rate than under contract; but if attention is given to the way in which those things are administered in our day, it cannot be expected that this system will be conducted in such a way as to save money. The hon. gentleman from Halifax considered that the establishment of this bureau would do away with those institutions, which the Government had to patronize, and which received large sums of money for the printing of public documents. That may be true, but the hon. gentleman must bear in mind that it will be no saving; because those people will have to get their living from the Government, and while this work may be taken from them, they will have to be given something else. They are generally institutions which are rotten to the bottom, and which are supported by Government patronage to serve the Government in the most servile manner.

I know some of them. I have myself received hints from them to give notice to the Ministers that if they did not receive proper aid from the Government they would do so and so. Under the circumstances I do not consider this would be any saving. I have had a little experience of public printing myself. At the beginning of Confederation, in my own Province, I was asked over and over again to take the Chairmanship of the Contingent Committee. At that time the Contingent Committee in Quebec was charged with the settling of the accounts for the public printing, so that I obtained a little experience, and with that experience I am in a position to say that I believe there is great doubt that this proposed system will be any saving to the country. I agree with the hon. gentleman from Prince Edward Island, that if it is adopted and found to be unsatisfactory, it will be very difficult to drop it and to return to the old contract system. It is true, there is one objection to the present system. We have to pay more for the printing than we ought to in consequence of the short term for which the contract is let, and the contractor has to go to a very large expense to prepare for the work which he undertakes to do. This difficulty might be obviated to a large extent by letting the contract for a longer term of years—if it were increased to ten years it might lead to a reduction in the cost. Parliament ought to take time to consider the question before passing this measure, and entering upon an expense of over a quarter of a million of dollars, to satisfy themselves that the proposed system will be an advantage to the Dominion.

HON. MR. PLUMB—I was asked by the hon. gentleman from DeSalaberry whether any estimate was made with regard to the cost of the proposed system. I may say to him that this is the estimate: under the new system the expenditure, apart from staff, wages and plant, will be probably \$68,000; stationery branch, printing and binding, \$220,000; making \$288,000. It is estimated that there will be a saving of about fifteen per cent. upon the printing, and a saving of about five per cent. on the stationery—a total saving of about \$40,000 a year. That would pay the interest upon the plant which is necessary, and something more. Of

course these are approximate estimates which hon. gentlemen will be able to put their own value upon. There is one point which was made by the hon. gentleman from Prince Edward Island, which I think is a very important one; and that is, the great inconvenience of the renewal of the contract system. Every time a contract expires we are practically at the mercy of a few persons. Only a few would enter upon this work who have the capital and can compete for this enormous service. That has been well illustrated by the hon. gentleman from Halifax, who says that this system involves the employment of a large staff, and although he is not, perhaps, quite correct in saying that the employment of that large staff necessitates the keeping of them over a session and through the year, still it is a very large item in the expense, and it has got to be paid for, and unless the parties tendering this contract are men of large means as well as great practical experience, they cannot bid for this work. Practically the work has fallen into the hands of a few people; everyone who is acquainted with the history of Parliamentary printing knows that a monopoly of it almost has been established. I do not speak in any invidious sense of the gentlemen who are engaged in that business; they are enterprising and competent, and they have done the work; but that it is public work which is really open to general competition, is not the fact. The hon. gentleman from Halifax says that it will be necessary to keep on a very large and permanent staff. As far as the practical work is concerned, the hon. gentleman knows that there is no body of men so transitory as printers. You can get them when you want them, and you are not obliged to keep them when you do not want them. The great bulk of them are fond of change, and will only remain on short engagement. It is a very great consideration that two of the most practical countries in the world have adopted this method as being the one best calculated to secure them from the kind of jobbery which has been referred to here—to secure the Government from the necessity which presses upon public men to give out patronage in every direc-

HON. MR. POWER—The report of the Commissioners does not say so.

HON. MR. PLUMB—Although the system is a cumbrous one in the United States and has its objections, still there is a larger field there, and more people who are competent to compete for the work there than in almost any other country. Both parties in politics have adopted and adhered to the bureau system. Also that eminently practical, economical and thorough people, the Germans, have adopted it, and have found it to be the most economical in proportion to the amount of work done. I do not know that any one can demonstrate mathematically what the annual cost of such an establishment or the working of it would be; but there is evidence here in the report of a commission which examined into the question in New Zealand which bears upon the case. It was only last year that New Zealand had this matter under consideration, and the practical gentleman who was called in to give evidence recommended such a system as is proposed to be adopted here. I do not wish to weary the House by speaking upon a subject upon which practically there is scarcely anyone among us who has had large experience. The nearest approach to an authority must be the hon. gentleman from DeSalaberry, who is at the head of a newspaper establishment as the editor, and probably interested in it; but I think that hon. gentleman will not consider me as unduly pressing the matter upon the House when I ask that the Bill be now read the second time, as those who have read the debate of the other House will see that the measure was subjected to a very close examination there.

HON. MR. ALEXANDER—By a partizan majority.

HON. MR. PLUMB—It was criticized by some practical men in the other House who have given very critical and not very friendly attention to the subject, as far as the Government is concerned, ever since they have been members of the House. Therefore we have the benefit of all that criticism and there will perhaps be an opportunity of looking that over. With

these explanations I trust the House will allow the Bill to be read the second time.

HON. MR. READ—It may be well for this House to consider whether they are prepared to give up their privilege that they have held on certain matters connected with the stationery department. That will be a matter for our consideration in committee, but I merely throw out the hint that if we allow one inroad on our privileges another will take place next year and so on until in the end we shall be guided by Orders-in-Council or even departmental orders.

HON. MR. HAYTHORNE—I would just ask the hon. gentleman whether the estimate he has made comprises a special building, or whether it is intended to rent a building, or how one is to be provided?

HON. MR. PLUMB—A building is to be erected at a cost of about \$40,000. It will be much better to build than to rent.

The Senate divided on the amendment which was agreed to by the following vote:—

CONTENTS:

Hon. Messrs.

Allan,	Miller (Speaker),
Bolduc,	Montgomery,
Botsford,	Nelson,
Clemow,	Odell,
DeBlois,	Plumb,
Dever,	Poirier,
Flint,	Read,
Girard,	Robitaille,
Glasier,	Schultz,
Howlan,	Smith,
McDonald,	Sutherland,
McKay,	Vidal,
McKindsey,	Wark.—27.
Macdonald (B.C.),	

NON-CONTENTS:

Hon. Messrs.

Alexander,	McInnes (B.C.),
Armand,	O'Donohoe,
Bellerose,	Pelletier,
Grant,	Power,
Guévremont,	Reesor,
Haythorne,	Scott,
Leonard,	Trudel.—15.
McClelan,	

The Bill was then read the second time.

LAND GRANTS TO THE ACTIVE  
MILITIA FORCE IN THE  
NORTH-WEST.

SECOND READING.

A message was received from the House of Commons with Bill (142) "An Act to make further provisions respecting grants of land to members of the militia force on active service in the North-West."

HON. MR. PLUMB moved that the Bill be read the first time.

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

HON. MR. PLUMB moved that the 41st rule be dispensed with, and that the said Bill be now read the second time.

HON. MR. POWER—With the understanding, of course, that if there is any objection to the principle of the Bill, it can be considered in committee.

HON. MR. PLUMB—Certainly.

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

A QUESTION OF PRIVILEGE.

HON. MR. PLUMB moved that the House do now adjourn.

HON. M. POIRIER—Honorables Messieurs: Le sujet que je vais traiter est délicat. Je l'aborde avec défiance, presque avec crainte; mais il est de mon devoir de l'aborder. Il s'agit de rétablir certains faits erronément avancés à la Chambre des Communes. Voici ces faits. Durant le cours du débat sur la question Riel, le député de Jacques-Cartier (M. Girouard), parlant des Acadiens et des circonstances difficiles où ils se trouvent encore, en ce qui concerne la conservation de leur nationalité, déclara que, par exemple, le collège Saint-Louis, au Nouveau-Brunswick, avait été fermé à cause de la langue française qui y était enseignée. Le député de Gloucester (M. Burns) affirma, en réponse, à M. Girouard, que le collège n'avait nullement été fermé pour cette cause. Or, voici le dilemme qui se pose.

Ou le collège Saint-Louis a été fermé par l'Ordinaire du diocèse de Chatham, sous la juridiction duquel il se trouve, ou il a été fermé par son fondateur, M. l'abbé M. F. Richard. Si l'affirmation de M. Burns, faite en plein parlement fédéral, déclaration non contredite jusqu'ici, est basée sur la vérité, ceux qui rejettent sur M. Richard la faute de la fermeture de son collège, disent vrai, et le grand patriote acadien, après avoir vu son œuvre d'éducation démolie, devient, aux yeux d'un certain public, l'auteur de cette même démolition. Or, M. Richard a fondé et construit le collège Saint-Louis, mais ce n'est pas lui qui l'a fermé. Telle est la vérité vraie.

Il ne s'agit pas ici de sympathies, il s'agit de faits, faits excessivement graves pour les Acadiens; et, comme représentant les Acadiens au Sénat, il devient de mon devoir de rétablir les faits selon la vérité. Non pas que M. Burns ait voulu rien dire ou rien faire d'injuste contre M. l'abbé Richard, ni contre les Acadiens, envers lesquels je le crois très bien disposé; mais ne connaissant pas les faits, ne s'imaginant probablement pas qu'on eût pu fermer un collège florissant parce que la langue de Bossuet et de Saint Vincent-de-Paul y était enseignée, il a dit ce qu'il croyait raisonnable, il a exprimé les sentiments de son cœur. Au reste, il ne s'est pas dit autorisé par qui que ce soit à faire la déclaration qu'il a faite.

J'étais présent à la séance de distribution des prix où se décida du sort du collège Saint-Louis. C'était en juillet 1882. Sa Grandeur, le Premier Pasteur du diocèse de Chatham, était présente, ainsi qu'une grande partie des curés du diocèse, les paroissiens de Saint-Louis et un certain nombre d'étrangers. Avant la séance, de vagues rumeurs circulaient que le collège allait être fermé. Le directeur, M. l'abbé E. Biron, prêtre venu de France pour consacrer sa vie, ses biens de famille et les offrandes de ses amis de Paris à l'éducation chrétienne et française des pauvres Acadiens, me fit demander à sa chambre. Il semblait consterné. J'appris de lui que les sombres rumeurs entendues n'étaient pas sans fondement; qu'à lui-même l'Autorité avait laissé comprendre qu'il lui fallait abandonner son cher collège. Pour quelles raisons? il n'en savait rien. Personne n'en savait rien positivement. Mais il espérait que lui parti, puisqu'il

était l'obstacle, l'institution trouverait grâce, ne serait pas condamnée. Néanmoins, sous l'empire de ces lugubres pressentiments, il fit venir les six élèves appartenant à la classe la plus avancée, me les présenta tous—il y en avait de Saint-Louis même, d'autres, du Madawaska et un de la Baie Sainte-Marie, à la Nouvelle-Ecosse. "C'est pour que vous vous connaissiez les uns les autres, nous dit-il. Quant à moi, je m'en vais. S'il faut ainsi que le troupeau soit dispersé, souvenez-vous toujours que vous êtes catholiques et Français, et ne vous perdez jamais de vue. Vous êtes jeunes. Votre tour de travailler à l'œuvre nationale viendra ; et alors vous aiderez à M. Richard à reprendre l'œuvre interrompue." Sa voix était pleine de larmes, mais il ne pleurait pas. C'était nous qui pleurions !

La séance eut lieu. Après la distribution des prix, Sa Grandeur se leva, et après avoir touché quelques autres questions, Elle manifesta longuement et en termes formels sa désapprobation de voir que l'enseignement du français occupait une si large place dans le programme des études du collège.

M. Richard, prenant la parole à son tour, voulut justifier le cours d'études donné dans son collège. Il déclara qu'il éprouvait une vive douleur d'avoir encouru le déplaisir de son évêque, mais qu'il l'avait fait sans intention et sans le savoir ; que c'était la première fois que Sa Grandeur lui manifestait son mécontentement sur ce sujet-là ; que pour lui, Acadien-français et fils d'ancêtres Acadiens-français, il n'avait pas cru mal faire en enseignant à ses compatriotes la langue de leurs pères. Répondant aux reproches que Sa Grandeur venait de lui faire, de ce que un élève irlandais avait déclamé, avec une bonne prononciation du français, une poésie française, il lui demanda de ne pas condamner son collège, parce que certains élèves y avaient fait rapidement de grands progrès dans la langue française. Comme compensation, il nomma cinq ou six élèves acadiens qui venaient de lire et déclamer en anglais, avec une parfaite prononciation de la langue de Shakespeare. Il prouva que les deux langues, anglaise et française, y étaient enseignées avec soin, et que toutes les nationalités y étaient sur un pied de parfaite égalité.

Sa Grandeur se leva de nouveau, sous

l'empire d'une grande excitation visible, et termina ses remarques en répétant que le français était trop enseigné au collège Saint-Louis, et que à moins qu'il y eut un changement, il retirerait et retirait, en effet, son patronage du collège.

Ce qui se passa, pendant les vacances scolaires, entre Sa Grandeur et M. Richard, je l'ignore. Je sais seulement que M. l'abbé E. Biron, directeur du collège, dût reprendre le chemin de la France.

S'appuyant sur je ne sais quelle autorisation et quelles promesses de son évêque—mais promesses et autorisation il y eut—M. Richard ouvrit son collège, comme d'habitude, dans l'automne de la même année, à l'expiration des vacances. Mais Sa Grandeur ne lui donna finalement pas de directeur. Il dût, en conséquence, renvoyer les élèves, congédier les professeurs, et fermer les portes du collège, qui n'ont pas été ouvertes depuis.

Tels sont les faits généraux et publics. Je ne les relate pas pour accuser, ni pour blâmer qui que ce soit. Sa Grandeur a ses secrets que j'ignore, et ses raisons que je veux respecter. Je ne fais simplement que reproduire sur une plus grande scène, et répéter devant un public plus nombreux, ce qui a été dit et ce qui a été fait publiquement, en juin 1882, à Saint-Louis.

Si la chose est juste en elle-même et véridiquement racontée, personne ne pourra trouver à redire à ce que je la relate ici. Quand le bon Dieu envoie un fléau, ou fait tomber son tonnerre, ce n'est pas lui manquer de respect ni de soumission que de raconter le fait.

Le collège Saint-Louis avait été fondé en 1871 par M. l'abbé Richard, enfant de Saint-Louis, qui, pour faire ses études, avait été contraint d'aller dans une province étrangère, l'Île du Prince Edouard, attendu qu'il n'y avait alors aucun collège catholique au Nouveau-Brunswick. Le collège Saint-Joseph de Memramcook ne fut ouvert qu'à l'automne de l'année 1864. Voyant le désavantage où se trouvait la population catholique du Nouveau-Brunswick en ce qui concerne l'éducation, il jeta les fondations de son collège, avec l'autorisation de son évêque, mais sans aucun aide matériel de sa part. Il avait été nommé, quelques années auparavant, curé de Saint-Louis ; et c'est avec les revenus de sa cure, ses ressources de famille et l'aide des amis de l'éducation

chrétienne et française qu'il entretenait son collège, étant responsable à son évêque de la bonne gestion de son institution. Le collège ne recevait non plus aucune allocation du gouvernement, ce qui le soustrayait à l'inspection du bureau des écoles aussi bien qu'à l'ingérence municipale laïque. La paroisse étant prospère et pleine de zèle, le collège était en voie de devenir prospère; et ce qui prouve bien qu'il était en moyen de se soutenir matériellement et pécuniairement, c'est que deux ans après sa fermeture, Sa Grandeur ayant fait appel d'argent à son diocèse, la paroisse française de Saint-Louis seule lui envoya \$700 à \$800. J'y étais encore. Ce sont toujours des faits publics que je raconte. Quant au cours d'études donné, c'était à peu près celui des collèges du Bas-Canada, cours de français et d'anglais—plus d'anglais qu'il ne s'en enseigne dans le Bas-Canada—et un cours classique latin que l'on venait d'inaugurer. M. Richard était supérieur et M. Biron directeur de l'institution. Saint-Louis est une paroisse toute française, située dans un comté aux deux tiers français.

Ainsi, au point de vue matériel, le collège n'était aucune charge pour l'évêché, n'imposait aucun sacrifice à l'évêché, et ne diminuait en rien ses revenus, même ceux tirés de la paroisse de Saint-Louis. Au point de vue disciplinaire, il en relevait, n'ayant pas sa raison d'exister ou de continuer son existence, sans l'autorisation de l'évêque. Nous venons de voir comment il fut fermé, et comment il lui fut impossible de continuer, même avec le nombre ordinaire d'élèves à la rentrée des classes, en l'automne 1882. M. Richard, ses paroissiens, les amis de l'éducation, et tous les Acadiens en eurent l'âme brisée de douleur. Mais M. Richard et les siens se sont tous soumis, dans le silence morne du respect. Si j'éleve la voix dans cette honorable enceinte, messieurs, c'est qu'on vient en plein parlement fédéral, de déclarer—ou ce qui revient au même—que c'est M. Richard qui a détruit l'œuvre de sa vie, le rêve ardent de son âme patriotique et chrétienne. Je devais au fondateur du collège Saint-Louis, à mes compatriotes de l'Acadie et à la vérité, de rétablir les faits.

Cette question incidente a pour les Français des Provinces Maritimes une portée plus générale. Elle touche à la

vitalité, à l'existence de toute la race acadienne:

Au nombre des reproches qu'on nous fait, et que l'Histoire, cette grande menteuse, s'arrange pour nous faire bientôt, est le reproche, l'injure, que les Acadiens oublient leur langue française, abandonnent leurs traditions du passé, renient, en un mot, leur nationalité sainte. Cela est, jusqu'à un certain point, vrai pour quelques endroits de la Nouvelle-Ecosse et de l'Île du Prince-Edouard. Cela deviendra vrai au Nouveau-Brunswick, si l'on réussit à supprimer les maisons d'éducation française. C'est à cause de l'absence ou de la suppression de l'éducation française, que mes compatriotes de la Nouvelle-Ecosse sont aujourd'hui dans une position inférieure à celle qu'ils auraient, s'ils avaient pu s'instruire dans leur langue. Pour qu'un Français apprenne bien l'anglais, il faut qu'il commence par l'étude de sa langue maternelle; autrement, l'aridité abstraite d'une grammaire étrangère le fatigue vite et l'éloigne bientôt de toute étude. Et puis le découragement, quelquefois la honte de se voir foulé aux pieds et méprisé, advenant, le sentiment national décroît. C'est ce qui est arrivé à la Nouvelle-Ecosse, où des faits semblables à ceux de Saint-Louis, et peut-être plus graves encore, se sont passés depuis un demi-siècle. La Nouvelle-Ecosse a eu son abbé Richard dans la personne de M. l'abbé Girroir, l'apôtre des Acadiens dans sa terre natale. M. Girroir est mort, découragé, il y a trois ans, dans sa cure de Havre-à-Boucher, à la Nouvelle-Ecosse. Sa vie, son énergie, son immense charité, se sont épuisées, mais en vain, à fonder des institutions d'éducation française. Pourquoi n'a-t-il pas réussi? L'Histoire va dire, sans doute, que son insuccès est dû à l'apathie, etc., des Acadiens? Ecoutez ce que vient de me raconter un de mes honorables collègues, ici présent, le représentant du district de Repentigny (l'honorable M. Armand). On m'avait cent fois dit ces choses, ou des choses semblables, à la Baie de Sainte-Marie, au Cap-Breton, et même chez moi, au Nouveau-Brunswick. Je n'avais jamais osé y croire, tant la chose me paraissait grave, et, naïf que j'étais, invraisemblable.

“ Nous nous trouvions réunis, en 1866, me dit l'honorable M. Armand, l'honorable sénateur du district de Lanaudière, (M.



Bellerose,) feu l'honorable M. Bureau et moi, à l'archevêché d'Halifax, en compagnie des prêtres du diocèse venus pour leur retraite. Nous étions à Halifax, nous, en qualité de délégués de l'Union des Canadas. Sa Grandeur Monseigneur Connolly, (décédé en 1876,) a dit à ses prêtres, en notre présence, qu'il ne voulait pas de deux langues dans son archidiocèse, que le français était inutile, était de trop ; qu'il fallait supprimer partout l'enseignement du français ; et que, pour sa part, il désirait ne plus entendre les accents de cette langue à sa prochaine tournée épiscopale."

Sans en dire davantage,—je ne le pourrais sans manquer au respect dû à un haut dignitaire de l'Eglise, tant je sens de mouvements étranges s'agiter dans mon âme,—ceci explique suffisamment pourquoi l'œuvre du saint, du zélé apôtre acadien, M. Girroir, a échoué. L'échec du collège Saint-Louis n'a été que la répétition d'un même drame, amenée par les mêmes causes.

Qu'on me comprenne bien. Je n'empêcherai pas de mauvais motifs à Sa Grandeur Mgr Connolly. Il devait croire la suppression du français chose bonne et désirable, puisqu'il la recommandait et l'effectuait jusqu'à un point considérable. Peut-être assimilait-il la position des Acadiens, fondateurs, évangélistes et défricheurs de la Nouvelle-Ecosse, puis martyrs pour leur foi et leur nationalité, en 1755, et ayant certains droits nationaux concédés par les traités, à celle des races gaéliques—noble races, dont j'apprécie les hautes qualités et les belles vertus—venues plus tard.

Quoiqu'il en soit, l'intensité de cette tradition qui voulait l'abolition du français dans la Nouvelle-Ecosse, décroît, diminue chez les hautes autorités ecclésiastiques ; et c'est surtout à l'illustre prélat que Sa Sainteté Léon XIII a choisi tout particulièrement pour présider à l'Eglise des Provinces Maritimes, que nous le devons. L'archevêque actuel d'Halifax, dont la grande érudition et l'esprit de justice se font justement remarquer, n'a mis, jusqu'ici, aucune entrave au développement de l'éducation française et nationale des Acadiens.

Que Dieu l'en récompense ! Il reste le passé à réparer. Espérons qu'il n'est pas absolument irréparable. Mais c'est

afin que, en autant qu'il est en mon pouvoir d'y remédier, les choses du passé ne se renouvellent plus, qu'à la suite de la discussion qui s'est faite à la Chambre des Communes sur ce sujet, j'ai cru de mon devoir de rétablir les faits selon que je les connais *de visu et auditu*. L'Histoire enregistre les effets : il est utile de connaître les causes. Les Acadiens, qui ont été cédés à l'Angleterre en 1713, puis écrasés et dispersés en 1755, à cause de leur attachement, légitime—puisqu'il est reconnu et accepté dans le traité de cession—à leur foi et à leur nationalité française, demeurent toujours dans les mêmes sentiments d'amour pour leurs traditions et leur langue nationales. Ce qui ne les empêche pas d'être au nombre des plus loyaux sujets de Sa Majesté britannique. Nul n'a le droit de les empêcher d'être ce qu'ils sont, ni de leur ravir ce qu'ils ont, que cela soit écrit sur des parchemins ou dans leur cœur. Les conditions de la lutte qu'ils font pour maintenir leur place ou la conquérir dans la société, sont toutes à leur désavantage : ils sont inférieurs par le nombre, moins influents auprès des gouvernants, privés des ressources matérielles dont leurs concitoyens sont amplement pourvus. Si vous leur ôtez l'éducation, ce grand levier d'Archimède, comment voulez-vous qu'ils soutiennent la concurrence ?

Que d'autres, pour arriver plus vite ou monter plus haut, abandonnent les traditions glorieuses de leurs pères, comme un soldat jette ses armes pour gagner du terrain dans la déroute, c'est leur affaire. Nous, Acadiens, nous ne voulons pas nous séparer de ce qui a causé nos malheurs et fait notre gloire dans le passé, notre foi, notre langue, nos traditions et notre nationalité. Nous atteindrons la destinée que Dieu nous réserve, ou bien nous tomberons en route, couverts de toute notre armure.

Il nous reste un collège national, un seul, le collège Saint-Joseph de Memramcook, au Nouveau-Brunswick. Ce que cette institution, mon *alma mater* aimée, a fait de bien parmi toutes les nationalités dont se composent les Provinces Maritimes, mais surtout pour la population acadienne, est incalculable. Ce collège est un gage, un garant du succès définitif de nos efforts. Aussi, en attendant qu'il nous soit permis de rouvrir ceux qui ont été

fermés, ou d'en fonder de nouveaux, car le champ de la moisson est vaste, l'espoir ne cessera point de luire au fond de nos âmes.

Avant de terminer, honorables messieurs, je tiens à déclarer que je suis seul responsable des remarques que je viens de faire, n'ayant reçu le mot d'ordre, ni l'inspiration de personne. Si je me suis trompé, si j'ai fait erreur de jugement, et si quelqu'un doit souffrir pour les faits énoncés, que ce soit moi seul, puisque je suis le seul coupable.

HON. MR. BELLEROSE (in French)—I congratulate the hon. gentleman on his courage and patriotism in bringing this matter before the House, as he was justified in doing. Since there has been a discussion on the subject, and contradictory statements have been made elsewhere, it is only right, he being a representative of the Acadian people himself, that he should put matters right, though I regret that such a question should have been raised in Parliament with respect to the clergy of that place. We have been accustomed to those difficulties about our nationality, not only in New Brunswick but in other parts of Canada. In the Senate for years past the minority have had cause of complaint of the way their rights and privileges have been infringed upon. We would succeed in securing a recognition of our rights if we were only united throughout the whole Dominion. Being a people numbering 1,500,000 we might maintain our ground as our forefathers did when they were only 60,000 strong against all the power of Great Britain.

HON. MR. POWER—I should like to say one or two words on this matter. The hon. gentleman has perhaps done right in bringing the matter up. With the little difficulty which he says occurred in New Brunswick I have nothing to do. But he has made some remarks about the Province of Nova Scotia which call for some notice from me. The hon. gentleman said that the Acadians in the Province of Nova Scotia occupied a position inferior to that which they occupied in other provinces.

HON. MR. POIRIER—In point of education.

HON. MR. POWER—He attributes that to the fact that they had gradually ceased to speak their own language.

HON. MR. BELLEROSE—We were speaking of the question of education.

HON. MR. POWER—I was referring to what the hon. gentleman from Kent said. I understood him to say that, because education was not imparted in French in the Province of Nova Scotia, unfortunately Acadians there did not occupy the position to which they were entitled. I think it would be a misfortune and discredit to the Province of Nova Scotia, and to the people of Acadian descent in that province, if that impression should go abroad. I say that the facts are just the other way. I do not think there is any Province in the Dominion in which the people of French origin stand better than they do in Nova Scotia. From time immemorial I was going to say, but certainly almost from the initiation of responsible government in Nova Scotia, the Acadian element has been represented in the House of Assembly and the Legislative Council, and for some time has been represented in the Executive of the Province. The Acadians are not looked upon as being in any way inferior to their English speaking neighbors—to their neighbors of different origin—and they are just as well off and comfortable as their neighbors are; and I have never heard that the Acadians of Nova Scotia have made any complaint themselves that they were not fairly and properly treated. I do not think it is fair that the hon. gentleman, who, from his position here, may possibly claim to be entitled, to a certain extent, to speak for the Acadians of the lower provinces, should make a speech calculated to create the impression that his fellow-countrymen in Nova Scotia were dissatisfied or occupied a position inferior to that which they actually do hold. It is true that in Nova Scotia the strongly marked distinction between the two races has not been kept up as in other Provinces. I think that fact is to the credit of Nova Scotia. The people of French origin in Nova Scotia mix up with their English-speaking neighbours. As a rule, they learn and speak the English language and they are Nova Scotians rather than French or Acadians. They

are just in the same position as the Highland population in Nova Scotia and Cape Breton. The Highland population in our Province is about as numerous, or more so, than the French. These people spoke Gaelic, and do so still; but they do not ask to have the Gaelic taught in their schools; they do not wish to be treated as a separate class or section of the community; and I think that the French people in Nova Scotia show wisdom in following their example. But the hon. gentleman was incorrect as to the facts. I happen to know this—a thing which is hardly done in any of the other of the provinces—the school books which are authorized by the Department of Public Instruction in Nova Scotia, those which are to be used in the French districts, are printed in both languages. Take up the Maritime Reader or the Royal Reader used in the district of Claire, for instance, where the population of French origin is large, and you will find that one side is in English and the other is the same thing in French. I regret to be obliged to interfere in this matter; but I did not think it was fair to the province from which I come to let the hon. gentleman's statement go abroad unquestioned, as it was calculated to create a wrong impression.

The motion was agreed to, and the House adjourned at 5:30 p.m.

#### THE SENATE.

*Ottawa, Monday, May 31st, 1886.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

#### RAILWAY WHARF AT PORT MOODY.

##### INQUIRY.

HON. MR. MCINNES (B.C.) inquired:

Is it the intention of the Government to build, this summer, the Iron Railway Wharf at Port Moody, B.C., as promised last Session?

He said:—I might say, before the hon.

HON. MR. POWER.

leader of the Government makes his reply, that last February tenders were invited for the iron piles, caps and other material necessary for the construction of the Port Moody Railway wharf, and early in May a year ago the contract was let to an English firm, the name of which I do not at present remember. Those piles and all the other iron material necessary for the wharf were to be delivered last September at Port Moody and the wharf built during the fall or early winter of 1886. For some reason which I am not prepared to give, those iron piles did not arrive in British Columbia until the latter part of last month, and I understand now, from a very reliable source, that the Canadian Pacific Railway Company are endeavoring to get the Government to hand over those iron piles to them for the purpose of building wharves out of them down at English Bay, or Vancouver. I desire now to know whether the Government are going to hand over this material, contrary to the promises and pledges made to the people of British Columbia, and especially of Port Moody, to the Canadian Pacific Railway Company, or going to build the wharf at Port Moody as promised.

HON. MR. PLUMB—I am instructed to say, in reply to this question as to whether it is the intention of the Government to build, this summer, the iron railway wharf at Port Moody, B.C., that they do intend to build such wharf at Port Moody this season.

#### ST. SULPICE CHANNEL.

##### INQUIRY.

HON. MR. PAQUET inquired

Est-il à la connaissance du gouvernement que le chenal de St. Sulpice, dans le fleuve St. Laurent, est dans un état qui requiert son attention immédiate en vue du danger d'accidents à peu près certains auxquels il expose la navigation?

HON. MR. PLUMB—In reply to the hon. gentleman's inquiry I am instructed to say that this matter rests entirely with the Harbor Commissioners of Montreal, under whose control the channel is. There is no correspondence on the subject in the Department.

SUBSIDIES TO QUEBEC RAILWAYS.

INQUIRY.

HON. MR. PAQUET inquired

Si les octrois accordés aux différents chemins de fer de la province de Québec sont faits sous condition ; si les intéressés peuvent avec ces octrois faire avancer ces travaux sans le secours de municipalités ou autre secours, leur en promettant indirectement l'achèvement par autre octrois provenant de même source plus tard ?

HON. MR. PLUMB—In reply to the hon. gentleman's inquiry I am instructed to say that these subsidies to which he refers are granted conditionally upon the showing of the company to the Government that they can provide sufficient means to give a reasonable probability that the road in question will be completed, and that there is no promise directly or indirectly for further subsidy.

THE SITTINGS OF THE HOUSE.

MOTION.

HON. MR. PLUMB moved

That on this day, Monday, the 31st instant, and every sitting day thereafter during this Session, there be two distinct sittings of the House, one from three to six o'clock p.m., unless the House be sooner adjourned, and another at half-past seven o'clock p.m.

HON. MR. POWER—It is not usual to make this motion until very near the close of the Session. Perhaps the hon. gentleman will be good enough to tell us at what time he expects Parliament will be prorogued.

HON. MR. PLUMB—It is intended to press the business as rapidly as possible, and it is impossible to specify the time when the House will be prorogued. It is the desire of the Government and, I presume, of the House that the business shall be expedited as fast as possible.

HON. MR. POWER—I presume the hon. gentleman has no objection to say whether the Government expect to prorogue this week?

HON. MR. PLUMB—It is impossible

for me to give the hon. gentleman a more definite answer than I have given, as I have no instructions on the subject.

HON. MR. POWER—If there is no reasonable expectation of proroguing this week I do not think the Government should ask for such power as this. It is usual to take this power only within one or two days before prorogation, and it will be very awkward if the House is to be in session for a week longer to have this rule in operation all that time.

HON. MR. PLUMB—There is nothing in the motion which is different from the ordinary practice of the House.

HON. MR. SCOTT—Say Wednesday.

HON. MR. PLUMB—The Government will endeavor if possible to have prorogation take place on Wednesday evening; but I am not to be understood as speaking with authority.

The motion was agreed to.

INTERPRETATION OF THE 25th RULE.

THE SPEAKER — Before proceeding to the orders of the day I desire to place before the House a more formal expression of my opinion in regard to the interpretation of the 25th Rule of the Senate, than I had an opportunity of doing on Thursday last, as the construction to be applied to that Rule may at any moment have an important bearing on our debates.

The language of the Rule in question is as follows :—

"25. Any Senator called to order shall sit down, and shall not proceed without leave of the Senate."

I stated on the occasion referred to, that the words "leave of the Senate" in this rule meant the assent of the whole Senate, and are simply the parliamentary phraseology for the unanimous consent of the House. I stated further that, according to my interpretation of the rule, such leave could not be obtained, if it were opposed by even one dissenting voice.

The hon. Senator from Alberta, (Mr. Howlan) took exception to the

construction I then placed upon the rule, and declared it to be his opinion, that "the leave of the Senate," mentioned therein, meant the leave—not of the whole House, but of a majority of the House. Further on, when I attempted, by a reference to authorities, to support my opinion, the hon. gentleman very emphatically told the House, that these authorities did not apply to the point in controversy. He said that while he admitted that the words "leave of the House" meant the unanimous consent of the House when applied to the withdrawal of Bills, or Motions, or to proceedings of a similar nature in connection with legislation or the general business of the House, they had that meaning only when applied to such occasions and proceedings. He contended that such an interpretation could not be put upon these words in the 25th rule of the Senate, because they could not properly be so construed in relation to the personal rights and privileges of hon. members—especially the freedom of debate—a subject which the rule was, under certain circumstances, intended to regulate.

There is no difference of opinion anywhere, I presume, as to the meaning of the words "leave of the House," when uttered in relation to questions regarding bills, motions or other like business proceedings requiring unanimous consent. On all such occasions it is not disputed that these words mean the consent of every member of the House.

I believe it will not be difficult to show on clear and conclusive authority that the words in question, whenever and wherever they are used in a parliamentary sense, mean unanimous consent; as well when they relate to the rights and privileges of hon. members, as when they are used in connexion with occasions and proceedings of any other description. The authority I intend to cite is completely in point in the present inquiry. It is a case in which the meaning of these very words in a rule of the House of Commons was authoritatively declared; a rule dealing with the identical subject that the 25th rule of the Senate relates to, viz: the regulation of the debates of the House.

On the introduction of the new rules of procedure in the Imperial House of Commons, in 1882, it was considered by

the Government that the right of members to move the adjournment of the House, was too frequently abused, and often resulted in long and irrelevant debate, causing great loss of valuable time. It has frequently been the unpleasant duty of the Speaker to rebuke members for the abuse of this highly prized privilege of debate; for among all the rules and precedents which secure untrammelled freedom of speech in legislative bodies guided by British principles and precedents, perhaps none is more conducive to that end than the right I have just mentioned. However, the Government thought it was necessary to put some check upon its improper use, and accordingly Mr. Gladstone submitted to the House the following as the 2nd rule of the new rules of procedure:

"That no motion for the adjournment of the House shall be made before the Orders of the Day, or notices of motions have been entered upon, except by leave of the House; the granting of such leave, if disputed, being determined or question put forthwith; but no division shall be taken unless demanded by forty members rising in their places, nor until after the questions on the notice paper have been disposed of."—(Hans. 274, p. 1329.)

No one can, I think, deny that the subject of this rule is the same as that involved in the 25th rule of the Senate. These rules are on all fours, as far as the point I am considering is concerned. They both are intended to restrain or regulate the privileges of debate.

Now, what is the meaning of the words in the English rule, "the leave of the House"? Do they mean a majority of the House, or do they imply the unanimous consent of the House? And when the question of granting leave is put from the chair, as prescribed by the rule, does it require a unanimous vote to secure leave, or is a majority of the House sufficient for that purpose?

Mr. Speaker Brand who occupied the Chair of the House of Commons at the period alluded to, and who is well known as a Parliamentarian of the highest repute, decided, upon the specific request of Lord Randolph Churchill for an authoritative decision on these points, (1st), that leave of the House in the said Rule meant the unanimous consent of the House, and (2nd), that upon question being put from the Chair, one dissenting vote would prevent leave being granted.

Passing over several other members who referred to these points in the course of this discussion on the 2nd rule, I will only quote briefly from Lord Randolph Churchill, who very squarely placed the whole subject before the Chair, when he said :—

“It would be useful in connection with the amendment (an amendment had been previously moved to the Rule) if they could have an authoritative declaration from the Chair of what was meant by ‘leave of the House.’ Did it mean a unanimous leave, or the leave of a majority?”

“Mr. Speaker: I may say in answer to the noble lord’s question, that the understanding with reference to ‘the leave of the House,’ is, that it involves unanimity on the part of the House. (Lord Randolph Churchill: Unanimity.) Whenever the question is put—‘Is it your pleasure that so-and-so be done?’—if there is a single dissentient voice, the leave of the House is not given.”

I may here direct attention to the fact that the English rule enabled the Speaker to give his decision, not only on the meaning of the words “leave of the House,” in the resolution, but also his opinion of the necessity of unanimity, when, if such leave is disputed, a question is put from the Chair—one hostile vote being sufficient to frustrate the motion.

If the words “the granting of such leave, etc.,” contained in Mr. Gladstone’s rule, were added to the 25th rule of the Senate, thus altering it to read as follows: “Any Senator called to order shall sit down and shall not proceed without leave of the Senate”—*the granting of such leave, if disputed, being determined upon question put forthwith*—it would certainly be more likely to lead hon. members to place the construction on it, which it has received from the hon. Senator from Alberton; but even with that addition, according to the ruling of Mr. Speaker Brand, it would still be capable of no other construction, than that which I gave it when I first brought the subject before the House.

I therefore respectfully inform the House that whenever I shall be called upon to construe the 25th rule of the Senate, I shall feel it my duty to do so conformably to the decision of the high authority I have just quoted. Whether the operation of the rule proves satisfactory to the Senate or otherwise, cannot influence me in placing upon it what I consider to be its proper construction. If

the rule should prove to be unsatisfactory to hon. senators, under this construction, I can only add, that the House has the power, whenever it is thought necessary, to alter or modify any of its rules.

HON. MR. ALEXANDER—Is it permitted to any member of the House to offer any observations with regard to the statement of the Speaker.

HON. MEMBERS—No, no.

HON. MR. PLUMB—With the leave of the House.

HON. MR. ALEXANDER—Does the House give permission to make one or two observations.

HON. MR. POWER—Go on.

HON. MR. ALEXANDER—I think the House will agree with me that the first consideration on the floor of a Colonial Parliament or the Parliament of Great Britain is freedom of debate, in conformity with the rules of Parliament. The rules of Parliament have been framed of course to maintain order; but I may state that the object of Parliament is to stop wrong doing and to endeavor to prevent wrong legislation. I mistake greatly the rules of Parliament if they are to be used to prevent the representatives of the people from correcting wrong doing. Now, with regard to the moving the adjournment of the House, all the authorities agree that such a privilege is granted to enable members who find that under any special notice or any special Bill they cannot touch certain subjects which are of vital moment to check acts of maladministration. I think the House will agree with me that this privilege granted to members of Parliament is a very wise one. I grant that it may be abused; we know that it has often been abused by men to make personal attacks upon the Government and private members.

HON. MR. POWER—Hear, hear.

HON. MR. ALEXANDER—But we must distinguish, hon. gentlemen, between those who come here in a patriotic spirit to do their duty fearlessly, and when they

rise to adjourn the House in order to obtain a hearing upon certain subjects.

THE SPEAKER—I think the hon. gentleman must have misunderstood the paper I read. If he will take the trouble to peruse it he will see that it does not attempt to interfere with the right of moving the adjournment of the House, I was merely alluding to the resolution proposed in the British House of Commons as illustrating my argument.

HON. MR. ALEXANDER—I do not dissent at all from the views expressed by the learned Speaker of the House. I am in perfect accord with his views; but I take this opportunity of making an explanation because I have been frequently interrupted when I have been striving to accomplish better government. We know that Colonial Parliaments are not like the Parliament of Great Britain, not like the House of Lords or the House of Commons of Great Britain where a high sense of honor always prevails. What did Sir Robert Torrens say with regard to this? He observed with regard to South Australia, that there was no artifice that his political opponents would not have recourse to; no departure from principle that they would not adopt; and we cannot safely apply to a Colonial Parliament the rules which apply to the Parliament of England; you cannot apply such rules to the Parliament of Australia or of the Dominion. The political history of this country presents a lamentable picture to the people who are distinguished for their industry and their honor in all their relations of life.

HON. MR. PLUMB—I rise to a question of order. If the House wishes to hear the discussion I have no desire to stop it; but I would remind the House that we have a good deal of business before us; the discussion is irrelevant, and no motion is before the Chair.

HON. MR. SCOTT—I might be permitted to make one observation. I do not propose to go into the question of the rights of a popular assembly, or the Senate, to discuss these questions. It is simply in reference to the paper which the Speaker has laid upon the table and

whether we think it expedient in the future or not to make such an alteration as some hon. gentleman indicated in our rules for the future. It is at least gratifying that the off hand opinion given by the Speaker on the spur of the moment is so fully sustained by the authorities.

HON. MEMBERS—Hear, hear.

HON. MR. SCOTT—I think the authorities are undoubted, and until our rule is changed by the Senate itself, no other interpretation can be put upon that rule.

HON. MR. HOWLAN—There is no hon. gentleman who will bow with more respect to the decision of the Chair than myself; no one who would go further to preserve the privileges of a member of this House than myself; and when I took occasion to make that statement the other day I made it believing I was correct, and I have not altered my opinion on it yet. It will be remembered that the British North America Act states that the Senate shall have all privileges of the House of Commons of England. The next thing we find in our rules is that, where we have no rules to the contrary, the rules of the House of Lords shall be our rules. Then we have also the British rule that has just been read by the Speaker. If the rules of the House of Lords govern us, no decision of Mr. Speaker or the Speaker of the House of Commons can have any weight with us. The hon. gentleman takes exception to that. Let me put this question. I may be wrong; but if I am wrong I think I may fairly quote the views and opinions put forward by Sir Randolph Churchill, the distinguished member of the House of Commons. He seems to have had some misgivings on that particular point. The matter, practically worked, would be this: if the hon. gentleman who at the present time occupies the distinguished position of the leader of this House should, in the course of this debate, make use of words to which my hon. friend sitting alongside of me might take exception, then the matter would have to go to the Speaker; and if the Speaker, for the time being, happened to rule in favor of this hon. gentleman,

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look at the result. If for instance I, for mischief, rose and called the hon. gentleman to order, he would have to sit down until the point was settled, and if the Speaker viewed the matter through the same spectacles as I saw it, the hon. gentleman would be stopped from speaking until he obtained the consent of the House. In my judgment, that would be robbing a member of parliament of his powers, authorities and privileges. At the present it is competent for me to move a standing order, without the consent of the House, without any power from the House, on account of my individual position and prerogative as a member of the Senate. I might find some particular gentleman who is objectionable to me sitting in the gallery, or on the benches below the bar, and if I am mischievous enough to act in accordance with my personal feelings I may move in my place in Parliament that strangers withdraw and all strangers have to go out.

THE SPEAKER—On a vote of the House.

HON. MR. HOWLAN—No; I have the privilege of moving in my place in Parliament that strangers withdraw.

THE SPEAKER—But you have to get the consent of the House.

HON. MR. HOWLAN—Precisely so, but I get the majority of the House on the use of my privilege. What is the privilege of a member of Parliament? He must have privileges of some kind. Turn to May on Parliament, page 121, where we find this laid down with regard to the House of Lords :—

“It shall be lawful for the Lords to debate together in this present Parliament, and in every other for time to come, in the king’s absence, concerning the condition of the kingdom and the remedies necessary for it; and in like manner it shall be lawful for the Commons, on their part, to debate together concerning the said condition and remedies; provided always that neither the Lords on their part nor the Commons on their part, do make any report to our lord the king of any grant granted by the Commons, and agreed to by the Lords, nor of the communications of the said grant, before the said Lords and Commons are of one accord and agreement in the said matter.”

But, notwithstanding the repeated recognition of this privilege, the Crown and the Commons were not always agreed upon its limits. I reply to the usual petition of the Speaker, Sir Edward Coke, in 1593, the lord keeper, said, “Liberty of speech is granted you, but you must know what privilege you have: not to speak every one what he listeth, or what cometh in his brain to utter; but your privilege is ‘aye’ or ‘no.’”

Then at page 390 you will find :

“In the enforcement of all these rules for maintaining order, the Speaker of the House of Lords has no more authority than any other peer, except in so far as his own personal weight, and the dignity of his office, may give effect to his opinions, and secure the concurrence of the House. The result of his imperfect powers is, that a peer who is disorderly is called to order by another peer, perhaps of an opposite party; and that an irregular argument is liable to ensue, in which each speaker imputes disorder to the last, and recrimination takes the place of orderly debate. There is no impartial authority to whom an appeal can be made, and the debate upon a question of order generally ends with satisfaction to neither party, and without any decision upon the matter to which exception had been taken.”

HON. MR. SCOTT—Will the hon. gentleman allow me to ask him one question. If it is not intended to appeal from the Speaker’s decision, it would be highly improper that we should argue it except with a view of taking the sense of the House as to the wisdom of the ruling and whether the Speaker is justified by the authorities in his ruling. I do not think it would be quite fair to argue the case at this period of the session unless with a view to take the sense of the House.

HON. MR. HOWLAN—The majority of the House can always establish a rule, and unless the hon. gentleman is prepared to submit an amendment himself he should not interrupt me in my speech until he sees what I am going to do.

HON. MR. SCOTT—Is it seemly to have a debate of this kind unless it is with a view of getting the opinion of the Senate on the ruling of the Speaker?

HON. MR. HOWLAN—The majority of the Senate would not alter a rule of the Parliament unless they did it in a proper way. His Honor the Speaker has thought proper to carefully look up the authorities on



this subject and submit a ruling ; but holding the views I do on this question, as a member of the Senate I have a right to express them. I do not wish to enforce my opinion, but I wish to state my views on the matter, and as the Speaker has very properly taken occasion to put his ruling in writing, I may at some future time submit my view of it to the House. I may say, with all due respect to His Honor the Speaker, and with all due respect to the House, I would not submit my own opinion to that of the House until I am thoroughly and tully satisfied that I am wrong.

#### THE PRINTING OF PARLIAMENT.

##### REPORTS OF THE COMMITTEE ADOPTED.

HON. MR. READ moved the adoption of the seventh, eighth, ninth and tenth reports of the Joint Committee on the Printing of Parliament.

The motions were agreed to and the reports were adopted without debate.

#### THE LIBRARY OF PARLIAMENT.

##### REPORT OF THE COMMITTEE ADOPTED.

HON. MR. ALLAN moved the adoption of the report of the Joint Committee of both Houses on the Library of Parliament. He said: This report has been before the House in the minutes for the last week or two, and therefore I presume that hon. gentlemen are thoroughly acquainted with its contents. Since the last postponement, in reference to the recommendation for an additional grant to Mr. Todd, as to his full salary, I may say that the amount recommended has been placed in the estimates, so that I need only ask the House to concur in the report.

HON. MR. ALEXANDER—I understand this to be the adoption of the report of the Joint Committee on the Library of Parliament. I am going to move, in regard to this report, an amendment which I endeavored to-day to induce the Committee on the Library of Parliament to adopt:

That the said Report be not now adopted, but that it be referred back to the said Committee, with a recommendation to add the following clause:—

That in consideration of the valuable services rendered to Canada by the late Mr. Todd, Librarian of Parliament, as a distinguished authority upon all questions of constitutional law, and as an authority on works upon that subject, a portrait of him be ordered, at a cost not to exceed two hundred dollars, to be placed within the precincts of the Dominion House of Parliament.

I have a number of precedents to place before the House in regard to this motion. Mr. Hume was known to be a very useful member of the House of Commons, and after he died, the House ordered, on account of the distinguished services that he had rendered to Parliament, that some memorial should be erected to his memory. When we look at the value of a gentleman, such as Mr. Todd was, to the country—what an advantage he was to every member of Parliament whenever questions of constitutional law came up—we cannot refuse this slight token of regard to his memory. His value could not be estimated, and while he lived, the salary that was paid him was not adequate to the services he rendered to Parliament. He was a man beloved by all who knew him. His work upon constitutional law, and other works of a kindred character establish his name as adding very much to our reputation as a Dominion. Then how can Parliament refuse for a moment to appropriate the paltry amount of \$200. towards having a suitable painting placed within the precincts of the Legislature? I cannot understand for one moment Parliament hesitating to vote such a small sum to honor the memory of one of Canada's sons of whom we are so proud. Gentlemen such as the late Mr. Todd, and Mr. Bourinot, the present clerk of the House of Commons, whose names have appeared in the reviews of Great Britain, and whose reputation is widespread, have done good service to the country, and how can Parliament hesitate for a moment to vote a small sum for the object I have named—as a memento of the great services the late Mr. Todd rendered during his lifetime to Parliament.

The report may be sent back to the committee to be adopted. Of course our decision is not final, because it requires the approval of the House of Commons. It ought to have emanated from a committee of Parliament, but I could not, in my

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humble way, get the Committee to adopt it. There can be no harm in this House expressing an opinion, and of course it would be for the House of Commons afterwards to say whether they would agree to it. I might move that the report be sent back to the Committee with the expression of an opinion that it would be desirable to incorporate in the report a clause to this effect.

HON. MR. PLUMB—I submit that that is not a resolution which can be adopted by this House; it involves a grant of money.

HON. MR. ALEXANDER—I merely ask the House to express an opinion; it is not a proposal to vote money at all.

HON. MR. PLUMB—I appeal to the Speaker to say whether the motion is in order or not?

HON. MR. TRUDEL—I beg leave to call attention to another point; I doubt whether the House has the power to send such a report to a committee over whom we have no authority, because it is a joint committee.

HON. MR. O'DONOHUE—I object to the motion on the ground that we have no power to initiate any resolution involving the expenditure of money; it would not be consistent with the character of the Senate to pass a motion like this.

THE SPEAKER—The way the resolution is framed it is certainly out of order. I think it would be better for the hon. gentleman to withdraw it and if he thinks proper to put it in the shape of a recommendation, it would be better.

HON. MR. ALEXANDER—With the permission of the House I will withdraw the motion.

The motion was withdrawn and the report was adopted.

THE SANITARY CONDITION OF THE SENATE.

REPORT OF THE COMMITTEE ADOPTED.

HON. MR. SCOTT moved the adoption

of the report of the Select Committee appointed to investigate the Sanitary condition of the Senate Chamber. He said: The suggestions made by the Sanitary Committee are contained in the printed minutes before us. I may briefly say that we made a very thorough examination of the air chamber, where the air is warmed for this room, the manner in which it is conveyed to this Chamber, and the way the foul air is carried off. We found the system a very excellent one. Hon. gentlemen complain that in many instances the air is oppressive. It was believed that that was due to its dryness, and a suggestion has been made to remedy that. Other suggestions are made to which I need not refer; most of them will involve very little expenditure of money. The architect, Mr. Fuller, attended the committee and rather approved of many of the simple suggestions made with regard to the ventilation of the closets, and more particularly the removal of some from objectionable places.

REAL PROPERTY IN THE TERRITORIES BILL.

IN COMMITTEE.

The House resolved itself into a Committee of Whole on Bill (10) "An Act respecting real property in the Territories."

In the Committee,

HON. MR. PLUMB—As I explained at the second reading, a bill similar to this was introduced in the Senate last year and adopted. The principle of the Bill is the adoption, with some modifications, of what is known as the Torrens system.

On the 5th clause,

HON. MR. PLUMB—This clause changes the character of real estate and makes it a chattel real. The Ontario Legislature, at its last session, passed an Act by which lands go to the personal representative, thus really abolishing the heir at law.

HON. MR. POWER—I wish to call attention to the fact that this is one of the clauses struck out last year. I do not

wish to argue the matter now; but the Senate last year thought it was too radical a change to provide that land should be treated simply as a chattel and they struck out the clause.

HON. MR. PLUMB—I am instructed that in this clause lies the gist of the whole Bill, and it is essential to the carrying out of the principle of this legislation.

The clause was adopted.

On the 8th clause,

HON. MR. MCINNES (B. C.)—Is there any change in that?

HON. MR. PLUMB—No, but clause 13 modifies this clause very considerably by giving certain rights to married women.

HON. MR. SCOTT—We so fully discussed this Bill last year that I do not propose to go into a general discussion of the several clauses at the present time. I took a very active part in it last year, believing that the important changes which it made were not desirable. I objected to it because it enabled a man to mortgage his land too readily—because it gave the head of the House, though he might not have been the principal one in creating the property, absolute power to dispose of it without consulting his wife. I thought that was a very dangerous power to give and would lead to recklessness in encumbering property. We know that loan companies are seeking investments in the North-West, and the more facilities we give people to borrow money the more will be borrowed. Those were, briefly, the reasons why I thought last year this legislation was unwise, and I have seen nothing since to change my mind on the subject. With that view, to test the sense of the House, I shall move at the third reading to strike out the 8th clause.

HON. MR. PLUMB—Though the widow is not entitled to dower in the real property of her deceased husband, she has the same right in it as if it were personal property. I think under the Homestead law which was passed in the session of 1877 or 1878 the homestead is secured to the family, and I believe that statute

is in no way affected by this provision. If that is the case, it would obviate very largely the objection of my hon. friend.

HON. MR. POWER—If my memory serves me, I voted against the proposal to strike out this clause last year, and the reason now is much stronger than it was last year, because having adopted the 5th clause which declares that all lands shall be dealt with as personal property, it would be inconsistent to say that the widow should continue to have dower in the property. The object of the Bill is to place lands in the same condition as ships are under the Merchant's Shipping Act; and as we have struck out the limitations which the Senate made last year to the change in the way in which the law used to regard land, I think the argument against allowing the widow's dower is much stronger than it was last year. I cannot see myself, when we provide as we do by the 11th clause, that a man may make a valid conveyance to his wife, and a woman to her husband, what object there is in preserving dower, because it does not protect either the man or the woman. They are made by this Act separate, distinct and independent persons altogether, the husband and wife.

HON. MR. MCINNES (B.C.)—Before this clause is passed I desire to say that I consider it one of the very best in the Bill. In British Columbia we have no dower, and I think the law works there very satisfactorily indeed. I have never known any particular hardship to arise from the fact that there is no dower. This law is intended for a country where a large percentage of the population are unmarried men, and men who go there without their families to settle. If there was a dower, it would interfere very materially with the transfer of property and deteriorate its value. A person wishing to buy property in that country would have to ascertain whether the owner is married or not, and if he chose to say that he was not, it might happen a year or two afterwards that his wife would put in an appearance and place the purchaser at a disadvantage. Therefore, I consider this clause, which does away with dower, is one of the best features in the Bill, as I think it is one of the best in

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the law we have in force in British Columbia.

HON. MR. REESOR—I would like to say a word with respect to this clause. In the Province of Manitoba the principle recognized by the Bill has been acted upon for some years, and it has been found to work uncommonly well. So far as I have been able to ascertain—and I have had a great deal of communication with that Province—the people are decidedly opposed to having dower introduced, as it would be likely to interfere with so many transactions such as referred to by my hon. friend who has just resumed his seat. A great many people go there to remain a year or two without taking their families. They may find at the end of that period that they would rather not remain; and probably they would like to sell their property. If you make it incumbent upon them to give evidence that they have no wives; or, if they have, that the wives shall sign off their dower, it will interfere very seriously with the convenience of transactions in that country, and I hope my hon. friend will not press this amendment.

The clause was adopted.

On the 9th clause,

HON. MR. PLUMB—It will be seen in the 9th clause that the husband is deprived of any estate by courtesy, which is rather an offset to the doing away with dower.

The clause was adopted.

On the 11th clause,

HON. MR. POWER—I think the eleventh clause out to be struck out. It is a clause allowing a man to make a valid deed to his wife, and the wife to her husband, without any third person intervening. I think that the operation of that clause cannot be otherwise than mischievous.

HON. MR. SCOTT—It can be done now by passing it through a third person.

HON. MR. POWER—That is a great

restraint. If a man wishes his wife to make a deed which may be injurious to her interests under this law, he can get her to do it directly, without giving her the opportunity to consult a third person. Under the existing law it can be done only by the intervention of trustees; third parties are necessarily called in, and the wife is not so likely to make an improvident deed. We can readily imagine that under this Act the husband may force his wife to execute a deed; and there is nothing in the Act, so far as I can see, to protect the wife against the undue influence of her husband. I think that this clause really ought to be struck out in the interest of family life in the North-West Territory.

HON. MR. REESOR—The common law protects the wife.

HON. MR. POWER—The common law is good so long as there is no statute to the contrary; but this statute expressly provides that the man may make a conveyance to his wife, and the wife may make it to her husband without the intervention of a trustee; and no common law will stand in the way of that.

HON. MR. VIDAL—My hon. friend admits the principle of the Bill, which makes land a chattel. I do not see how he can go back on that consistently. It appears to me to be in the same position as ordinary chattels. It could be transferred in the same way that the wife could transfer bank stock to her husband.

HON. MR. PLUMB—Or a horse.

The clause was adopted.

On the 12th clause,

HON. MR. POWER—I find that last year we struck out of the 12th clause these words, "But the land, whatever form of words is used in any instrument or transfer or transmission or dealing, shall be and remain an absolute estate in the owner for the time being." I do not propose to move to strike out those words, because I see the Senate has decided not to stand by the position it assumed last session. I think, however, that needs a

little amendment. There is a subsequent provision that in certain cases, where the words "no survivorship" are inserted, the party shall be understood to hold as a trustee; and the amendment that I would propose is after the word "shall" in the 23rd line, to insert the following:—"Except as hereinafter otherwise provided," so as to avoid an inconsistency between this clause and a later one, the number of which I do not at the present moment recollect. I ask the hon. leader of the House for the sake of consistency, so that this clause shall not be inconsistent with a later one, to let it stand till we get to the other one.

The clause was allowed to stand.

On the 18th clause,

HON. MR. PLUMB—This clause relates to the districts of Assiniboia and Alberta; and they are known as the land registration districts. This group of clauses, from the 18th down to the 33rd, all have reference to the provision for registry offices connected with the working of the Bill. I move their adoption.

HON. MR. POWER—I find that last year we made an amendment to the 26th clause by adding these words:—

"Provided, nevertheless, that the obligation of any guarantee company approved by the Governor-in-Council to the like effect may be substituted for such bond."

It is with regard to the security to be given by the registrar or deputy registrar. It is clear that the guarantee bond of a good company is a better security than the bond of the registrar and his sureties in a great many cases, and that that is a desirable amendment; and it would appear that the Commons had intended accepting this guarantee, because if the hon. gentleman will look at line 46, page 5, he will find this language:—

"And the said bond shall be in the form B, in the said schedule, or to the like effect, and with the guarantee shall be subject to the approval of the Governor-in-Council."

I think we should insert the clause inserted last year.

HON. MR. PLUMB—I think the word "sureties" includes guarantee companies.

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HON. MR. SCOTT—Oh yes.

HON. MR. POWER—I appeal to any legal gentleman in the House on this point. The section reads:—

22. Before any registrar appointed under this Act is sworn into office, he, and two or more sufficient sureties, shall enter into a joint and several bond in duplicate under their hands and seals to Her Majesty, in a penal sum to be fixed at not less than \_\_\_\_\_ for the true and faithful performance by the said registrar or his deputy, of his duty.

Evidently that does not include the bond of a guarantee company. That is really a desirable amendment. We made it last year, and there is no objection to it at all. I would propose to insert after the word "and" in the 23rd line of the 26th clause the following:—

"Provided nevertheless that the obligation of any guarantee company approved of by the Governor in Council to the like effect may be substituted for such bond."

HON. MR. PLUMB—I do not think there is any objection to that if it is necessary; but it seems to me the word "sureties"—and I leave it to the legal gentleman here—includes any surety which the Government may choose to take. However, I accept the amendment.

On clause 36.

HON. MR. POWER—This clause, as we have it here, says the Registrar may require the owner of any land within his registration district requiring to transfer or otherwise to deal with the same under the provisions of this Act, to deposit with the Registrar a map or plan of such land, with the several measurements marked thereon, certified by a licensed surveyor, and upon one of the following scales. We amended it last year so as to read as follows:

"When the owner of the land proposes to subdivide his land for the purpose of selling it, or otherwise dealing therewith in subdivisions:—"

Hon. gentlemen will see that there is no reason why the owner should furnish a plan if he is not subdividing the land, because he is simply selling under the original plan under which he bought it. Then there are some consequent amendments. If the man is simply selling his land *en bloc* he is not obliged to go to the unnecessary expense of having an additional survey

made; and the Minister of Justice made that amendment last year that when the owner of the land proposed to subdivide it for the purpose of dealing with it in subdivisions he should file a plan; and these words are inserted at the beginning of the clause.

HON. MR. PLUMB—I do not see any objection to it.

HON. MR. POWER—I move that those amendments I have suggested be made in that clause.

HON. MR. PLUMB—That is allowing the owner of the land, if he sells all his land, to do it without having a new plan made?

HON. MR. POWER—Yes.

HON. MR. McINNES—I think it would be desirable to amend that clause relating to the qualification of the barrister who is to be appointed registrar to provide that he shall be a barrister of five years standing instead of three. A great deal of the success of the Act will depend upon the efficiency of the barrister who acts as registrar. I think at one time, when the system was introduced in British Columbia it was required that the barrister should be a man of ten years standing in his profession. I will move that the qualifications shall be five years standing in one of the provinces, instead of three.

HON. MR. PLUMB—I have no objection to that. We do not desire to restrict it in any way.

HON. MR. McINNES—I claim that a barrister who has been in practice for five or ten years has a better knowledge of law than one of three.

HON. MR. ALEXANDER—Hear hear.

The clause was adopted with the amendment.

On clause 70.

HON. MR. POWER—I have an amendment to propose to clause 70, which provides that:

When any land under the provisions of this Act is intended to be leased or demised for a life or lives, or for a term of three or more years, the owner shall execute a lease in the form H.

We altered it last year so as to make it a term exceeding three years.

HON. MR. PLUMB—There is no objection to it.

The clause was adopted.

On the 91st clause,

HON. MR. POWER—Last year we struck out in this clause the words “leaving a will,” so that whether the owner left a will or not the land should vest in the personal representative.

HON. MR. PLUMB—The statute makes provision for a man who dies without making a will.

HON. MR. POWER—There is the difference between a man who dies leaving a will and a man dying intestate. The object of the Bill is to treat the matter in the same way in both cases. It seems to me that there is no object in retaining the words which we struck out last year “leaving a will.” I move that we strike those words out as we did last year.

HON. MR. VIDAL—I think the hon. gentleman’s criticism is wrong this time. If he will remember the character of the Bill, it is necessary that there should be some individual who shall from time to time make the transfers. When a man makes a will in our provinces, the will operates like a deed; but in this case it requires some individual to make a transfer, even when there is a will.

HON. MR. POWER—The hon. gentleman misapprehends my argument.

HON. MR. VIDAL—I certainly do if there is any argument at all in it.

HON. MR. POWER—That is a question. I do not know whether the hon. gentleman is the man in the House best calculated to tell whether there is or not. Evidently the Minister of Justice who sat in this House and who had perhaps nearly as

much skill in judging of those things as the hon. gentleman from Sarnia thought there was something in it and made the alteration. I propose that the words "leaving a will" shall be struck out, so that no matter whether a man leaves a will or dies intestate, the same thing shall happen. It might be gathered from the wording of this clause, that if the man died intestate the land should be treated differently. Well the object is to treat all land the same whether there is a will made or not.

HON. MR. PLUMB—I think the hon. gentleman will see that the intention here is that under a will, which might not provide that there should be a transmission of the land, it being necessary that the land shall pass, immediately the owner dies, the land must pass into the hands of some person who can give a title to it. If he dies intestate this provision applies. It provides that if he dies having made a will, and not having made such provision, that there shall be a representative in whom the land shall vest; it requires that in all wills made in the previous part of the Act the land shall pass directly, not to the family, having no reference to the minor heirs, no reference to any other considerations, but shall pass directly to a person who can deal with it; and I think this section seems to be in that spirit. I am greatly indebted to the hon. gentleman for having made a careful study of this Act, and he has had some advantages in making that study which I have not had, because the emendations, changes and explanations in the Act which he laid upon my table, after he came in, had been in his hands for some time, and I had not seen it; but, at the same time, I trust hon. gentlemen will allow it to pass as it is, and if it should be found necessary, I pledge myself that the Act shall be amended at a future time.

HON. MR. POWER—It is just as well to be consistent. The object of the Bill is to treat all land in the same way, and to provide that as soon as the owner of the land dies the land subject to the provisions of this Act shall pass to his personal representative. Why should we put in the the words "leaving

a will," because it may raise doubts in a case where the owner of the land dies intestate? If we strike out the words "leaving a will" it applies to everybody; and if hon. gentlemen read the remainder of the clause with reference to letters of administration and the executor and administrator and all that, they will find that it all points to the fact that it is intended to apply to a case of intestacy as well as to the case where a man makes a will. I think it is better to make the amendment; and if the Commons think it is not necessary they need not concur. We made the amendment last year, and I fail to see any reason why we should not make it now. It seems to be a necessary amendment and I think it should be made.

HON. MR. BOTSFORD—I think the section should be passed; and the leader of the Government can ask the Minister of Justice if it is necessary and it can afterwards be made.

The clause was allowed to stand.

On clause 100.

HON. MR. PLUMB—The subsections of this clause have reference to caveats. You can make no trusts upon the land as to this Act, but a caveat can be filed, and it is a notice which those who deal in land can take cognizance of; and there is a provision that people can give notice in regard to any cloud on the title or anything of that sort which it is desirable the purchaser should know of. As I understand the tenor of the Bill—my hon. friend will correct me if I am wrong—you cannot fix any trust upon the land? Am I right in that?

HON. MR. POWER—That is right.

HON. MR. PLUMB—That being the case, there are technical forms here in respect to the filing of caveats, but the registrar is not bound in any way by them. He is only to receive them and place them on record.

HON. MR. VIDAL—He must not allow any transfer when a caveat is filed.

HON. MR. POWER.

HON. MR. PLUMB—But he is not bound to see the execution.

The clause was adopted.

On the 128th clause.

HON. MR. POWER—The suggestion I made with respect to the twelfth clause would seem to be borne out by this clause 128 :

128. Upon the transfer of any land, estate or interest under the provisions of this Act, to two or more persons as joint owners, to be held by them as trustees, it shall be lawful for the transferor to insert in the memorandum of transfer or other instrument the words "no survivorship;" and the registrar, shall in such case, include such words in the memorial of such instrument to be entered by him in the register as hereinbefore directed; and shall also enter the said words upon any certificate of title issued to such joint owners pursuant to such memorandum of transfer; and any two or more persons registered as joint owners of any land, estate or interest, under this Act, held by them as trustees, may, by writing under their hand, authorize the registrar to enter the words "no survivorship" upon the certificate of title or other instrument evidencing their title to such estate or interest, and also upon the duplicate of such instrument in the register or filed in his office; and after such entry has been made and signed by the registrar in either such case as aforesaid, it shall not be lawful for any less number of joint proprietors than the number then registered to transfer or otherwise deal with the said land, estate or interest, without obtaining the sanction of a court or a judge thereof, by an order on motion or petition.

If the hon. gentleman will look at the twelfth clause, he will find at line 23, page 4, it is provided that "Any instrument of transfer or transmission or dealing, shall be and remain an absolute estate in the owner for the time being."

This provides in this particular case that it shall not. Perhaps the leader of the House had better consult the Minister of Justice about that.

HON. MR. PLUMB—I do not see anything inconsistent in this clause with the provisions in the 12th clause.

HON. MR. POWER—It is difficult to undertake to deal with a measure of this kind where the number of legal men in the House is so very small. I do not set myself up as being much of a lawyer, but I do think my opinion is worth as much

as that of some of the non-professional gentlemen. Here we have in the 128th clause a provision that in certain cases it shall not be lawful for the joint proprietors to transfer or otherwise deal with the said land without obtaining the sanction of the court or judge; and in the 12th clause we are told that it shall be and remain an absolute estate. This qualifies in a certain way that provision. If the hon. gentleman will be good enough to say that he will see the Minister of Justice about that 12th clause I shall be quite satisfied with that.

HON. MR. PLUMB—If you give me a memorandum of the point you take and give me your legal opinion, I will show it to the Minister of Justice. The hon. gentleman is insinuating that laymen are not in a position to judge of these matters.

HON. MR. POWER—I was referring to the hon. gentleman from Alma.

HON. MR. VIDAL—I think the 12th clause refers to an entirely different matter from that referred to in the 128th clause. It refers to the transfer of a fee simple whereas the 128th clause is one in trust; that is the difference.

HON. MR. OGILVIE—I do not wish to take up the time of the House, but I wish to say a word in reply to the hon. gentleman from Halifax, I am not a professional man; but it is not necessary that a man should be a lawyer to have a little common sense. I say that clause twelve most distinctly—if I am able to read and understand English—has nothing in the most remote degree to do with clause 128, one way or the other; and in my opinion, non-professional though it is, it is quite unnecessary to take any opinion but the opinion of the House upon that question.

HON. MR. POWER—I simply suggest in order to be quite sure we are safe, that the hon. gentleman should take the opinion of the Minister of Justice.

HON. MR. PLUMB—If you will give me a memorandum I will show it to him.



HON. MR. POWER—Very well.

The clause was adopted.

HON. MR. ALLAN from the committee reported the Bill with amendments, which were concurred in.

## PRINTING BUREAU BILL.

### IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (132) "An Act respecting the department of public printing and stationery."

In the Committee,

On the 3rd clause,

HON. MR. READ said: When this Bill was at its second reading I stated that I would, in Committee of the Whole, bring up the question whether this bill does not abridge some of our privileges. To my mind this clause does. Are we not capable of procuring our own supplies of stationery without having it supplied to us by others? I am extremely jealous of the privileges of this House and I am not prepared to abandon any of them. Heretofore we have been in the habit of managing the affairs of our own House, but this Bill proposes to get somebody else to do it. I would therefore suggest that this third clause be amended in such a way as to maintain our privileges.

HON. MR. PLUMB—In order to meet the objection which the hon. gentleman has raised I had a conversation with the Secretary of State, and I am authorized by him to make a change which, I think, will meet the objection of my hon. friend. I can assure the House that no one is more desirous than I am of protecting the privileges of the Senate. The Secretary of State has proposed to amend the 13th clause by striking out of the eighth and ninth lines these words "which may be increased or varied from time to time." We are all desirous, I am sure, to see the administration of both Houses carried out in an economical way, consistent with our rights and privileges.

HON. MR. POWER—The hon. gentleman's amendment would make the Bill worse.

HON. MR. PLUMB—The appointment is to be made by the Governor in Council; of course it cannot be made otherwise, but after we ask for a proper apportionment, by the amendment which I have suggested, it cannot be varied by any other authority.

HON. MR. WARK—As this is a Bill which involves the expenditure of money and comes from the House of Commons, I think we had better let it go back without amendment. I do not think there is any danger that the Senate will not get all the stationery it requires, and I think it would be objectionable to send back the Bill with an amendment, especially one of the kind proposed, at this late stage of the session.

HON. MR. POWER—It is very well to look at the matter in that way, but I think we have already too much Government by Order in Council, and this Bill will take away from the House of Parliament the right to order a dollar's worth of stationery. It can only be done through the Governor in Council, and it will probably result in very serious inconvenience. The amendment which the hon. gentleman in charge of the Bill has suggested would simply make it worse, because, if that amendment were adopted and these words were struck out then there would be no possibility, if we had a session of six months for instance of getting an additional dollar's worth of any thing; because we could not vary the order made by the Governor-in-Council, an order being once made, it would last forever unless altered by law. This amendment, instead of improving matters, would make them worse. If hon. gentlemen will look at the thirteenth clause they will see that the Bill goes into such minute matters as the disposal of the waste paper of both Houses of Parliament. I believe in economy, but I think that to say that the employes of the Secretary of State's office are to come to this House to remove the waste paper which has been a sort of perquisite to some subordinate officers of the Senate, is undesirable. This House

ought to be our own, and any papers that have ceased to be of use can be disposed of as this House pleases. If this Bill passes in its present shape it will be found exceedingly disagreeable and annoying in its operation to the members of the Senate. The tendency of these Departments outside is always to assert their authority and influence, and as soon as the session closes, what will be the practical result with regard to the provision for waste paper? We shall have officials from the Secretary of State's Department rushing into the House and seizing all these papers which are lying over, and using them for their own purposes. The same thing happens already with regard to other things which come under the control of the Department of Public Works, a good deal of property which ought to be in this end of the building is not here, because it has been removed by the employes of the Public Works Department during the recess. It is very easy to give away the rights of the House, but not so easy to get them back, and hon. gentlemen may very well hesitate a little before they pass this third clause, which practically provides that we cannot order our own stationery. Under this third clause if it was found necessary to secure copies of certain Statutes for instance, we could not order them: everything has to be done through an officer of the Department of the Secretary of State. The House should consider just where they are going to land themselves.

HON. MR. LACOSTE—If we are to be deprived of any of our privileges, the Bill ought not be accepted, but I can see no objection to this measure. It provides for obtaining supplies through one establishment: everything will be bought by the Secretary of State. As to the stationery, the quantity and quality to be furnished shall be subject to the order and regulation of the Senate. The Governor in Council will have to put in the estimate the amount required for the Senate, and that amount is to be the amount which we ask for.

HON. MR. OGILVIE—It is quite easy to ask for enough. If we have more than we require it will be in stock, and I can see nothing wrong with the Bill.

HON. MR. POWER—I think it would be a very strange Bill coming from the Government when the hon. gentleman would see anything wrong with it. The Governor in Council are not bound to take our estimate or act upon our recommendation.

HON. MR. BOTSFORD—But the Superintendent is.

HON. MR. POWER—You see by the 13th clause, it is left to the discretion of the Governor in Council.

HON. MR. LACOSTE—Not at all. There is a separate item for each Department and House, and the appointment must be made by the Governor-in-Council, and with the amendment proposed he cannot vary it.

HON. MR. PLUMB—I have no doubt that is the effect of the clause.

HON. MR. POWER—That does not apply to the provisions of the third section. As I read it the Senate could not order the purchase of a book for the use of one of its clerks except through this new officer. Suppose the Clerk of the House thought it necessary to get a copy of the latest English work on Parliamentary Law or procedure, I want my hon. friend to point out how he could get it under this Bill without a great deal of red tape?

HON. MR. LACOSTE—Under clause twelve he can ask for it.

HON. MR. POWER—There is where the red tape comes in.

HON. MR. LACOSTE—I do not see anything in clause three that can be considered as destroying any of our privileges. It is merely stating that the purchase shall be subject to the superintendence and audit of the proper officer—that is to say the superintendent shall see that the orders of the Senate are carried out.

HON. MR. PLUMB—It merely directs that the officer shall superintend—

HON. MR. POWER—He superintends and executes.

HON. MR. PLUMB—Yes, both.

HON. MR. POWER—Under that clause an officer of this House could not buy the simplest thing, the cheapest book that might be necessary for the use of this House.

HON. MR. OGILVIE—Instead of trying to extend the purchase of books and the distributing of them to the extent that we do, I think we should try to restrict the number, because, if I am correctly informed, we distribute more books and printed matter in this country than they do on the other side of the line where they have a population of over 50,000,000. I believe we distribute more books to Justices' of the Peace in Canada than they do in Great Britain. Any books which may be required by the House can be got by request.

HON. MR. ALEXANDER—I have often appealed to Parliament on this subject. As an old member, I have often pointed out the unnecessary number of sessional papers that are distributed through the country at a very large cost to the public. In Woodstock, where I lived for so long a period, when those blue books came I had latterly difficulty in finding public institutions who cared to have them; their shelves were filled with such volumes. If we could ascertain where those volumes were wanted, and where they would be likely to be used, it would be well to supply them, but we spend forty or fifty thousand dollars thus and encumber the mails with such blue books. I ask members of this House whether they have not had the same experience?

HON. MR. MONTGOMERY—What has that to do with it?

HON. MR. ALEXANDER—I am replying to the hon. gentleman from Alma.

HON. MR. GIRARD—It seems to me that the public will derive a good deal of benefit by the passage of this Bill. Every department of this new Bureau will be under the management of a man of long experience. The Queen's Printer will have

control of the Stationery Department, and he must be an officer who has had ten years experience. The Printing Committee is, for the most part, composed of good and efficient men, but they have not the experience of such men as are to be appointed under this Bill, and who will be responsible to both Houses. The Printing Committee will continue to exist, and to that Committee will be submitted all the work done by the Bureau during the year. The work of the Committee will be lighter, owing to the fact that the Bureau will be under the supervision and control of the Minister whose subordinates will be men possessing a thorough knowledge of the work to be done. I have no fear that our privileges will be interfered with, and under the circumstances I shall support the Bill.

HON. MR. HOWLAN—I cannot see how this Bill interferes with our privileges. At present we have to make a requisition for our stationery, as we will have to do under this Bill. After this we will know exactly what we get. The Contingent Committee will continue to exist and make its recommendations, as it does now. Some two years ago the Committee adopted a resolution that each member should submit in writing to an officer of the Senate a demand for whatever stationery he required, and we have a sort of form sent to us which we fill up when making an application. I presume the object is to ascertain at the end of the session how much more paper some gentlemen use than others. I am as anxious to preserve our privileges as any member of the House, but I do not see that this Bill interferes with them in any way. If this provision in the 12th clause were not in the Bill, there might be room for doubt, but in any event, if we find that our privileges are abridged, we can soon provide a remedy.

HON. MR. PLUMB—No doubt of it, and this is in the direction of economy. I believe it will result in a large saving and greatly promote the convenience of both Houses. The system is adopted in Germany and many other countries, and in England they are proceeding in the direction which has been adopted in the United States.

HON. MR. READ—I do not see where they have adopted it in the United States.

HON. MR. PLUMB—In order that there shall be no question as to the position of the Senate in this matter, I propose to make an amendment to the 13th section which will meet the views of the House, by adding after the word “year” the following—“as may be required and ordered by either House of Parliament.” Will that suit hon. gentlemen’s views?

HON. GENTLEMEN—Hear, hear! That will do.

HON. MR. PLUMB—Then I will move it when we come to that section.

HON. MR. O’DONOHUE—The measure before the House proposes to make a very important change. I did not think it proper to let it pass without expressing an opinion which I entertain on this proposition at a time when the House is almost empty and the most experienced members have gone to their homes—in a measure involving on the face of it, upon the statement of the Secretary of State himself, an expenditure of something approaching half a million of dollars. Now, why should a Bill of this character be introduced at a time when many members have gone to their homes and those who are here, instead of being engaged in studying this measure are, in fact, packing their trunks and preparing to leave the capital? Is this a time to introduce such a Bill? Is it not a strange commentary on the legislation of Canada that the most important measures are kept back so that they can be run through when most of the members are away? Everyone can see that the important measures brought in here are in the hands of a gentleman who is unable to explain them in a satisfactory manner to the House, and we are left, for the the most part of this session, since the accomplished leader of this House has absented himself through illness, without any satisfactory explanation of any of the Bills presented to us. Measures are run through this House, by the gentleman who is leading it, without any explanation of them—by a gentleman who is acting for a Minister who is unable to say one word to us of what the views of the Government

are in the matter. Is that a system of legislation that the people of Canada can uphold? We are asked now to pass this measure, the like of which has never been adopted in England. The mother country has never had an institution such as this.

HON. MR. OGILVIE—It has one very like it.

HON. MR. O’DONOHUE—There is none in England. There is a principle involved in this Bill that never would be accepted in England, and it is this—that the Government of that country will never go into a trading policy—will not set machinery in motion that will interfere with the trade and commerce of her own people. If a high price is paid for anything, as long as it is paid after fair and honest competition, it is given to the artisans and helps the trade and commerce on which the nation depends. I say the principle involved in this measure is reprehensible and should not be sanctioned at this time of the session. What will our colleagues who are absent say to the change that is here proposed?

HON. MR. MACDONALD—They ought to be here attending to the public business.

HON. MR. O’DONOHUE—As soon as they come here next year and find that this measure has been passed by a mere quorum of the Senate, what will they think? What will the country think? Nothing brings more odium upon the Senate, nothing is so strongly protested against by the press and people of Canada, as the introduction of measures of great importance in the very last days of the session. I, at all events, think it my duty to enter my protest against this system of legislation. We have neither the time nor the disposition to give the Bill that calm consideration which a measure of its importance deserves. If we start on this principle of setting a trade machine in motion where will we stop? If we undertake the printing why not manufacture the paper, and so on, throughout, and take into the hands of the Government the manufacturing of everything that is needed in the

public service. It is well known, beyond all question, that the Government is not the most economical machinery by which to have anything done that the House needs. The experience of everybody must convince them of that fact. It does seem to me that in the absence of our colleagues and the most experienced members of the House, at the closing days of the session, it would be much better to allow this Bill to stand until we meet again.

HON. MR. ALEXANDER—I must confess that I have been surprised at the remarks which have fallen from the hon. Senator from Alberton, a gentleman who was long a member of his own local Government, and I rather think the Premier of the Government of Prince Edward Island at one time. He observed that if we find that we have surrendered power to the executive, we can withdraw it. That has not been the experience in the local Legislatures or in the Parliament of the Dominion. We know if the House gives up its power to the executive, it is almost impossible to revoke it. This House is the turnpike gate to prevent mal-administration: and the people look to us to see that we do not let anything pass through that is not in the public interest. As the hon. member from Toronto (Mr. O'Donohoe) has said, if we surrender our power with regard to the purchase of stationery, why not permit the Government to engage in the manufacture of paper? It would be unwise to give such power to a Government who have been connected with so much jobbery in everything they touch. Is this Government worthy of being trusted with such power and privilege? I cannot suppose that there are many members like my hon. friend on my left (Mr. Montgomery) who has one son in the service and would place more. There are very few Senators who would send their sons into the public service; they are not prepared to sell their country as some four or five members have done, who have got petty offices for their families, like the hon. gentleman from Sackville.

HON. GENTLEMEN—Order, order!

HON. MR. PLUMB—I call the hon. gentleman to order. The hon. member is deplorably out of order.

HON. MR. O'DONOHUE.

HON. MR. ALEXANDER—It is truly deplorable!

HON. MR. PLUMB—I wish to say to the hon. gentleman from Toronto that so far from this being a measure which would not be approved of in England, it is already in effect there. I have been shown a minute of the House of Lords which states that they have adopted the same system, and they speak in the very highest terms of the manner in which it has operated there. If the hon. gentleman wishes I will read him the paragraph to which I refer.

HON. MR. POWER—Read, read.

HON. MR. PLUMB—It is too long to read now.

HON. MR. POWER—I think when the hon. member is asked to read an extract to which he refers he should not answer in the way he has done. This Senate is not a bear garden, I wish the hon. gentleman to understand, although since the House has been under the leadership of the hon. member it has shown a lamentable tendency to degenerate into one.

HON. MR. PLUMB—The hon. gentleman has made an imputation against me which, considering the way I have endeavored to treat him and every member of the Senate, is unworthy of him. If the hon. gentleman thinks the House is becoming a bear garden he knows perfectly well who are the bears that occupy the cage.

HON. MR. HAYTHORNE—Will the hon. gentleman read the passage to which he has referred?

HON. MR. PLUMB—With pleasure. This is the report of a committee appointed to inquire into the expenditure and practice of the Government Department in regard to the stationery and printing and the Treasury minute thereon, dated March 1885. The portion to which I have referred is this:—

“My Lords would call the special attention of the civil service to the general remarks with which the committee close their report. They fully concur in the opinion expressed

with reference to the authority of the stationery office, and agree that the decisions of that department as regards quality of supplies, style of printing, preparation of copy for the press, &c., should be accepted.

HON. MR. POWER—That does not show anything of the sort claimed.

HON. MR. O'DONOHOE—That does not confirm the hon. gentleman's statements.

HON. MR. VIDAL, from the Committee, reported that they had made some progress with the Bill and asked leave to sit again at the next sitting of the House.

#### BILLS INTRODUCED.

Bill (143) "An Act to authorize the construction of a railway from the Straits of Canso to Louisburg or Sydney, as a public work." (Mr. Plumb.)

Bill (144) "An Act respecting certain subsidies for a line of railway from Metapedia, on the Intercolonial Railway, to Paspébiac." (Mr. Plumb.)

The Senate adjourned at 6 o'clock.

#### SECOND SITTING.

The Speaker took the Chair at 7-30 p.m.

Routine proceedings.

#### PRINTING BUREAU BILL.

##### IN COMMITTEE.

The House resumed, in committee of the whole, consideration of Bill (132) "An Act respecting the Department of Public Printing and Stationery."

##### IN COMMITTEE.

On the 4th section.

HON. MR. O'DONOHOE—When the House rose at 6 o'clock I was pointing out that such an institution as the printing establishment proposed by this Bill did not exist in England. My hon. friend the proleader of the Government, the Hon. Member from Niagara, stated that that was not the case and that he had authority

to show it was not. Now I ask the hon. gentleman to produce his authority.

HON. MR. PLUMB—Does the hon. gentleman assert that it is not?

HON. MR. O'DONOHOE—I do, and my hon. friend says it is.

HON. MR. PLUMB—I do not. I say that it is so stated in a document which I have before me.

HON. MR. O'DONOHOE—A gentleman who represents the Government in this House should not make haphazard statements; we want as the leader of the Senate a man who is sensible of the responsibility of his position. I await my hon. friend's reply to my request for his authority.

HON. MR. PLUMB—The hon. gentleman remarked in the beginning of his address, in the first place, that my leadership of the House was entirely unsatisfactory. He made statements which I think were hardly fair, under all the circumstances. He knows perfectly well that I have taken a position which is not an agreeable one to me, but which I have consented to assume for the purpose of doing as much as I can to assist the gentleman who formerly led the Senate.

HON. MR. O'DONOHOE—I rise to a point of order. The question is not what I stated, nor is it a question for a reply to my remarks: the hon. gentleman is simply given an opportunity to support this denial of the statement which I made.

HON. MR. PLUMB—I do not think the hon. member can teach me the rules of the House. It is all the same debate, and I am speaking of what the hon. gentleman referred to when he rose to speak on this Bill. I am endeavoring, in a very lame and imperfect way, to do something towards promoting the business of this House, to assist an hon. gentleman whose absence we all regret, and whose place I do not profess for one moment even to aspire to take. The hon. member ought not, therefore, to criticize my actions: I am in the hands of the House: I have never assumed any dictatorial tone

in the Senate, and it is unfair for the hon. gentleman to attack me personally, as he has done to-day; but I wish to call attention to this fact, that the hon. member is like all knew converts. A convert coming into a new faith, usually signalizes it by a zeal which its older and more sober adherents who have professed the faith for a long time do not consider themselves bound to assume.

HON. MR. O'DONOHUE—Hear, hear.

HON. MR. PLUMB—He says "hear, hear": he has discovered to-day, for the first time that the Government bring in important bills at a late period of the session, a course which he considers most reprehensible. To my knowledge the hon. gentleman has sat in this House for four sessions, and never until now have I heard him condemn the Government for bringing down important measures too late in the session. I congratulate him on having the scales fall from his eyes, though it may be at the 11th or even the 12th hour. The hon. gentleman's criticisms will be taken by this House and by the country, knowing all the circumstances, for exactly what they are worth. I will now proceed to show the authority on which I denied the correctness of his statement. I find in the Treasury Minute, from which I quoted before, the following:—

"There has been a large and rapid increase on the stationery—

HON. MR. O'DONOHUE—I was speaking of the printing.

HON. MR. PLUMB—No, we were speaking of the stationery.

HON. MR. O'DONOHUE—Nothing of the kind. What I stated was that such a printing institution as the one contemplated here was never established in England. There is no getting away from that.

HON. MR. PLUMB—We were talking about the stationery and I was discussing the question with my hon. friend from Belleville and other members in this House.

HON. MR. McMILLAN—Were you not discussing the third clause?

HON. MR. PLUMB.

HON. MR. PLUMB—Yes.

HON. MR. O'DONOHUE—We were discussing the general principle of the Bill.

HON. MR. PLUMB—The general principle of a bill is not discussed in a committee of the whole. As the hon. gentleman insists that I was discussing the printing question, I decline to give the information I was about to read.

HON. MR. O'DONOHUE—The hon. gentleman cannot contradict the statement I made. Now allow me to formulate my statement, and then the hon. gentleman and myself will occupy our proper positions before the House. In submitting this Bill to the House of Commons the Hon. Secretary of State remarked:

"I think England, that hot-bed of traditional conservatism, where good things are to be found, but when once obtained are with great difficulty reformed and changed, is the only country where a government printing office is now in existence."

HON. MR. POWER—I think the word "books" in the thirty third line of this clause should be struck out, so that it will read:

"The proper officer of the Department shall also superintend and execute the purchase and distribution of all paper, and all other articles of stationery of whatsoever kind."

The word "books" is not necessary and is likely to be inconvenient.

HON. MR. PLUMB—Perhaps the hon. gentleman means to say we cannot buy any books.

HON. MR. POWER—It is not buying.

HON. MR. PLUMB—Or distributing. It says the purchase, sale and distribution.

HON. MR. POWER—Well, then, if it is thought objectionable to strike out the word "books," we can get over the difficulty by inserting certain words at the end of the sixth line of the next page after the words "Except the books which are procured for addition to the Library of Parliament, which may be procured as before the passing of this Act." I would propose to insert after the word "Parliament"—"Or for the use of the officers of either House."

HON. MR. PLUMB—There is no practical objection to the Bill as it stands.

HON. MR. POWER—The principle of this Bill has been established ; we are not fighting against that now. I thought the Bill should not have been passed at this stage of the Session : but it has been decided to pass it. I think we should try and get it into a form as little objectionable as possible. I made the statement—and I adhere to it—that under this Bill if we wished to furnish the Clerk of the House with a book of precedents in Parliament law we could not get it unless by an application to the superintendent of stationery and after a deal of red tape. Now the amendment I move is simply for the purpose of providing that any books of that kind which may be needed for the officers of the House may be got as before the passing of this Act. I think hon. gentlemen must see that that is a perfectly reasonable proposition. A practical inconvenience will arise if we have not that power. I move that after the word “Parliament” be inserted the words “Or for the use of both Houses.”

The Committee divided on the amendment which was rejected by the following vote : Contents 8 ; Non-contents 19.

The clause was adopted.

On the 13th clause,

HON. MR. PLUMB—I move that after the word “year” in the fifth line of the 13th clause the following be inserted : “as may be required or ordered by either House of Parliament.” So that the paragraph will read :

“The Ministers shall report to the Governor in Council the total probable amount in quantities, qualities and value required for the stationery, printing and binding for the departments of the Civil Service and for the two Houses of Parliament for such year as may be required or ordered by either Houses of Parliament, and a requisite sum, etc.”

HON. MR. POWER—The amendment which the hon. gentleman proposes is one which was, I presume, suggested to the Minister during the course of this debate, and it bears indications on its face of

having been hurriedly drawn. If hon. gentlemen will look at the 12th clause they will see that this amendment really does not vary the effect of the Bill at all. The thirteenth clause goes on to say :—

The Minister shall report to the Governor in Council, the total probable amount, in quantities, qualities and value, required for the stationery, printing and binding for the departments of the civil service and for the two Houses of Parliament for such year, and a requisite sum therefor shall be placed in the estimates as a separate item.

I think that we all have the same object in view just now ; and that is to provide that this particular item shall be the same as is recommended by the Clerk of the House under the direction of the House : and the amendment we should make is one to prevent any change in it ; and I think that if after the word “year” were inserted the words “according to the estimates furnished by the Clerks of the said Houses.”

HON. MR. BOTSFORD—The Clerk is the agent of the Senate. The Senate order it, and the Clerk carries out its order.

HON. MR. POWER—I think after the word “year” in the fifth line of the thirteenth clause something might be inserted to provide that the estimate of the Clerk of the House shall be the estimate which the Government shall act upon ; and say “according to the estimate furnished by the clerks of the said Houses.

HON. MR. BOTSFORD—The Clerk acts under the control of the Senate.

HON. MR. POWER—We want to provide that the Government shall supply what the Clerk, acting under the directions of the House, orders ; and that they shall not alter the estimate he makes. That amendment is reasonable.

HON. MR. PLUMB—I beg the hon. gentlemen's pardon for differing slightly from him. I should say this amendment which I propose is broader and covers the whole question. It is proposed to insert after the word “year” these words—“Such as may be required and ordered by either House of Parliament.” Does the hon. gentleman propose to make the order of the Clerk superior to that of either House



of Parliament? I can hardly think so. At any rate, if he is willing to do so, with all due respect to the excellent officers named, I think the Houses of Parliament will control their own orders. In a previous section of this Bill it is provided that the Deputy Head shall furnish an estimate of the amount, and Parliament carries it out by ordering it; and does the hon. gentlemen propose that this Parliament shall be irrevocably bound by an order made by an officer of the House? I can hardly think so. I have the greatest confidence in the officers of the House; but they will act, as they are bound to do, under the order of the House.

HON. MR. POWER—No one is objecting to that but my objection to that amendment was that it provided according to the order of either House. It must be according to the order of the said House. We do not want the House of Commons to order for us.

THE SPEAKER—Each House acts on its own responsibility.

HON. MR. LACOSTE—I would like to call the attention of the hon. gentleman in charge of the Bill to this point; I am afraid the amendment will apply to the Departments as well as to the House.

HON. MR. POWER—I think so too.

HON. MR. LACOSTE—If it does, I think it ought to be drafted differently.

HON. MR. ALLAN—I fail to see the real value of that amendment. Practically, so far as the probable quantity and variety of all articles of stationery, etc., are concerned, I presume that as it is done now, that would be given by the Clerks of the two Houses; and I do not know in what way the order would come from either House of Parliament.

THE SPEAKER—I think the amendment meets the case.

HON. MR. PLUMB—The object of the amendment is to meet an objection made in this House that in passing this Bill the Senate was to a certain extent abrogating its rights. It was intended to

show there was no intention in this Bill to affect the rights of the Senate to control and furnish their own stationery, and to determine its description and quality; and I am authorized to say that the Government has consented to an amendment in the words I have mentioned. It was intended to meet the objection of my hon. friend from Belleville, and other members of the House, which was a reasonable one; and the question now is on the amendment proposed by the hon. member from Halifax, by which he proposes to tie up the Senate by the Clerk of the House.

HON. MR. POWER—No.

HON. MR. LACOSTE—The amendment must mean something. I am ready to vote for the amendment, or pass the clause as it stands, because I think it is of very little importance; but by section 12 the Deputy Head of each Department, the Clerk of the House of Commons, and the Clerk of the Senate are to furnish an estimate of the probable quantity, quality, and variety of all articles of stationery and the probable amount in value of printing and binding which may be required. By section 13 of this Bill the total amount of these estimates furnished by the deputy heads of the departments and the Clerks of the Commons and Senate is sent to the Governor in Council, without any details; and the apportionment is made by the Governor in Council. Now the amendment you want to add after the word "year"—"As may be required and ordered by either House of Parliament" applies to the total amount; and this total amount comprises not only what has been ordered by the House of Commons or by the Senate, but what has been ordered also by the different departments.

HON. MR. PLUMB—I do not think that is so.

HON. MR. LACOSTE—I have no objection to the amendment because I think it is not required. I think the rights and privileges of the House are safe. But the amendment should be drafted in another way.

HON. MR. PLUMB—I think the hon. gentleman will see that there is a distinction

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made. In the first four lines of section thirteen it is provided that the quantities, qualities and values and so forth, for the Departments of the Civil Service—that is one part—and the next is for the two Houses of Parliament. They are entirely separate. There should be a comma between the two to show the sense. This amendment refers, not to the Civil Service, but to either House of Parliament. I do not think it is important that it should be made, but I make it in deference to a feeling in this House on the part of some hon. gentlemen which I think we should respect, that in some way this clause affects the independence of this House to procure its own supplies; and in order to make it perfectly clear that it does not, this amendment is offered. It is perfectly harmless, and provides for the objection of the hon. gentlemen who think such an amendment is necessary; and I therefore propose to admit it.

HON. MR. LACOSTE—The amendment, it is true, does no harm; but as it appears there, it has no sense at all, because the Governor-in-Council has before him not the amount ordered by the Senate or the House of Commons; he has only the total amount according to clause thirteen. The Minister reports to the Governor-in-Council the total amount required; not simply the amount required by the Senate or House of Commons, but also the amount required by the Departments; and no details are submitted to the Governor-in-Council; so that the amendment as it reads would be embarrassing to the Governor-in-Council.

HON. MR. READ—If the amendment would not do any harm I would like to see it inserted.

HON. MR. POWER—I think the hon. gentleman might have listened to the counsel given him by the hon. gentleman on my left. The effect of this will be that every deputy head of the Departments can send in an estimate for what he pleases, and the Governor-in-Council cannot modify that.

HON. MR. PLUMB—The amendment has no reference whatever, if I know the English language, to the deputy heads of the Departments.

HON. MR. POWER—The hon. gentleman says he knows the English language. No one is questioning that; but this happens to be rather a nice case of the legal construction of a clause of a bill, and the hon. gentleman on my left (Mr. Lacoste) is one of the best authorities in Canada on that subject; and I think that the hon. gentleman from Niagara will probably not undertake to set himself up as being a better authority in the construing of a law than the hon. gentleman beside me, the hon. gentleman from DeLorimier. I think I heard the hon. gentleman say something about approaching this subject in all humility. I should like to see a little humility. I do not profess to be as good an authority as the hon. gentleman from DeLorimier; but I have had a little experience in the construing of bills, and I say the construction of the hon. gentleman alongside me is correct; and it is the construction which will be put upon the language by the Court.

HON. MR. PLUMB—I bow with all humility to any decision of my hon. friend from DeLorimier; but he has not proposed amending the clause in any way; he has simply made a suggestion; so I think my hon. friend from Halifax has been superserviceable.

The Committee divided on the amendment which was adopted. Contents, 20; Non-Contents, 12.

The clause as amended was adopted.

HON. MR. VIDAL, from the Committee, reported the Bill with amendments.

HON. MR. PLUMB moved that the House concur in the amendments.

HON. MR. ALEXANDER—I do not think the House ought to adopt the report of the committee. When we come to consider the whole course of the executive government—

HON. MR. PLUMB—The question is on concurrence in the amendments.

HON. MR. ALEXANDER—Will the hon. gentleman remain quiet. It is dreadful to think that the Government should

appoint a leader who is always disturbing the House. The reason why I object to this Bill is that I see the Government are determined to usurp the whole power of the Parliament of this country. I have already, in the remarks which I have ventured to address to this House, endeavored to appeal to hon. members to save its reputation. I have been a member of this House since 1858, and when Confederation was accomplished the present First Minister, and in fact the leaders of both parties led the country to suppose that the Senate of the Dominion would be a check upon all maladministration, no matter from what party it came. The people desire the Senate to be a check on the Government and the Commons. But what is the use of the Senate, if they are simply to register everything that comes from the Commons? Can we say that we are discharging our duty to the people of Canada when we permit the fruits of the people's industry to be squandered? It is dreadful to think of the amount of public money that has been voted for partizan purposes. It is painful to me as a member of this House to have to recur to this subject—to have to address a body of gentlemen such as I see around me so often upon those matters. What does the press of the country say? It says that the Senate has failed to fulfil its mission. I simply appeal to this Chamber to remember that we live but a few years; and why should any of our members have any other motive than to serve their country? What do all the poor office seekers of either Chamber gain by the paltry offices they obtain? In a very short time, some of us will have departed this life, and perhaps some may never appear here again; and I daily ask myself this solemn question: why do we think of anything but what is in the interests of the people? What can induce the members of this Chamber to serve the interests of one man? Why do they give up their individuality and ratify measure after measure, throwing away millions of the public money, simply to gratify the desires of one man that he may keep himself in power? Is that a memory that we wish to carry with us to our graves? When we approach our latter end, do we wish to carry such reflections to our death-bed scene? I am asked

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every day on the street by poor men who come up to me, how comes it that the Senate is not an independent body? They are nominated for life; nothing can supplant them. Why is it they should not act for the interests of the people? The only thing that can bring permanent prosperity to an individual, family or nation, is to act fearlessly and faithfully in an upright way, guided by correct principles, in the interests of the country. What a contrast with such a course do the measures present, that are brought before us! If my appeal to principle on the floor of Parliament is not going to prevail, I want to know what is the use of our coming to Parliament at all? This Bill is nothing more or less than an effort of the Executive Government to usurp power so that they may place some of their supporters in office.

HON. MR. PLUMB—I call the hon. gentleman to order. He has told us that he has been more than twenty years in public life, and he knows it is unparliamentary—

HON. MR. POWER—I rise to a question of order. The hon. gentleman from Niagara can state a point of order, but he has no right to lecture another hon. member for being out of order.

HON. MR. ALEXANDER — The younger men in this body will see a complete change in the constitution of the Senate, if it is not abolished altogether, if they continue to accept the bills of one party without any discrimination, and they will have no one to blame for it but themselves. I regret it exceedingly. I have raised my voice in your interest hon. gentlemen. I know what the feeling of the people is, and I have merely discharged my duty in endeavoring to raise the Senate to its proper position in the country.

The motion was agreed to.

## REAL PROPERTY IN THE TERRITORIES BILL.

### THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (10) "An Act respecting Real Property in the Territories."

HON. MR. POWER—It will be remembered that we made one or two amendments to this Bill, and there were two or three others under consideration which were left over to be submitted to the Minister of Justice. Immediately after we rose at six o'clock, the Minister and Deputy Minister of Justice looked at the amendments which had been made, and at those suggested and which stood over for consideration. As to the one amendment which had been agreed to, the Deputy expressed strong objection to its adoption. The other two small amendments which had been suggested the Minister of Justice thought should be adopted; and I understood the motion was to go into Committee but we can do so now.

HON. MR. PLUMB moved that the House go into Committee of the Whole for the purpose of making the amendments.

The motion was agreed to

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

The Bill was then read the third time and passed.

#### LAND GRANTS TO ACTIVE MILITIA IN THE NORTH-WEST.

##### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (142), "An Act to make further provision respecting grants of land to members of the Militia Force on active service in the North-West."

HON. MR. SUTHERLAND, from the Committee, reported the Bill without amendment.

HON. MR. PLUMB—I am sure this Bill meets with the acceptance of every hon. gentleman in this House, and I therefore move that it be now read the third time.

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

#### ISLAND OF CAPE BRETON RAILWAY BILL.

##### SECOND AND THIRD READINGS.

HON. MR. PLUMB moved the second reading of Bill (143) "An Act to authorize the construction of a railway from the Straits of Canso to Louisburg or Sydney, as a Public Work."

HON. MR. ALEXANDER—I am very glad the Government have come to a decision to do their duty by a most important part of the Dominion. To think of the Government having constructed railways in every other direction and to have postponed to this moment the building of a railway through that most important part of the Dominion! I am very glad that the Government have come to their senses at last.

HON. MR. POWER—Although I was unable to agree with the hon. member from Woodstock a while ago, I cordially concur in his expression of opinion now. We can all join in congratulating Nova Scotia, and Cape Breton in particular, on having at last got what Cape Breton ought to have obtained several years ago. There are one or two features of this matter worthy of comment. It may seem ungracious to look a gift horse in the mouth, but there are two or three circumstances about this measure which I desire to be noted at any rate. One is this, that the legislation which is now before us is the result of the action of the local government of Nova Scotia in transferring the Eastern Extension Railway, the line from New Glasgow to the Strait of Canso, to the Dominion Government. A great many people found fault with the local government at the time they took that step, but I felt that they were right—that they were hardly able to operate that road satisfactorily themselves; and they were quite unable to extend it; and that therefore they did right to hand it over to the Dominion Government, which had the means to operate the existing road, and whose duty it was also to extend the line to its legitimate terminus at Sydney. The other fact which I think deserves to be noted is this; it is a somewhat singular thing that while the protestations and

remonstrances of Conservative members from the island of Cape Breton failed in getting such a measure as we have now before us, the passing of the repeal resolutions by the House of Assembly of Nova Scotia has apparently done what the action of friends of the Government could not bring about; for it is rather remarkable that the introduction of this measure followed almost immediately on the adoption of the repeal resolutions by the Local Legislature of Nova Scotia. I am happy to see that in the supplementary estimates which have been laid on the tables of both Houses there are a couple of other railway items which are also due to the introduction of those repeal resolutions; and I cannot help feeling that, whatever may be the result of the attempt of the people of Nova Scotia to get repeal, already the passage of those resolutions has had some very beneficial effects, and I hope the beneficial effects of the resolutions adopted by the Local Assembly will continue—that we have not seen the last of them. My hon. friend from Charlottetown does not seem to quite agree with me; but I think there is hardly any doubt as to the truth of what I say. There is one fact which people here do not realize that Nova Scotia is not very unreasonable in being dissatisfied with the existing financial arrangements between herself and the Dominion. Nova Scotia has not troubled this Parliament a great deal. The Local Government at the instance of Parliament applied for certain improvements in the financial terms granted to the province, and not getting them, the Local Government have gone to the people on the question of Repeal. I wish just to say this as to the reasonableness of the complaint of the people of Nova Scotia.

HON. MR. CARVELL—What has that to do with it?

HON. MR. POWER—If my hon. friend will allow me I shall be done in a moment. It is not unreasonable, if hon. gentlemen will consider the fact that the province of Nova Scotia with a population of about 100,000 more than New Brunswick, receives annually from the Dominion Government about \$100,000 less than New Brunswick does. Evidently there is some

ground for complaint. I again express my gratification that this long-hoped for Cape Breton Railway appears now about to become a fact.

HON. MR. PLUMB—I think the facts are almost the reverse of those stated by my hon. friend. The fact is that the movement in Nova Scotia for repeal is strenuously opposed by Cape Breton, and my hon. friend, I have no doubt, can be made aware of that fact if he does not know it now. I can also say that the difficulties in regard to this legislation have not arisen in the Parliament of Canada, but elsewhere, as my hon. friend knows. I have no doubt the whole House will hail with satisfaction the bringing in of this Bill. It is a matter of justice to a very important portion of Canada. I have no doubt but for the sectional opposition in other quarters, we would have had justice done to Cape Breton before now.

HON. MR. POWER—No, no; there was no opposition.

HON. MR. ALEXANDER—There was no opposition from any quarter to that.

HON. MR. PLUMB—I think there are members of this House who are sufficiently interested in Cape Breton not to let the hon. gentleman's remarks pass unchallenged.

HON. MR. McDONALD (C. B.)—I have to thank my hon. friend from Halifax for his kindly references to Cape Breton; but I deny that the Local Government of Nova Scotia is entitled to any credit for this measure. The Dominion Government showed its good will to Cape Breton two or three years ago. When Sir Charles Tupper adopted the policy of subsidizing local railways he did not forget the Island of Cape Breton. In 1883 the first subsidy towards building a road through the island was adopted in the House of Commons, but that was found to be insufficient. It was supplemented in 1884, and this year, I am glad to see that the Government has come down with a policy of building the line through Cape Breton as part of the Intercolonial Railway. I do not think it is fair for the hon. member from Halifax to claim any credit for the Government of

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Nova Scotia, for this. I do not believe the action of that Government had anything to do with it. As for the repeal resolutions, I may say that when they were announced by telegraph the council of the County of Cape Breton was in session; and immediately they answered them, so far as the Local Government was concerned, by unanimously passing a resolution asking for the separation of Cape Breton from Nova Scotia; and that was on the ground that they had never received that justice from the Province of Nova Scotia to which they were entitled. For that reason, I do not think my hon. friend should claim any credit for the Local Government in connection with this Bill.

HON. MR. BOTSFORD— I should like to have heard something from the hon. gentleman from Halifax with respect to this question of repeal in his province, what the object of it was, and why such resolutions were passed. It would be satisfactory to the House, and perhaps to the Dominion, if he had given us some information with respect to this movement in his own province. I think it is very unfortunate for the interests of Nova Scotia itself, and I must say I should be pleased to hear the opinion of the hon. gentleman as regards the propriety of the course which the local Government is taking with respect to the Bill.

HON. MR. POWER—The hon. gentleman who is a very high authority on Parliament procedure knows the way in which he can get my opinion.

HON. MR. HAYTHORNE— I think we may fairly congratulate the people of the Island of Cape Breton on the approach of the railway era in their country. I, for one, did not despair when some time ago we were discussing the question of connection with the Intercolonial Railway in the adjoining county of Pictou—I did not despair that perhaps before the end of the Session a vote would be taken for a railway in Cape Breton. But with reference to the remarks which fell from the hon. member from Halifax, if I could see more clearly than I do the connection between cause and effect, as he alleges—that the good feeling towards Cape Breton occurred about the same time some repeal

resolutions were carried in the House of Assembly of Nova Scotia—if I could see cause and effect more clearly than I do, I might suggest to some of my hon. friends in the Local Legislature of Prince Edward Island that it would be well for them to pass repeal resolutions. Then, perhaps the Northumberland Straits tunnel would come in for a share of the good things which appear to be distributed so lavishly through Parliament; but I am afraid the case which the hon. member from Halifax stated has not been clearly made out, and that my hon. friends in the Island might compromise themselves without getting any good for it, and so, perhaps, it is better to let well alone.

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

HON. MR. PLUMB moved that the 4<sup>th</sup> rule be suspended and that the said Bill be read the third time presently.

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

## METAPEDIA AND PASPEBIAC RAILWAY BILL.

### THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (144) "An Act respecting certain subsidies for a railway from Metapedia on the Intercolonial Railway to Paspebiac." He said: This is a Bill which re-arranges the subsidies for a railway from the Intercolonial Railway to Paspebiac. The Bill consists of a clause arranging that the subsidy which is provided by the Government shall be made applicable in a way to agree with the contract which has been made between Her Majesty's Government and the corporators of this road. It is entirely a matter of money, and I do not know that the House has any control over it, particularly in the way of amending the Bill.

HON. MR. HAYTHORNE—Do I understand the hon. gentleman to say that the contract is made?

HON. MR. PLUMB—Yes. This merely re-arranges the subsidies. I move that

the Bill be now read the second time at length at the table.

HON. MR. POWER—I think before the Bill is read the second time the hon. gentleman might explain its effects. We have had two or three measures already in connection with this railway, and as this is a matter of figures I think it requires some little explanation from the hon. gentleman to show what the effect there is.

HON. MR. BOTSFORD—The preamble explains it.

HON. MR. PLUMB—The preamble of the Bill explains it as far as it can be explained.

HON. MR. POWER—No; the preamble of the Bill gives a little history of what has happened. It does not say what the financial effect of this measure will be.

HON. MR. PLUMB—If the hon. gentleman will read the preamble he will get the explanation, and I propose to have the preamble read here that the House may be made aware of the provisions of the first section.

HON. MR. POWER—This is a measure which is of some considerable consequence. As far as I can make out, it proposes to expend about \$620,000 on a road from Metapedia to Paspebiac; and I believe that the Province of Quebec has granted something also towards this road.

HON. MR. PLUMB—It shows that it is a railway of merit.

HON. MR. POWER—Not necessarily. It shows there are pretty influential men behind the Bill. That is what those bills mean now-a-days.

HON. MR. BOTSFORD—That is the way it should be.

HON. MR. POWER—The company which proposes to build this road is the one of which the hon. gentleman from the Gulf division is a director. I made a mistake about that the other day; and I think it only right to call the attention of the House to the fact that this is the

company which I had in my mind; and there are one or two members of the House of Commons also directors of this company. I suppose that fact will account for the very liberal terms granted to the road. To my mind this is purely a local road, and the subsidy granted is very much larger than is usually given to such enterprises. I have heard it rumoured that one of the Ministers who represents the Province of Quebec in the Government, whose present seat is looked upon as being very insecure is likely to take refuge in the county of Bonaventure, where this \$620,000 is to be spent by the Dominion Government; I do not know whether that is correct or not, but such is the rumour, and the hon. gentleman from the Gulf might inform us whether there is any truth in it or not. First this company got \$3,200 per mile for 100 miles, and then a little later on \$300,000 was voted for a branch of the Intercolonial Railway of twenty miles, and I understand that this Bill provides to give \$6,400 a mile for a second twenty miles, and then to give \$3,200 for the remaining sixty miles. I presume the Government will build the twenty miles, and next year we shall have another arrangement by which the Government will go on and build some more of the road, and the company will own it; and at the end the Government will have built the whole of this road and it will belong to the company. I think that is likely the sort of thing that will happen. I may be in error, but I do not think the country where this road is to run is likely to afford traffic enough to make the road a profitable one. Of course if the company do not pay anything for building, they do not want a very large business to make it profitable.

HON. MR. BOTSFORD—If the hon. gentleman had travelled over that country his opinion of it would be different. It is a very extensive district, well settled, and one which has never received any aid for railways, while the other parts of the Dominion have received appropriations which have enabled them to construct their roads. I presume, from my knowledge of the district and the engineering difficulties on the line, that it is an enterprise which requires a larger subsidy than many other

lines which have been aided by the Government. I happen to know a good deal about that part of the country. It is along the beautiful Baie de Chaleurs; and it is to give railway facilities to a class of people who deserve them. They pay their taxes for railways constructed in other parts of the country, while they themselves are isolated, especially in the winter. I think there is no question at all but that it is a deserving work; and this arrangement will enable the contractors to complete the road and will be of great benefit to a very large district containing a large population.

HON. MR. PLUMB—The real explanation is this. There is the first section of twenty miles which gets \$300,000. The \$3,200 which would alone have been applicable to the second section of twenty miles eastward from Metapedia is added. It is intended by this Bill to give the whole road a subsidy of \$6,400 per mile. My hon. friend has stated that railway communication is greatly needed in that part of the country. The subsidy is not a large one. It has been granted to railways in the North-West and elsewhere, and to roads both in Ontario and Quebec. The hon. gentleman has already said that there is not a prospect of local traffic sufficient to make the road a profitable one, and therefore it is to be aided in this way. The hon. member has afforded me the strongest argument in favour of advancing this subsidy. It is not an excessive one. It has been the policy of the Government where it is necessary to open up railway communication through the country, to give subsidies, on the ground that the money belongs to the people, and if it can be returned to the people in that way to promote the traffic of the country, it is desirable to do so. Hon. gentlemen may say that at the present time the expenditures are large; but whatever depression there may be, is, I believe, a temporary one, and if hon. gentlemen take the financial statement of the country from the time the present Government came into power until now—if they take the surpluses and the deficits together, they will find there is a very large balance in favor of the Government. I do not intend to enter into a discussion on that subject. I think it is proper to state that the whole

amount of subsidy given by the Dominion to this company is \$6,400 per mile; and that is what is intended by this Bill.

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

HON. MR. PLUMB moved that the forty-first rule of the House be suspended so far as it relates to this Bill, and that the Bill be read the third time presently.

HON. MR. HAYTHORNE—Will the hon. gentleman state whether the payments are to be made on certificates or not?

HON. MR. PLUMB—All payments are made on certificates. I made a mistake in saying that for the last section the subsidy is only \$3,200 per mile.

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

The Senate adjourned at 9:50 p.m.

## THE SENATE

*Ottawa, Tuesday, June 1st, 1886.*

THE Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

## A QUESTION OF PRIVILEGE.

HON. MR. BELLEROSE—Before the orders of the day are called I rise to a question of privilege. I find in the Government organ published here at the Capital, the *Ottawa Citizen*, in the report of the proceedings of the House of Commons of yesterday, the following remarks attributed to the Minister of Justice when speaking of the item for the St. Vincent de Paul Penitentiary:—

Mr. Thompson (Antigonish) said the Government had not interfered, but allowed the warden to appoint all his own guards. There might be politics to the extent that some persons had prophesied evil against the penitentiary and had done everything they could to make their predictions come true. He felt it his duty not to comment upon the case in



view of the fact that an investigation would be had as to the cause of the trouble when the warden had sufficiently recovered.

Now this is not only a charge, but it is a declaration and a judgment that "Those who had prophesied had done everything they could to make their predictions come true"

As I am the only member to whom these words can apply, I may remind the House that on the 5th of last month I alluded to the revolt which had taken place in the Penitentiary of St. Vincent de Paul some few days previously, in the following words:—

"It is only a few weeks ago since I renewed my appeal to the Government to intervene before it was too late. Now that the evil predicted has taken place, now that one of the convicts has been shot dead, &c., &c."

I am surprised that the hon. minister, who is to be the judge in this matter, should have felt himself at liberty to pass judgment upon one who is not in any way connected with these troubles. I can only account for it by supposing that some officer of his department has calumniated me, and I may say that, if it is the case, it is not the first time that I have been so traduced. I regret this the more because of the fact that I have had occasion to hear of his honesty, his honorable, straightforward character, and his reputation as a man determined at all times and under all circumstances to do what is right. I had entertained the hope that the investigation, which is to take place, into the recent trouble at St. Vincent de Paul would be a thorough and impartial one. I cannot believe that I have been misled as to the hon. gentleman's character by those who have described his good qualities to me, and I therefore conclude that the words of the hon. minister, which I have just quoted, were spoken in the heat of debate, without due consideration of their effect. The hon. gentleman having but lately entered upon his duties as Minister of Justice, cannot know much of the St. Vincent de Paul Penitentiary, except by hearsay; yet how decidedly he has expressed an opinion upon the present case, before the inquiry has taken place. This shews how easily even a minister of the Crown can be prejudiced by reports or conversations to which he listens. I hope the hon. gentleman will reserve his judgment upon any

of the parties accused until the whole case is laid before him. I regret that the Hon. Minister has already shown himself to be laboring under such prejudices. Nevertheless, under the circumstances which I have mentioned, and in view of the fact that the hon. gentleman has reiterated his promise that an investigation will shortly be made into the troubles at the Penitentiary, I feel bound to say no more on the subject, further than to solemnly affirm that the insinuation conveyed in the words of the Hon. Minister is not warranted by the facts, and that the cause of these troubles, will be found to come from another quarter. I only ask that this enquiry shall be an impartial one: surely that is not asking too much of the hon. gentleman who has the matter in his hands. I merely ask for justice to all.

## RETURNS TO ADDRESSES.

### INQUIRY.

HON. MR. MCINNES—Before the Orders of the Day are called I desire to ask the leader of the Government when those papers that I moved for on the 28th will be brought down. The following is the address I 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 applications, declarations and affidavits in connection with claim to lot number sixty-six and the bay privilege, Ste. Ann's, Lorette River, Manitoba.

HON. MR. PLUMB—I gave the hon. gentleman the answer that the information would be brought down. I handed him the paper given me. I have not got the answer here.

HON. MR. MCINNES—No reply was given. I received a memorandum, but it did not touch the question. The address was carried and I understood that the correspondence would be brought down, and I desire now to know when it will be brought down, because in all probability, the House will adjourn in a day or two, and I desire the information asked for before prorogation.

HON. MR. PLUMB—I gave the hon. gentleman the answer I was instructed to give. If the answer is insufficient the hon. gentleman will probably have to move again; and if he does so I will see that the information is furnished.

HON. MR. MCINNES—I respectfully submit that that is a most unusual course. I moved for copies of certain documents which I have reason to believe are in the Department of the Interior, and I received an answer totally different from what the resolution demanded. The memorandum had not the slightest bearing on the information I desire to get, or the question I put. Now, after that address has been carried, at the eleventh hour of the Session am I to be asked to put another notice on the paper when the hon. gentleman knows full well there will be no time to get the answer this Session? It is merely putting it off for another year, in order to shield certain parties.

HON. MR. PLUMB—I gave the hon. gentleman the paper I had in my hands. I have no other means of conveying information to the hon. gentleman than through the Department. If that answer does not suit him, I have only to say that that answer cannot be amended. I asked him to say wherein it was defective and he declined to do so. He under-scored four or five lines, but did not state wherein it was defective. He holds the paper in his desk, I presume, for I handed him the document. He wanted to see it, and I gave it to him.

HON. MR. MCINNES—At the request of the hon. gentleman I underlined some words in the reply to show where it was defective, and I handed it to the member of the Government in this House, the Hon. Mr. Smith, and he has it; I have not got it. It is three or four days since I gave it to him. The reason why I call the attention of the House to this matter is that I spoke privately to the member of the Government here and he told me I would have to give notice again in order to get the correspondence I desire.

HON. MR. SMITH—I was handed the paper underlined, as the hon. gentleman says, and I took it to the Minister and he

said, "will the hon. gentleman please to make a new application and I will then get him all it is possible to obtain," and I have told the hon. gentleman that. I cannot take this paper with the interlineation and underlining to the Minister and explain what is wanted and have it altered. It must go through the proper form if the hon. gentleman wants to get any more information. The officer of the Department cannot do any more for him. If there were ten answers given perhaps the hon. gentleman would say none of them suited him. Let him apply in the proper way and he will obtain the information he requires.

HON. MR. MCINNES—With all due respect to what has been said by the leader of the Government I say that I put it in the regular form and in a constitutional way; and that the answer I received—what purported to be an answer—had no bearing whatever on it; and there is no necessity for me to move again, the House having already passed the resolution and ordered that the Government bring down the documents I asked for.

THE SPEAKER—Was it a question or a motion?

HON. MR. MCINNES—It was an address calling for certain papers.

THE SPEAKER—Did it pass?

HON. MR. MCINNES—Yes.

THE SPEAKER—Then the papers would be brought down according to the motion; the only question would be when the Government would be able to produce them.

HON. MR. MCINNES—But the member for the Government says I will require to put a new notice on the paper to bring them down.

HON. MR. POWER—This is certainly a very extraordinary thing. The Governor in Council have taken upon themselves a great many powers; and now they seem to take to themselves the power of deciding what common English shall mean—that it shall not mean what it does mean to the minds of ordinary people.

THE SPEAKER—I think the hon. gentleman was under the impression it was a question instead of a motion. An address carried by the House speaks for itself. The question is whether the Government will be able to comply with it.

HON. MR. PLUMB—The Government were asked that an humble address be presented to His Excellency the Governor-General, praying that His Excellency would cause to be laid before this House copies of all applications, declarations and affidavits in connection with claim to lot No. 66 and the hay privilege, St. Ann's, Lorette River, Manitoba. I gave the hon. gentleman the information that had been furnished. He said that the paper was not satisfactory. I asked him to state in what way it was not satisfactory and I put it in his hands. The address was passed; consequently those papers, if there are any, that are not brought down will be brought down under the address. The hon. gentleman can hardly complain if a notice which was only given on Friday last could not be complied with today, if it involved any amount of departmental work.

HON. MR. MCINNES—I gave the notice on Wednesday last.

HON. MR. PLUMB—On Friday the 28th May the address was carried. The hon. gentleman does not think that because he gave notice on Wednesday the Government should commence preparing papers before the address was carried.

HON. MR. MCINNES—What I complain of is this that the only reply I got to that address was simply that a Crown grant had been issued sometime last month to a certain individual; but it did not touch upon the copy of the application or the declaration or affidavits in connection with the lot at all. That is what I wanted, I did not ask for the information which the hon. gentleman volunteered; and what I ask for now is that that correspondence will be brought down. It can be brought down without delay; it is in the Department of the Interior, and can be brought down at any moment if they so desire

THE SPEAKER—This discussion is entirely irregular. There is no doubt the motion having been passed if such papers are in the possession of the Government they must be brought down. If the Government had any objections to producing the papers they should have said so before the address was carried; but the address having been presented to the Government the papers should have been brought down.

HON. MR. SMITH—There was no objection to the address and the answer was brought down but the hon. gentleman was not satisfied with it.

HON. MR. MCINNES—The answer was not brought down. The Government thought proper to bring down something not asked for and totally irrelevant.

HON. MR. SMITH—The hon. gentleman complained of the answer and I then spoke to the head of the Department and he said it was a reply; he also said, if the hon. gentleman wanted any more information he should apply again and he would furnish all the papers asked for. But I could not have him underscore line after line and keep in my memory what the hon. gentleman wanted and then take that back to the Department and explain it to them.

HON. MR. MCINNES—All I ask is that the leader of the Government here bring a copy of the memorandum or the memorandum itself at half past seven tonight and I will ask the House to say whether it is relevant to the question or not.

HON. MR. SMITH—If I have the paper I will bring it. I think it is upstairs in my papers.

HON. MR. POWER—Perhaps the hon. gentleman in charge of the House would say when the papers, in respect to the seizure of dynamite in Halifax, will be laid on the table. I understood he had them ready ten days ago.

HON. MR. PLUMB—I can say to the hon. gentleman that that paper and the other papers to which he refers were in my hands several days ago. They were

taken from my hands to the Department from which those reports are sent to the House; I have not heard of them since but I will take care to make inquiry to-morrow morning.

HON. MR. POWER—Did the hon. gentleman ask to have the papers with respect to the seizure of dynamite in Montreal brought down?

HON. MR. PLUMB—I think they will be brought down also. They wish to look over the papers to see if there are any private letters among them before they are brought down.

### PRINTING BUREAU BILL.

#### THIRD READING.

HON. MR. PLUMB moved the third reading of Bill (132) "An Act respecting the Department of Public Printing and Stationery."

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

### THE RULES OF THE SENATE.

#### REPORT OF THE STANDING ORDERS' COMMITTEE ADOPTED

HON. MR. LACOSTE moved the adoption of the fifteenth report of the Committee on Standing Orders and Private Bills. He said—The members of this House have seen the nature of the alterations to be made to the fifty-first rule and the seventy-second rule. They are in the Minutes and Proceedings of yesterday's sittings of this House. The report merely recommends an alteration of these rules so that notices of applications for Private Bills and Divorce Bills, shall apply to the North-West Territories.

The motion was agreed to.

The Senate adjourned at 3.50 p.m.

### SECOND SITTING.

The Speaker took the Chair at 8 p.m.

Routine proceedings.

### CONTINGENT ACCOUNTS OF THE SENATE.

#### FOURTH REPORT OF THE COMMITTEE ADOPTED.

HON. MR. HOWLAN moved the adoption of the Fourth Report of the Select Committee on the Contingent Accounts of the Senate. He said: This report is a very satisfactory one, so far as the accounts are concerned. They appear to have been kept in a very satisfactory manner. There is one item to which the report refers; that is with reference to the disposal of the fees for Private Bills and Bills of Divorce. It has been usual for the Clerk to take all fees arising from Private Bills and Bills of Divorce and send them to the Receiver General; but the expenses for the printing of these Bills, and the stenographer's fees for reporting the evidence in Divorce Bills, are charged against us, while we get no credit for the fees; and this report empowers the Clerk to retain the fees which are received from these sources, paying out of them all expenses which are occasioned thereby, and handing the balance to the Receiver General. The fees last year were \$1,882.71, for which we get no credit, while the expenses on Private Bills was \$491.34, and the evidence in divorce cases \$471.81, both of which sums are charged against us, making a very considerable addition in the amount of expenditure of the Senate. The report recommends that for the future the expenses of printing Bills and for taking the evidence in divorce cases shall be deducted from the amount of the fees, and the balance handed to the Receiver General. The next item provides for the supply of stationery for the present year. The Report empowers the clerk to procure for the use of the Chamber, the rooms and offices, some inexpensive paper, that paper to be got where it can be purchased cheapest, whether in Canada or the United States; and that all portions of the stationery necessary to send to England for shall be purchased from S. King & Co. The next item recommends that the salary of Mr. C. P. Gibbs be increased to \$1,000 per annum, dating from the 1st July, 1886; and the next is an expenditure for certain Statutes required to complete the sets for the Senate Chamber and offices.

HON. MR. BELLEROSE—What is the present salary of Mr. Gibbs?

HON. MR. HOWLAN—About \$950. It is increased \$50. It will be remembered that two years ago Mr. Gibbs started at \$800, to be increased \$50 a year, It is now \$950 and this report recommends that it be increased to \$1,000.

The motion was agreed to.

#### RETURNS TO ADDRESSES

HON. MR. PLUMB—We have been so anxious to meet the wishes of the hon. member for New Westminster that during the recess of the House my hon. friend, the Minister, has procured from the Department a paper in further explanation of the answer which was given to the hon. gentleman the other day. It will be understood by the House that it is impossible for the Department to invent papers. Gentlemen may have an idea that there are papers; but of course when there are none, it is impossible to bring them down. It will be also remembered by the House that I handed the hon. gentleman the answer without taking a copy of it, and when I spoke this afternoon I did not know that he had handed it back to my hon. friend. We have not got the answer which we furnished him; but in substance, although condensed, it will be found to be very much what I am about to read. This is a letter from the Deputy Minister of the department, as follows:—

“In regard to the subject of our interview this afternoon I beg to state as follows:

Lot 66, in the parish of St. Anne, was awarded by the land board in favor of Auguste Harrison. This award was in ratification of a former decision by the late Chief Justice Wood, given in his capacity as Commissioner for the settlement of disputed claims and it was made under the provisions of the Manitoba Act. Accordingly a patent issued to Harrison on the 9th April, 1886. Appurtenant to the lot is a grant of scrip for \$200, in commutation of the hay and common privilege; but this scrip has not yet issued, owing to the fact that Mr. Auguste Harrison claims this lot through Thomas Harrison, and in the conveyance from the latter no mention is made of the scrip; consequently it is assumed the right to it was not conveyed, and acting under the decision of the Department of Justice that assignments made subsequent to the date of the order-in-Council

recognizing the right to the outer two miles must specifically include this right; otherwise it must be held to be excluded; the scrip has not issued. The assignment from Thos. Harrison to Auguste Harrison bears date 28th October, 1885.”

HON. MR. MCINNES—I am sorry I have not here a copy of the notice of motion I gave a week ago calling for certain papers in connection with the lot in question. What I asked for this afternoon was copies of applications, declarations and affidavits in connection with this lot, and not for the name of the person who owns it. Now I did not ask for the information the hon. gentleman has deigned to give. I did not ask for any letter from the Deputy Minister of Justice philosophizing on the manner by which this Harrison came into possession of the lot. I simply asked for certain documents that were in the Department of the Interior, the applications for the lot, the declarations that were made in connection with it, and everything that was necessary in order to obtain a crown grant or patent for the lot. I have not got any of them. This answer is no answer at all, and I think that the order of this House ought to be respected and not dealt with in the trivial way in which this Government has here dealt with this matter. If there was any objection to bringing down those papers it was the duty of the Government to object to the motion; but there was no objection made; the order went forth that the Governor-in-Council was to bring down these papers. They have not been brought down, and it must be quite apparent to every hon. gentleman present that they do not desire to bring them down.

HON. MR. ALEXANDER—Hear, hear.

HON. MR. MCINNES—In fact, I say more than that. They dare not bring them down because it may involve some high officials, and I fear near relations of some Ministers. It would be very apt to place them beyond or behind the bars if they got their deserts. The Government are in a position—I fearlessly state here, and I have the best evidence for saying it—they are in a position to produce these papers. I repeat it, all the papers I have asked for are in the possession of those in charge of the office of the Interior, and they can

bring them down if they only desire to do so.

HON. MR. PLUMB—I do not think that the intemperate address my hon. friend has made calls for any argument from me at all. I have already shown him that this lot was awarded by the late Chief Justice Wood.

HON. MR. McINNES—I never asked how it was awarded.

HON. MR. PLUMB—And the hon. gentleman must see that if there was any claim to this lot it is in the courts of Manitoba; all the papers must be in the courts there; and although the hon. gentleman has gone out of his way to charge the members of this Government with some act of corruption in connection with it, I will not ask this hon. House to consider whether the statement made by the hon. gentleman is at all warranted.

HON. MR. ALEXANDER—It is.

HON. MR. McINNES—The hon. gentleman will excuse me; what I asked for—

HON. MR. PLUMB—The hon. gentleman can have his say after I get through. I do not intend the hon. gentleman shall be the minister of interruptions as I have been termed.

HON. MR. McINNES—I would not deprive my hon. friend of that title for the world, it is so appropriate.

HON. MR. PLUMB—The only information I can give the hon. gentleman is what I have endeavored to procure for him and what I have already given him. Throughout this matter I have endeavored to act in a spirit which is very different from that of the hon. gentleman towards those whom I represent. I have endeavored to treat him with the utmost courtesy. I gave him the former statement which I procured. I know nothing about what the hon. gentleman had behind his application. I now state that this lot which he speaks of has been awarded by the decision of the Court of Manitoba, by the late Chief Justice Wood, who was no friend of this Government, to Auguste

Harrison. I also give him to understand that under that decision and under the direction of the Minister of Justice certain papers have been prepared and issued and certain titles have been given, that the hay lot of which he speaks has been reserved, because it was not carried under the decision of the Court, and the Minister of Justice, and was not considered to be carried under the conveyance. I presume that the information is all that can be given to the hon. gentleman; at any rate it is all I am instructed to give.

HON. MR. McINNES—That may be! The Government will only give what suits them.

HON. MR. PLUMB—And if the hon. gentleman chooses to draw inferences he can do so. My hon. friend and myself have been anxious to further the views of the hon. gentleman. My hon. friend went out of his way to ask the Department what information there was on the subject; and I have given it. The hon. gentleman will be no better off, in my judgment—and I believe in the judgment of this House—if he pursues this inquiry further than he has now done. However, there is nothing to prevent him pursuing it. I have given him all the information in my power, and all I can give him.

HON. MR. McINNES—I have just to draw the attention of the House to one thing. The leader of the House informs us that this lot was awarded to a certain person by the late Chief Justice Wood. Now I do not question his statement at all in that respect; but I would like to know if that lot was awarded to any individual without an application being made for it? How did it come to be in litigation? Was the lot awarded to any person without declarations and affidavits being made in order to comply with the Lands Act, and thereby obtain a patent? The thing is perfectly absurd; it carries an absurdity on the very face of it. I am not asking who owns the lot, but I am asking for the documents that were placed in the hands of the Minister or the Deputy Minister of the Interior before the patent issued. That is what I am asking for;

that is what I want; that is what this House ordered should be brought down, and I shall hold the Government responsible if they do not comply with the order of this House.

The House was adjourned during pleasure.

After some time the House was resumed.

### FRANCHISE ACT AMENDMENT BILL.

#### FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons to acquaint the Senate that they had passed Bill (138) "An Act to amend the Act respecting the Electoral Franchise and the Dominion Elections' Act 1874."

The Bill was read the first time.

HON. MR. PLUMB moved that the 41st Rule be suspended and that the Bill be read the second time presently.

The motion was agreed to, and the Bill was read the second time and referred to a Committee of the Whole House.

HON. MR. VIDAL, from the Committee reported the Bill without amendment.

HON. MR. PLUMB moved that the Bill be read the third time presently.

HON. MR. HAYTHORNE — There seems no necessity for pressing this Bill through to-night; the House is to meet to-morrow.

HON. MR. PLUMB—I think it would be desirable in order to stimulate the other House to get through with the work, and I ask the hon. gentleman if he will waive his objection and permit the Bill to be read the third time presently.

HON. MR. HAYTHORNE—No.

HON. MR. PAQUET—(In French)—I hope that the third reading of the Bill will be postponed until to-morrow. I want to see it in French and ascertain whether it

may be necessary to move certain amendments. I hope the hon. gentleman will not press his motion.

HON. MR. OGILVIE—I think the hon. gentleman is too reasonable and sensible to delay the business of the Session; and I am sure if he had the French version of the Bill before him he would not have the slightest objection to it.

HON. MR. POWER—I hope the hon. gentleman from Lavallière will not press his objection. It may be that the Bill is not perfect; I do not think it is myself; but then it is perhaps as good as we are likely to get this Session; and there is no particular objection to deferring its passage. Supposing the amendments of which the hon. gentleman speaks could be carried in this Chamber—which I think is not probable—they certainly would not be carried in the other House; and the effect would be simply to delay the closing of Parliament without any advantage accruing from the delay. As I said just now, the Bill is not perfect. I regret to notice that one very important matter has not been dealt with—one which causes much dissatisfaction with the Franchise Bill—which has been found of great practical inconvenience—that there has been no uniformity of procedure. Each Revising officer—I speak of the Lower Provinces—is a law unto himself; and it is to be regretted that when the Government introduced this measure amending the Franchise Act, they did not provide for uniform procedure in the Courts held by these Revising officers. To show what I mean: some of the Revising Officers agree to accept the declaration of one person on behalf of a number of others, the declaration being under the Act of 1874, as being sufficient *prima facie* evidence to justify him in putting the persons named in the declaration on the preliminary list and leaving them there until the final revision. Other revising officers have thought it necessary that there should be a declaration from each individual whose name is asked to be put on the list, while other revising officers—and this was the case with the officer of the county of Halifax, I know—insist that they will not

HON. MR. MCINNES.

put any name on the list unless evidence such as would be satisfactory in a Court of Justice on a trial is placed before them. Now I think it is to be regretted that when the law was being amended the Government did not provide for uniformity in this respect. However, I think that, as far as one can gather from hearing the Bill read at the table, as a general thing the changes it makes are improvements; and as we are not likely to get any other Bill this year, I think we have nothing to do but accept the measure. There is this practical objection to our delaying this Bill here; there was a sort of whisper abroad that certain amendments were likely to be moved in this House which had been abandoned in the House of Commons; and I think that probably the passing of the estimates through the other House will be considerably accelerated by the third reading of this Bill this evening; and I am sure that all the members of both parties are anxious to get away to their homes.

HON. MR. PAQUET (In French)—Before proceeding with the third reading of the Bill, I ask permission to make some remarks. I do not wish to be behind my hon. friend from Alma in expressing my sincere thanks for the esteem which he entertains for me. I hope this House will readily understand that I have not offered a factious opposition to any measure, and I am willing to pay him the same compliment. But I desire to offer two amendments to this Bill. It is objected that if we amend it we will retard the session and postpone prorogation. How could that be? Is it not true that the House of Commons has sent us a Bill which we have only heard read at the table this moment, which has not been before us, and which we have had no time to study properly? Would not the Commons be disposed to reciprocate and adopt, or reject the amendments which we may have to propose without waiting to have them printed? The following are the amendments which I should like to have made in the Bill. It seems strange to me that we require artisans and professional men to be in receipt of \$300 of annual income to have a vote, when we give the franchise to a lessee of a property who pays \$20 rent per annum. Would it not be better to

reduce the amount at least one-half, and fix it at not more than \$150? The object of the Bill is to extend the suffrage, and I regard the fixing of a limit of \$300 as contrary to the principle and spirit of the Bill. My second proposition is one which will be considered equally reasonable; it is to place on the footing of a co-proprietor, a person who has transferred his property to his son or sons, without demanding that he shall derive from the property an income of \$100 in money, or equivalent value. We do not demand anything of the kind in the case of a co-proprietor of a property valued at \$150. Many of these parents transfer their properties to their families while they themselves are yet comparatively young, and why should we not give the Franchise to men who would exercise it intelligently, especially when, in many cases, we would be perpetrating a great injustice in relegating them to obscurity? Nothing could afford greater pleasure to those old men than to feel that they are regarded as being still of some importance in the community. It would rejuvenate them to feel that they would be in a position to vote in elections. We give the Franchise to a tenant who pays but \$20 rent per annum, and would it not be right and proper, and consistent with justice and fair play, to give a similar right to a class who, as a rule, are quite as intelligent and capable of using the Franchise properly? We know that they would exercise their right as good citizens in the interests of the country. I remember that in 1874 when the Liberal party decided to grant a pension to the veterans of the war of 1812, I called on some of the old men myself who were given this paltry sum of \$20 by the Government, and I can never forget the joy, the extreme pleasure and gratification, which they felt on finding that they had not been forgotten by their country. I am satisfied that the amendments which I have suggested, to preserve to them their right to vote, will be equally well received, and I believe that the Government would be doing a wise act in legislating to preserve to these veterans of electoral contests their rights as electors. These are the observations which I desire to make, and I beg the House to believe that I have no other desire in view in suggesting these amendments than to preserve to these good citizens, these patriots,



a right which they would so much appreciate, and of which they would be so proud. Nothing else has led me to take part in this discussion under the circumstances. I do not think that the amendments which I have suggested would cause any delay: I think they would meet with unanimous approval in both Houses; but even if they should cause the session to last a day or two longer, I think they are of sufficient importance to warrant the delay.

HON. MR. GIRARD—(In French)—I think my hon. friend will find that it is too late to amend this Bill and I hope that he will not persist in his objections. He must be aware that the measure was well received on both sides of the House in the other Chamber; it comes to us with the approval of the body which is directly interested in its passage. I think it would be an act of injustice to the members of the House of Commons to delay the prorogation of Parliament for the purpose of making amendments to a Bill which has for its object the regulation of the manner in which their own elections shall be held, and which, as the hon. gentleman will see, guards the rights of the electors. It is quite possible that the Bill is susceptible of improvement in some respects, but my hon. friend should remember that there is nothing perfect in this life, and I trust that he will accept the Bill as it stands, and not persist in pressing amendments which can have no other effect than to delay the prorogation of Parliament. It is not wise to open an old sore. If we provoke a discussion in the other Chamber on this Bill, it is quite probable that the session will be prolonged for a few days more, when, as we all know, the work of the session is almost completed. For all these reasons, I trust that the hon. gentleman will withdraw his objection and allow the Bill to pass.

HON. MR. BOTSFORD—I suppose the object of the hon. member in delaying the third reading of the Bill would be with the expectation of having it amended. If that could be accomplished without prolonging the session, or if, in fact, the amendment was of such an important character that a majority of this House would be disposed to adopt it, then the

delay, of course, would be reasonable; but taking all the circumstances into consideration, as both parties seem to be agreed that this Bill is a good one, and as it is one which is peculiar to the powers that belong to the House of Commons, I do not think that the delay would accomplish the object which the hon. gentleman has in view. In saying so I do not intend to assert for one moment that we have not the right to amend the Bill, but under the circumstances I hope that he will not press his objections.

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

The Senate adjourned at 9:25 p.m.

THE SENATE,

*Ottawa, Wednesday, June 2nd, 1886.*

The Speaker took the chair at 3 o'clock.

Prayers and routine proceedings.

THE FORTY-FIRST RULE OF THE HOUSE SUSPENDED.

HON. MR. SMITH moved that the forty-first rule of the House be suspended for the remainder of the session.

The motion was agreed to.

PROHIBITION OF SUBSTITUTES FOR BUTTER BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (149), "An Act to prohibit the manufacture and sale of certain substitutes for butter."

The Bill was read the first time.

HON. MR. PLUMB moved that the Bill be read the second time at length at the table.

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

HON. MR. PLUMB moved the third reading of the Bill.

HON. MR. PAQUET.

HON. MR. HAYTHORNE—I hope the hon. gentleman is in a position to give us some information about this Bill. I have read a little on the subject myself, and the result of my reading is that good oleomargarine is better than bad butter. When it is good of its kind, it is a cheap article which poor families would prefer to inferior butter. Has the hon. gentleman any information to give us on the subject?

HON. MR. PLUMB—I only know what the general traditions are of the manufacture of oleomargarine; but it is rather an unsavory subject to discuss. There may be very good oleomargarine and very bad butter, neither of which I would recommend for the hon. gentleman's own use, or for use in his kitchen. There can be but one feeling in regard to the prohibition of this nefarious article—I use the term advisedly. It has been proved that it is made of the most wretched offal—the fat of over-heated and diseased animals, and it has been found impossible to distinguish these materials, owing to the manner in which they have been blended. Its manufacture must be either prohibited altogether or the public must be poisoned by the use of a material which is not only detrimental to the health of those who use it, but seriously injures the farming interests, which I am sure my hon. friend is as desirous of promoting as anybody in this House.

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

### BOUNTY ON PIG IRON BILL.

#### FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (150) "An Act respecting the bounty on pig iron manufactured in Canada from Canadian ore."

The Bill was read the first time.

HON. MR. PLUMB moved that the Bill be read the second time at length at the Table.

HON. MR. POWER—Perhaps the hon. gentleman will explain how this becomes

necessary. When the bounty on pig iron was introduced some years ago we were given to understand that this was one of those industries which only needed a little encouragement at the start and that it was to be very prosperous. We find now, after a lapse of some four or five years, that it is not thriving and needs the props still.

HON. MR. PLUMB—The hon. gentlemen's own province is more interested in this measure than any other portion of the Dominion. I have not familiarized myself with the working of the pig iron industry; but I understand it has been represented to the Government and proved to their satisfaction, that in order to prevent that industry being closed up, which I presume the hon. gentleman would not care to advocate, it is necessary to extend this bounty for three years longer.

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

HON. MR. PLUMB moved the third reading of the Bill.

HON. MR. HAYTHORNE—Can the hon. gentleman state to the House on what quantity of pig iron the bounty has been paid up to this period?

HON. MR. PLUMB—I regret to say that I can not furnish the information. The Bill has only been placed in my hands to-day, but I presume the hon. member will find the information that he desires in the debates of the House of Commons on the subject.

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

### THE TARIFF BILL AMENDMENT.

#### FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (143) "An Act further to amend the Act relating to duties on customs and the importation or exportation of goods into or from Canada."

The motion was agreed to, and the Bill was read the first, second and third times and passed on a division.

## SUBSIDIES IN AID OF RAILWAYS BILL.

### FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (146) "An Act to authorize the granting of certain subsidies for and in aid of the construction of the lines of railway therein mentioned.

The Bill was read the first time.

HON. MR. PLUMB moved that the Bill be read the second time.

HON. MR. ALEXANDER—When we come to look at a measure like this, giving such large subsidies to a number of railways from end to end of the Dominion, and find that time is not given us to even read the Bill—I can only say that if the Senate submits to the humiliating position in which this Government places it, session after session, bringing before it bills of such importance when it is no longer possible to examine them, I only hope that the people may not judge them very severely.

HON. MR. POWER—I think the hon. gentleman from Woodstock is quite right. This abuse has been in existence, I believe, almost since Confederation, but it has been getting worse with each succeeding year. At the end of every session when the Government are attacked for sending important measures up to this Chamber at the very end of the Session when there is no opportunity to discuss them, there has been a half promise from the leader of the Government that they will try to do better next time: but instead of doing better they keep on doing worse each succeeding year. I cannot help noticing that this abuse exists to a greater extent this session than ever before. It has been true in other sessions that, as to one or two Bills which were detained for a long time in the House of Commons and over which there has been a great deal of discussion, we have not had printed copies here, but this is the first session I know of in which we have had to take a whole succession of Bills, copies of which were not before us, and which we have had no opportunity to consider. This is a Bill containing votes of money, and we cannot alter it; conse-

quently it is of no use opposing it unless we wish to reject it, but still we ought at least to have an opportunity to know what it contains. I believe this Bill has been distributed, but two or three of the Bills which have passed to-day have never been distributed here. If the Senate wishes to be respected throughout the country, and respected by the other branches of Parliament it will have to assert its dignity by rejecting some Government measure introduced, as this has been, at a time when it is too late to give it any consideration. I have not been many years in the Senate, but since I have come here I have observed that this House has continually gone down in public estimation and influence, as one of the branches of Parliament.

HON. MR. ROBATAILLE—Hear, hear.

HON. MR. POWER—The hon. gentleman from Gulf Division is very ready to laugh because I have said something that might be misconstrued. I was not vain enough to suppose that my appearance in the Senate was calculated either to raise or lower the Senate in public estimation, but I submit to the judgment of the country and of Parliament, whether the kind of legislation which has been passed through this House during this session for the benefit of the hon. gentleman and his relatives and connections, is not calculated to lower the House and Parliament generally in the estimation of the country more than anything I have done. The hon. gentleman is the last member of the House who should laugh at the degradation of the Senate. I was about to say, when I was interrupted, that there were three members of the Government in this House when I came in here: some time before that there had been four.

HON. MR. WARK—Five.

HON. MR. POWER—And at an earlier date I believe there had been five. The number has gradually decreased until last year we had, at the close of the session, only one member of the Government, a departmental officer, here. Now we have no departmental officer in the Senate, and I presume if things go on in the same way for another year we shall have no member

of the Government in this House at all. The truth is, this Government which professes, or at any rate is supposed, to be in an especial way the friend of the Senate as at present constituted, is doing its best to degrade the Senate in the eyes of the public and to diminish its value as one of the branches of Parliament. I tell hon. gentlemen, without the slightest hesitation, that the conduct of the Government and of the Conservative party is paving the way for the abolition of this House. I am beginning to think now that probably that would not be a great catastrophe, but there are other gentlemen who think differently, and I cannot help feeling, and people outside, who are familiar with the state of public feeling on this question, and who are not very directly interested themselves, do feel that the prospect of the abolition of this House, or its reconstruction, is growing every day. I regret that the Senate does not resent the way in which it is treated. It seems to be taken for granted that no matter how contemptuously the Government treat us, we are bound to accept all these things and be thankful because the indignity comes from the hands of the Premier.

HON. MR. ROBITAILLE—I hardly expected to receive such a castigation at the hands of the hon. gentleman from Halifax because I laughed when he said that from the time he entered the Senate it had begun to go down and become degraded. I certainly never intended to insinuate that he was in earnest in using that expression; but he took it in a serious way, and then began to try to cast some reflection on my presence here and on the Baie de Chaleur Railway Company. I said nothing the other day when the hon. gentleman thought proper to make statements here which were absolutely incorrect and unfounded—statements which had been made in another place and which he repeated here. Under the circumstances, I think it is nothing but right to say a few words concerning this matter. We have not time to go over the whole history of that transaction; however, we can find it all in a speech that was made the other day in another place. The fact is this, that the company had been organized and subsidized by the Government and parliament. The contract was en-

tered into between the company and the Government in order to carry out the vote that had been made by parliament. The subsidy for the 100 miles of railway amounts altogether to \$620,000—that is \$6,200 per mile. Out of that it has been stated that the company are going to make huge profits—a fortune out of it for every one of its members—namely, three or four hundred thousand dollars out of this subsidy of \$620,000. I think it is not necessary to answer such figures; they speak for themselves. The dishonesty of the speeches made in another place and in this chamber is evident; they cannot have been intended in the interest of the road or of the public, but to serve the interest of a leading member in the other House who usurped the position he occupies, who has no platform of his own, and who finds himself obliged to go to the electors on a policy of slander and mud-throwing.

HON. MR. POWER—I rise to a question of order. The hon. gentleman has no right to make such references to a member of the House of Commons. The hon. gentleman spoke as though I had been representing what had been stated by another person. The fact is, at the time I spoke on the subject, I had not seen the speech made by the leader of the Opposition with respect to the railway bill which has been referred to. After I had spoken a gentleman showed me the *Globe* containing a report of the speech made by the hon. member for West Durham in another place. I may mention, as bearing on the value of the hon. gentleman's statements, that although there were two or three members in the House of Commons who were interested with the hon. gentleman from the Gulf division in that railway, none of them rose to controvert or dispute any of the statements made by the leader of the Opposition.

HON. MR. HAYTHORNE—Can the hon. gentleman who conducts the Government business in this House inform us what is the total amount granted in subsidies by this Bill?

HON. MR. PLUMB—It is about \$2,324,665; it is granted to thirty-one different railways and the average grant is about

\$80,000. If the hon. gentleman will look at the Bill, he will see that it is intended to aid a great many small connecting links of railway. There are only one or two large subsidies in the Bill at all; the rest are small subsidies, some of them as low as \$11,000.

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

HON. MR. PLUMB moved the third reading of the Bill.

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

### SUBSIDIES IN LAND TO RAILWAYS BILL.

#### FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (147) "An Act to authorize the grant of certain subsidies in land for the construction of the railways therein mentioned."

The Bill was read the first time.

HON. MR. PLUMB moved that the Bill be read the second time at length.

HON. MR. ALEXANDER—We cannot fail to perceive that the bills which are now presented within 48 hours of the end of the session are the most important measures before Parliament. Can anything equal the contempt shown for this Chamber? They treat us simply as a mere pocket borough of the First Minister, who probably thinks he has placed us here to do his will only and not to do our duty to the public. He as much as says, "Sirs, draw your \$1000 a year and ratify and register everything the Government chooses to bring in." If there is anything that can sink the First Minister in public estimation more than another, it is the manner in which he treats the Senate of the Dominion. If the people demand a change in the constitution of the Senate we owe it to Sir John Macdonald's gross treatment, selfishly using the Senate for his own partizan purposes.

HON. MR. BOTSFORD—These bills which we are passing in a hurried manner

are money bills which this House cannot amend. They dispose of public money and public lands in the way in which the House of Commons choose to vote. We certainly have the right to reject such bills, but we all know that we do not wish to do so; and therefore the observations of the hon. gentleman with respect to these bills are of no avail at all.

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

HON. MR. PLUMB moved the third reading of the Bill.

HON. MR. SCOTT—I do not rise for the purpose of resisting the third reading of the Bill, but I think there should be no objection to the expression of a little honest indignation when these Bills are brought down so late in the session and it is assumed that we will pass them without discussion. The Bill under consideration is one that might fairly be discussed, from many of the circumstances connected with it. It is one which in the main I favor, but it is quite proper that Senators should be given an opportunity to criticize measures of that kind, and therefore the Government should not find fault with any member who chooses to complain that such measures are brought into this Chamber at too late a period of the session to receive proper consideration. I know that this kind of protest has been made session after session in the Senate for the last ten or fifteen years. I know it was made, under different circumstances, when I was on the other side of the House. These are measures which any Government must necessarily bring into the Senate at a very late period. At the same time, when that does occur it is clearly not the province of the Government to check free debate, which is only reasonable and proper, on a measure of such importance. I do not hesitate to say that I favor this measure. I have always advocated the granting of lands to railways in the North-West. I think it is a wise policy, and one which I hope to see enlarged in the future instead of diminished. Those are my own views, but, at the same time, they may not be shared by other hon. gentlemen, and therefore it is quite within their province, and fair and

HON. MR. PLUMB.

reasonable, if they complain that a Bill of this importance comes to us at so late a period in the session.

HON. MR. PLUMB—I have no doubt my hon. friend from Sackville was moved very largely in what he said by the violeent tone in which the hon. gentleman from Woodstock attacked the Government. The hon. member from Ottawa checks himself somewhat in his criticism by remembering that the fault, if fault there be, is one with which both parties are chargeable. When the hon. member was the leader of the Government in this House many instances occurred in which Bills of the greatest importance were brought to the Senate at the last moment, when there was no time to discuss them. I do not remind him of it in the way of recrimination but to show that these things are almost unavoidable in the nature of the two Houses.

HON. MR. ALEXANDER—Not at all, not at all.

HON. MR. PLUMB—I shall not notice the hon. member's unseemly interruptions.

HON. MR. ALEXANDER—It is ridiculous—ridiculous!

HON. MR. PLUMB—I would remind the hon. member from Ottawa that one of the most important measures ever introduced into the Parliament of Canada originated in the House of Commons upon a resolution introduced, I think, on the 10th day of May, that it was ordered to a second reading on either the 15th or 17th of May, two or three days before the prorogation of Parliament and only two days before it was sent up to the Senate. That Bill, which has affected this country perhaps more than any other measure ever passed in Parliament, was introduced in this House at the very last day, in the afternoon, if one may say so. I am not blaming any one for it. No doubt it was a necessity. Bills of that character are necessarily delayed in their passing through the House of Commons. As they deal with matters of money we must either reject them utterly or take them as they are. The House of Commons has the granting power in all matters

of this kind, and subsidies in land are exactly of the same nature as subsidies of money. But the Pacific Railway Bill of 1874 was not one of that sort. It was a measure which this House had a right to deal with in many of its particulars. The *tu quoque* argument is not one that I care to use, but hon. gentlemen in this House must be sensible of the fact—and I have often expressed my views on that subject—that a good deal of this legislation comes to us in this way. The Government are making every effort to procure prorogation to-day for the purpose of avoiding keeping members here over the holiday, and many of the Maritime province members are anxious to leave to-day, because otherwise they will be delayed on their journey a considerable time, and every effort is being made to facilitate their departure. The House of Commons sat until five o'clock this morning, and members were in their places at eleven o'clock again. Everything has been done to facilitate the business of the Session, and if we are thrown into this dilemma I assure hon. gentlemen that no one regrets it more than my hon. friend beside me (Mr. Smith) and myself, and I trust that with this explanation hon. gentlemen will see that we are doing as well as we can.

The motion was agreed to.

The Senate adjourned at four o'clock.

## SECOND SITTING.

The Speaker took the chair at 7.30 p.m.

## THE SUPPLY BILL.

### FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (145) "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 of June 1886, and the 30th of June 1887, and for other purposes relating to the public service."

The Bill was read the first time.

HON. MR. PLUMB moved the second reading of the Bill.

HON. MR. ALEXANDER—Every session for many years, the Senate has protested against the ways and methods of the First Minister of the Dominion, especially the way in which he demands a servile acquiescence in everything he does. Sir John Macdonald would make the impress upon the public mind that the Senate is of no utility whatever. That must be the effect of our passing such Bills without examination. No one can come to any other conclusion. Since three o'clock this afternoon we have had bills involving the expenditure of many millions of the public money brought before us, and at last we have this Supply Bill, with all the supplementary estimates, involving probably some \$38,000,000, and we are only to have five minutes to consider it before His Excellency the Governor-General comes to prorogue Parliament. Could there be a greater insult to this Chamber? Could anything be more calculated to impress the people of this country that the Senate is of no utility whatever and that it might as well be abolished? I have a suggestion to make to the hon. members of this House, which I do with all respect. The great body of our people are becoming alarmed and very justly alarmed. The merchants of Toronto, Montreal and all other cities are becoming alarmed that the present Government now without any check are increasing the public debt to such an extent that it must lead to wide spread discontent throughout the Dominion and may break up the Confederation. Party spirit and the struggle for party ascendancy I do not hesitate to say are becoming the curse of this Dominion. The system of responsible Government as introduced by the great Robert Baldwin if carried out in its integrity would prove the best in the world, but worked as it has been by the present First Minister it has become the madness of the many for the gain of the few—for the gain of the few who hold portfolios and the members with whom they surround themselves, that they may retain power and spend millions of the public money. There is no time to show how large a portion of this Bill is to be spent for party purposes. There is not time to show how money is recklessly voted for the construction of a ship marine railway, which if built, can

never be of practical utility, but the money has to be spent there, so that the voters in that part of Canada may support the party in power when the next general election takes place. There is no time to refer to the unnecessary construction of a second branch of the Intercolonial Railway to Pictou, or to the omnibus railway bill, which was brought in here so shamelessly to-day without giving us one moment to consider it. Need I refer to the sum of \$80,000 in the Supplementary Estimate, which we are asked to vote for the purpose of refunding license money exacted by the Commissioners named by Sir John Macdonald under an unconstitutional act? The provinces had the right to issue licenses and appoint the Commissioners, but the First Minister of the Dominion, for party purposes and with the view of injuring the Ontario Government, named Dominion commissioners and collected large sums of money, which the Government are now obliged to refund. Could there be more striking evidence of the Government's ignorance of constitutional law? Could there be any evidence more conclusive either that the present First Minister has cerebral softening or that his principle is all gone?

HON. GENTLEMEN—Order, order!

HON. MR. ALEXANDER—I say that it is melancholy to witness such administration. I find in the Supplementary Estimates the sum of \$11,000 voted to pay lawyers like Mr. Dalton McCarthy, a Conservative supporter of the Government, for defending such illegal and unconstitutional acts of the Dominion Government. Now we have the unseemly act of the Dominion Government sustaining the St. Catharines Lumber Company, who obtained timber limits from Sir John Macdonald, by a large money vote of \$11,000 to pay that Conservative lawyer, Mr. Dalton McCarthy. Who can justify such expenditures in the courts of justice rewarding partizan lawyers? I only desire to add, because I know His Excellency will be here in a very few moments, that if this Government remains in power it will go on with its illegal, careless and abandoned acts until it produces wide spread discontent, that may break up the Confederation. What could be more insulting to this

House than that Sir John Macdonald should appoint as leader of this House the hon. gentleman from Niagara?

HON. MR. SMITH—Order order.

THE SPEAKER—The hon. gentleman has been out of order several times since he commenced to address the House and I can only compliment the gentlemen on the treasury benches on their forbearance in permitting him to proceed as he has been doing.

HON. MR. PLUMB—Oh nobody minds what he says.

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

HON. MR. PLUMB move the third reading of the Bill

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

The House was adjourned during pleasure.

At eight o'clock p.m. the House was resumed THE GOVERNOR GENERAL proceeded in state to the Senate Chamber and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in Her Majesty's name, by His Excellency viz:—

An Act to incorporate the Continental Bank of Canada.

An Act respecting the Niagara Grand Island Bridge Company.

An Act to incorporate a Community of Religious Ladies under the name of The Sisters, Faithful to Jesus.

An Act respecting the Railway from Esquimalt to Nanaimo, in British Columbia.

An Act respecting the Union Suspension Bridge.

An Act relating to the Canada Southern Bridge Company.

An Act to reduce the Capital Stock of the Bank of New Brunswick.

An Act respecting the Pictou Bank.

An Act respecting the Burlington Bay Canal.

An Act to incorporate the Medicine Hat Railway and Coal Company.

An Act to incorporate the Calvin Company (Limited).

An Act to amend the Act to incorporate the Lake Nipissing and James' Bay Railway Company.

An Act to naturalize Girolamo Cosentini, commonly called Baron Girolamo Cosentini.

An Act to amend the several Acts relating to the Board of Trade of the City of Toronto.

An Act further to amend "The Post Office Act, 1875."

An Act further to amend "The Interpretation Act."

An Act to incorporate the Anglo-Canadian Bank.

An Act to amend the Act incorporating the Canada Atlantic Railway Company.

An Act to amend the Act to incorporate the Nova Scotia Steamship Company (Limited).

An Act to incorporate the Tecumseh Insurance Company of Canada.

An Act to amend the Act to incorporate the West Ontario Pacific Railway Company.

An Act to grant certain powers to The Sable and Spanish Boom and Slide Company of Algoma (Limited).

An Act to incorporate the E. B. Eddy Manufacturing Company.

An Act to reduce the Capital Stock of the Union Bank of Lower Canada and to change the corporate name thereof to the "Union Bank of Canada"

An Act to reduce the Capital Stock of the Union Bank of Halifax.

An Act to expedite the issue of Letters for Indian Lands.

An Act to amend the Act incorporating the Pictou Coal and Iron Company.

An Act respecting the application of certain Fines and Forfeitures.

An Act respecting the transfer of the Lighthouse at Cape Race, Newfoundland, and its appurtenances, to the Dominion of Canada.

An Act to incorporate the Forbes' Trochilic Steam Engine Central Company of Canada.

An Act to incorporate "The First Synod in the Dominion of Canada of the Reformed Episcopal Church," and for other purposes connected therewith.

An Act respecting The Saskatchewan Land and Homestead Company (Limited).

An Act respecting the extension of the Intercolonial Railway from a point at or near Stellarton to the town of Pictou.

An Act to amend the Contagious Diseases Act.

An Act to consolidate the borrowing powers of the Freehold Loan and Savings Company, and to authorize the said Company to issue debenture stock.

An Act to consolidate the borrowing powers of the Western Canada Loan and Savings Company, and to authorize the said Company to issue debenture stock.

An Act to consolidate the borrowing powers of the Canada Permanent Loan and Savings Company, and to authorize the said Company to issue debenture stock.

An Act to amend the Act to incorporate the Lake Nipissing and James' Bay Railway Company.

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An Act to make further provision respecting Summary Proceedings before Justices and other magistrates.



An Act respecting the Central Ontario Railway.

An Act to amend the criminal law, and to declare it a misdemeanor to leave unguarded and exposed certain holes, openings and excavations.

An Act to incorporate the Bow River Coal Mine Railway and Transportation Company.

An Act to incorporate the Lake Superior Mineral Railway Company.

An Act to incorporate the Shuswap and Okanagan Railway Company.

An Act to incorporate the Kingston and Pembroke Mutual Aid and Insurance Company, Limited.

An Act to amend "The Adulteration Act."

An Act in further amendment of the Weights and Measures Act of 1879.

An Act respecting Commissions to Public Officers of Canada.

An Act respecting the Canadian Copper Company.

An Act respecting the Anglo-American Iron Company.

An Act to amend the Act respecting the North-West Central Railway Company.

An Act to amend an Act to authorize the granting of Subsidies in land to certain railway companies.

An Act respecting the protection of Navigable Waters.

An Act respecting the Bank of Yarmouth.

An Act to amend the Act respecting the British Canadian Bank.

An Act to incorporate the Victoria and Sault Sainte Marie Junction Railway Company.

An Act to explain the Act intituled "An Act for the final settlement of the claims made by the Province of Manitoba on the Dominion."

An Act to amend the Act incorporating the Ottawa Board of Trade.

An Act to incorporate the Brockville and New York Bridge Company.

An Act to incorporate the Maskinongé and Nipissing Railway Company.

An Act to amend the Act to incorporate the Guelph Junction Railway Company.

An Act further to amend the Steamboat Inspection Act 1882.

An Act for the relief of the Corporation of the Town of Cobourg.

An Act to amend the Act to incorporate the Niagara Frontier Bridge Company.

An Act to incorporate the Yarmouth Steamship Company (Limited).

An Act to punish seduction, and like offences, and to make further provision for the protection of Women and Girls.

An Act respecting the Dominion Lands Colonization Company (Limited).

An Act for the relief of Flora Birrell.

An Act in amendment of the Consolidated Inland Revenue Act, 1883, and the Act amending the same.

An Act to amend the law relating to the salaries of certain Judges of the Supreme Court of Judicature for Ontario.

An Act to amend the law respecting Crown Cases reserved.

An Act to make further provision respecting the administration of the Public Lands of Canada in British Columbia.

An Act to incorporate the St. Lawrence and Atlantic Junction Railway Company.

An Act to amend the Act to provide for the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited).

An Act respecting the Montreal Board of Trade.

An Act to incorporate the Winnipeg and North Pacific Railway Company.

An Act to amend an Act respecting a Reformatory for certain Juvenile Offenders in the County of Halifax, in the Province of Nova Scotia.

An Act respecting the Revised Statutes of Canada.

An Act respecting the London and Ontario Investment Company (Limited).

An Act to amend an Act respecting offences against the Person.

An Act to incorporate the School Savings Bank.

An Act respecting Experimental Farm Stations.

An Act respecting interest in the Province of British Columbia.

An Act further to amend the law of evidence in certain cases.

An Act to incorporate the Northumberland Straits Tunnel Railway Company.

An Act respecting the representation of the North-West Territories in the Parliament of Canada.

An Act further to amend the Act respecting the Canadian Pacific Railway.

An Act to incorporate the Saint Gabriel Levee and Railway.

An Act to amend the Acts relating to the Winnipeg and Hudson's Bay Railway and Steamship Company.

An Act respecting the Napanee, Tamworth and Quebec Railway Company.

An Act further to amend the Dominion Land Act, 1883.

An Act respecting certain works constructed in or over Navigable Waters.

An Act respecting the Carleton, City, of Saint John, Branch Railroad.

An Act respecting the improvement of the Harbor of Quebec.

An Act respecting Tolls over the Dunnvill Dam and Bridge connecting works constructed over the Grand River.

An Act respecting Insurance.

An Act further to amend the law respecting the North-West Territories.

An Act further to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading corporations."

An Act to incorporate "The North American Telegraph Company."

An Act to incorporate the Kootenay and Athabasca Railway Company.

An Act to make further provision respect-

ing grants of land to members of the Militia Force on active service in the North-West.

An Act to authorize the construction of a railway from the Straits of Canso to Louisburg or Sydney, as a Public Work

An Act respecting certain subsidies for a railway from Metapediac on the Intercolonial Railway to Paspebiac.

An Act respecting The Northern and Pacific Junction Railway Company.

An Act respecting Real Property in the Territories.

An Act to amend the Act respecting the Electoral Franchise and the Dominion Electoral Franchise and the Dominion Elections Act, 1874.

An Act respecting the Department of Public Printing and Stationery.

An Act to authorize the granting of certain Subsidies for, and in aid of the construction of the lines of Railway therein mentioned.

An Act to authorize the grant of certain Subsidies in Land for the construction of the Railways therein mentioned.

An Act further to amend the Acts relating to Duties of Customs and the importation or exportation of goods into or from Canada.

An Act to prohibit the manufacture and sale of certain substitutes for Butter.

An Act respecting the bounty on Pig Iron manufactured in Canada from Canadian Ore.

His Excellency the Governor-General was pleased to reserve the following bill for the signification of Her Majesty's pleasure thereon :

An Act further to amend the Act respecting Fishing by Foreign Vessels.

Then the Honorable the Speaker of the House of Commons addressed His Excellency the Governor-General as follows :—

“MAY IT PLEASE YOUR EXCELLENCY :

“The Commons of Canada have voted the Supplies required to enable the Government to defray the expenses of the Public Service.

“In the name of the Commons, I present to Your Excellency the following Bill :—

‘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, 1886, and the 30th June, 1887, and for other purposes relating to the Public Service.’ To which Bill I humbly request Your Excellency's assent

To this Bill the Royal assent was signified in the following words :—

“In Her Majesty's name, His Excellency the Governor-General thanks Her Loyal subjects, accepts their benevolence, and assents to this Bill.”

After which His Excellency the Governor-General was pleased to close the FOURTH SESSION of the FIFTH PARLIAMENT of the DOMINION with the following

#### SPEECH :

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

I desire to convey to you my best thanks

for the earnestness and assiduity with which you have performed your important duties.

The legislation of the Session has been of an eminently practical character, and cannot fail to aid in the promotion of the material progress of the country.

The grant of representation in the House of Commons to the North-West Territories will, if sanctioned by the Imperial Parliament (of which there is no reason to doubt), give the people of that vast region an interest and voice in the affairs of the Dominion, and enable them to lay the wants and requirements of their young country, with authority, before the great council of the nation.

You have at the same time conferred upon them boons of an efficient judicial system and a speedy and inexpensive mode for the transfer of property in land.

The measure for the establishment of a Central Experimental Farm, with auxiliary stations for the Provinces, will be greatly appreciated by our agricultural population.

I congratulate you heartily on the completion of the Canadian Pacific Railway, and on the repayment in money and land of the advances made in its aid from the public Treasury.

The future prosperity of this great enterprise and the consequent advantage to the best interests of the Dominion I now consider as fully assured.

The appropriations in aid of various railways will tend largely to increase the trade and develop the resources of the districts traversed by them, and I am especially pleased to know that by the provision made for the construction of a Railway through Cape Breton, that historical Island will at last be brought into connection with the Railway System of Canada.

Among the many useful measures you have passed may especially be noticed the amendments of the Franchise Act, rendering its working more simple and less expensive; the Consolidation of the Statutes; the arrangement for the organization of a better and more economical system of Parliamentary and Departmental Printing; and the amendment of the Dominion Lands Act.

*Gentlemen of the House of Commons :*

I thank you in Her Majesty's name for the supplies you have granted for the public service.

*Honorable Gentlemen and Gentlemen :*

In bidding you farewell until next year I rejoice to be able to congratulate you on the general prosperity of the country and the good promise of a plentiful harvest.

The SPEAKER of the Senate then said :—

*Honorable Gentlemen of the Senate and Gentlemen of the House of Commons :*

It is HIS EXCELLENCY THE GOVERNOR GENERAL's will and pleasure, that this Parliament be prorogued until Monday, the twelfth day of July next, to be here held, and this Parliament is accordingly prorogued until Monday, the twelfth day of July next.



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—TO—

## DEBATES OF THE SENATE.

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**SESSION 1886.**

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PART I. constitutes an Index to the names of Senators with their action upon the respective subjects. In this part *italics* denote that the Motion, Amendment or Inquiry in question emanated from the Senator mentioned.

PART II. constitutes an analytical index to all the subjects debated. Names in *italics* and parenthesis after the subject indicate the *movers*.

The following abbreviations have been employed: Amt., Amendment; Appt., Appointment; B., Bill; Com., Committee; Concurr., Concurrence; Corresp., Correspondence; Dischgd., Discharged; Div'n, Division; H.E., His Excellency; H.M., Her Majesty; Incorp., Incorporation; Inqy., Inquiry; M., Motion; *m.*, moved; Res., Resolution; Ry., Railway; W., Whole House, thus Com. of W., Committee of Whole House; Withdr., Withdrawn.

On a Division :—C., Contents; N.C., Non-Contents.

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\* , Without comment or discussion.



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- (26) An Act to incorporate the Tecumseh Insurance Company of Canada.—*Mr. McKindsey*.  
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- (27) An Act to amend the Act to incorporate the West Ontario & Pacific Railway Co.—*Mr. Plumb*.  
1st R.\* , 276; 2nd R. m., 289; Rep. from Com., Concurr. in Amts., and 3rd R.\* , 294-95.

- (30) An Act to incorporate the E. B. Eddy Manufacturing Co.—*Mr. Scott*.  
1st R.°, 301; 2nd R. m. 308; Rep. from Com. & 3rd R.°, 352.
- (32) An Act to incorporate a Community of Religious Ladies under the name of "The Sisters, Faithful Companions of Jesus."—*Mr. Girard*.  
1st R.°, 216; 2nd R. m. 256; 3rd R.°, 276.
- (33) An Act to incorporate the Shuswap and Okanagan Railway Co.—*Mr. Nelson*.  
1st R.°, 276; 2nd R. m. 305; Rep. from Com. Concurr. in Amts. & 3rd R.°, 353.
- (34) An Act to incorporate the Lake Superior Mineral Railway Co.—*Mr. Scott*.  
1st R.°, 301; 2nd R. m. 308.
- (35) An Act to amend the Act incorporating the Lake Nipissing and James Bay Railway Co.—*Mr. Girard*.  
1st R.°, 276; 2nd R. m. (*Mr. Turner*) 288; 3rd R.°, 301.
- (36) An Act to grant certain powers to the Sable and Spanish Boom & Slide Co. Algoma, (Limited).—*Mr. Scott*.  
1st R.°, 301; 2nd R. m. 308; Rep. from Com. & 3rd R.°, 352.
- (37) An Act to naturalize Girolamo Consentini, commonly called Baron Girolamo Consentini.—*Mr. Plumb*.  
1st R.°, 199; 2nd R. m. 235; 2nd R.°, 301.
- (38) An Act respecting the Niagara Grand Island Bridge Co.—*Mr. Plumb*.  
1st R.°, 199; 2nd R. m., 236; 3rd R.°, 276.
- (40) An Act relating to the Canada Southern Bridge Co.—*Mr. Plumb*.  
1st R.°, 199; 2nd R. m., 237; 3rd R. m. 294.
- (41) An Act to reduce the Capital Stock of the Union Bank of Lower Canada, and change the corporate name thereof to the Union Bank of Canada.—*Mr. Vidal*.  
1st R.°, 296; 2nd R. m., 306; 3rd R.°, 371.
- (42) An Act respecting the Saskatchewan Land and Homestead Co. (Limited).—*Mr. Plumb*.  
1st R.°, 301; 2nd R. m., 308; Rep. from Com. and 3rd R.°, 408.
- (43) An Act to amend the act to incorporate the Canada Atlantic Railway Co.—*Mr. Clemonu*.  
1st R.°, 276; 2nd R. m., 289; 3rd R.°, 309.
- (44) An Act to incorporate the Bow River Coal Mine Railway & Transportation Co.—*Mr. Plumb*.  
1st R.°, 301; 2nd R. m., 308; rep. from Com., Concurr. in Amts. and 3rd R.°, 352.
- (45) An Act respecting the Dominion Lands Colonization Co. (Limited).—*Mr. McInnes*.  
1st R.°, 276; 2nd R. m., 288; 3rd R.°, 309.
- (47) An Act respecting the Railway from Esquimault to Nanaimo, B. C.—*Sir A. Campbell*.  
1st R.°, 264; 2nd R. m., 276; in Com., 290; rep. from Com., 292; 3rd R. m., 293.
- (48) An Act to amend the act to incorporate the Niagara Frontier Bridge Co.—*Mr. Power*.  
1st R.°, 464; 2nd R. m., (*Mr. Plumb*) 503; rep. from Com. and 3rd R.°, 601.
- (50) An Act respecting the Pictou Bank.—*Mr. Power*.  
1st R.°, 276; 2nd R. m., 288; 3rd R.°, 294.
- (51) An Act to amend the Act to incorporate the Nova Scotia Steamship Co. (Limited).—*Mr. Power*.  
1st R.°, 276; 2nd R. m., (*Mr. Lewin*) 289; 3rd R.°, 309.
- (52) An Act to reduce the Capital Stock of the Union Bank of Halifax.—*Mr. Dickey*.  
1st R.°, 296; 2nd R. m., 306; 3rd R.°, 371.
- (53) An Act to incorporate the Calvin Co. (Limited).  
1st R.°, 216; 2nd R. m., 256; 3rd R.°, 294.
- (54) An Act to incorporate the Medicine Hat Railway & Coal Co.—*Mr. Allan*.  
1st R.°, 216; 2nd R. m., 276; rep. from Com.; Concurr. in Amts. and 3rd R.°, 294.
- (57) An Act respecting the Extension of the Intercolonial Railway from a point at or near Stellarton to the town of Pictou.—*Sir A. Campbell*.  
1st R.°, 294; 2nd R. m., (*Mr. Dickey*) .



- 357; debate, 357-362; M. carried, 362; in Com., 393; Amt. (clause concerning railways in Cape Breton) *m.*, (*Mr. Power*) 393; debate, 393-401; Amt. rejected, 401; Amt. (clause respecting Pictou Ferry) *m.*, 401; declared out of order, 402; rep. from Com. and M. for 3rd R., 402; 3rd R. *m.*, (*Mr. Dickey*) 408; Amt. (railways in Cape Breton) *m.*, (*Mr. Power*) 408; lost 409.
- (58) An Act to incorporate the St. Lawrence & Atlantic Junction Railway Co.—*Mr. Ferrier*.  
1st R.\*, 301; 2nd R. *m.*, 351; rep. from Com., Concurr. in Amts. and 3rd R., 407.
- (59) An Act to incorporate the First Synod in the Dominion of Canada of the Reformed Episcopal Church, and for other purposes connected therewith.—*Mr. Dever*.  
1st R. 301; 2nd R. *m.*, (*Mr. Macdonald, B. C.*) 351; rep. from Com. and 3rd R.\*, 408.
- (60) An Act to incorporate the Continental Bank of Canada.—*Mr. McKay*.  
1st R.\*, 216; 2nd R. *m.*, 256; 3rd.\*, R.\*, 276.
- (61) An Act respecting the Canadian Copper Co.—*Mr. Flint*.  
1st R.\*, 311; 2nd R. *m.*, (*Mr. Read*) 384; rep. from Com. and 3rd R., 408.
- (62) An Act respecting the Anglo-American Iron Co.—*Mr. Flint*.  
1st R.\*, 311; 2nd R. *m.*, (*Mr. Read*) 394; rep. from Com. and 3rd R.\*, 408.
- (64) An Act to amend the act to incorporate the Pictou Coal and Iron Co.—*Mr. McKay*.  
1st R.\*, 301; 2nd R. *m.*, 356; 3rd R.\*, 385.
- (65) An Act respecting the Northern & North-Western Junction Railway Co.—*Mr. Vidal*.  
1st R.\*, 564; 2nd R. *m.*, (*Mr. Turner*) 621; rep. from Com., recommending that B. be withdrawn, Concurr. in rep. of Com. (*Mr. Turner*) *m.*, 732.
- (66) An Act to incorporate the Forbes Trochilic Steam Engine Central Co. of Canada.—*Mr. Vidal*.  
1st R.\*, 311; 2nd R. *m.*, 364; rep. from Com. and 3rd R.\*, 408.
- (67) An Act respecting the Central Ontario Railway Co.—*Mr. Read*.  
1st R.\*, 301; 2nd R. *m.*, 308; rep. from Com., 353; Concurr. in Amts. and 3rd R. *m.*, 385.
- (68) An Act to incorporate the Brockville & New York Bridge Co.—*Mr. Clemow*.  
1st R.\*, 301; 2nd R. *m.*, 327; rep. from Com., 407; Concurr. in Amts. of Com., 445; 3rd R.\*, 446.
- (69) An Act respecting the Bank of Yarmouth.—*Mr. Power*,  
1st R.\*, 423; 2nd R.\*, 465; rep. from Com. and 3rd R., 513.
- (70) An Act respecting the Manitoba & North-Western Railway Co. of Canada.—*Mr. Turner*.  
1st R.\*, 370; 2nd R. *m.*, (*Mr. Girard*) 402; rep. from Com. and 3rd R., 447.
- (72) An Act respecting the Union Suspension Bridge.—*Sir A. Campbell*.  
1st R.\*, 264; 2nd R. *m.*, 277; in Com., 293; rep. from Com., 293; 3rd R.\*, 293.
- (73) An Act to incorporate the Winnipeg & North Pacific Railway Co.—*Mr. Clemow*.  
1st R.\*, 464; 2nd R.\*, 480; rep. from Com. and 3rd R., 514.
- (74) An Act to incorporate the Maskinonge & Nipissing Railway Co.—*Mr. Clemow*.  
1st R.\*, 370; 2nd R. *m.*, 403; rep. from Com., Concurr. in Amts. and 3rd R.\*, 447.
- (75) An Act to incorporate the School Savings Bank.—*Mr. Girard*.  
1st R.\*, 423; 2nd R. *m.*, 495; debate, 497-99; M. agreed to, 499; rep. from Com. and 3rd R.\*, 602.
- (76) An Act respecting the Burlington Bay Canal.—*Sir A. Campbell*.  
1st R.\*, 264; 2nd R. *m.*, 285; 3rd R.\*, 297.
- (78) An Act to amend the act to incorporate the Guelph Junction Railway Co.—*Mr. Power*.  
1st R.\*, 301; 2nd R. *m.*, 356; rep. from Com., 385; Concurr. in Amts. and 3rd R., 386.
- (79) An Act respecting the Napanee, Tamworth & Quebec Railway Co.—*Mr. Read*.  
1st R.\*, 646; 2nd R. *m.*, 744; 3rd R., 768.
- (82) An Act respecting the application of certain Fines and Forfeitures.—*Mr. Smith*.  
1st R.\*, 301; 2nd R. *m.*, (*Mr. Dickey*) 350; rep. from Com. and 3rd R., 379.
- (83) An Act to amend the act incorpo-

- rating the Board of Trade of the City of Ottawa.—*Mr. Clemow.*  
1st R., 311; and R. m., 385; rep. from Com. and 3rd R., 465.
- (86) An Act to incorporate the North American Telegraph Co.—*Mr. Sullivan.*  
1st R., 611; 2nd R. m., 643; rep. from Com. and 3rd R., 700.
- (87) An Act to incorporate the Kootenay & Athabaska Railway Co.—*Mr. Macdonald, B. C.*  
1st R., 646; 2nd R., 694; rep. from Com. and 3rd R., 700.
- (90) An Act respecting the Montreal Board of Trade.—*Mr. Plumb.*  
1st R., 423; 2nd R., 465; rep. from Com., 513; Concurr. in Amts. and 3rd R., 514.
- (91) An Act to incorporate the Yarmouth Steamship Co. (Limited).—*Mr. Power.*  
1st R., 423; 2nd R., 465; rep. from Com. and 3rd R., 602.
- (94) An Act further to amend the Dominion Lands Act, 1883.—*Mr. Plumb.*  
1st R., 564; 2nd R. m., 625; debate, 625-633; M. agreed to, 643; in Com., 811-716; rep. from Com. and 3rd R., 716.
- (95) An Act to incorporate the Victoria and Sault Ste. Marie Junction Railway Co.—*Mr. O'Donohoe.*  
1st R., 464; 2nd R., 480; rep. from Com. and 3rd R., 513.
- (96) An Act respecting the Protection of Navigable Waters.—*Mr. Smith.*  
1st R., 386; 2nd R. m., (Mr. Dickey), 465; in Com., 505; rep. from Com. and 3rd R., 507.
- (100) An Act respecting the transfer of the Lighthouse at Cape Race, Newfoundland, and appurtenances, to the Dominion of Canada.—*Mr. Smith.*  
1st R., —; 2nd R. m., 350; in Com., 379-383; rep. from Com., 383; 3rd R. m., 391.
- (101) An Act in amendment of the Consolidated Inland Revenue Act 1883, and the Act amending the same.—*Mr. Plumb.*  
1st R., 495; 2nd R. m., 569; rep. from Com. and 3rd R., 621.
- (102) An Act to expedite the issue of Letters' Patent for Indian Lands.—*Mr. Smith.*  
1st R., 301; 2nd R. m., (Mr. Dickey)
- 357; in Com.; rep. from Com. and 3rd R., 385.
- (103) An Act further to amend the Steamboat Inspection Act, 1882.—*Mr. Plumb.*  
1st R., 464; 2nd R. m., 481; in Com.; 545; rep. from Com., 546; 3rd R. m., 569.
- (105) An Act to amend an Act to provide for the granting of a Subsidy to the Chignecto Marine Transport Railway Co.—*Mr. Dickey.*  
1st R., 379; 2nd R. m., 410; and (3 months' hoist, *Mr. Almon*), 417; rejected, 423; 3rd R. m., carried, 423; in Com., 499-503; rep. from Com., and 3rd R., 503.
- (106) An Act to amend and consolidate as amended the Statutory provisions respecting Chinese immigration.—*Mr. Plumb.*  
1st R., 564; 2nd R. m., 624; in Com., 675; on clause 8; debate, 676-680; clause agreed to, 991; clauses 15-19 allowed to stand, 691; Committee reports progress, 694; in Com. again, 701; amts. to certain clauses (*M. Allan*) m., 702; Debate, 701-711; Com. reports progress, 750; on motion that Com. have leave to sit again, amnt. (six months' hoist) *Mr. Vidal*, carried on a division, 750.
- (108) An Act to amend the Adulteration Act.—*Mr. Smith.*  
1st R., 379; 2nd R. m., (*Mr. Dickey*), 424; 3rd R., m., 480.
- (109) An Act in further amendment of the Weights and Measures Act of 1879.—*Mr. Smith.*  
1st R., 379; 2nd R. m., (*Mr. Dickey*) 424; 3rd R., 480.
- (110) An Act respecting Commissions to public officers in Canada.—*Mr. Smith.*  
1st R., 379; 2nd R. m., 454; in Com. and 3rd R., m., 480.
- (114) An Act to amend the Acts respecting the British Canadian Bank.—*Mr. Turner.*  
1st R., 423; 2nd R., 464; rep. from Com., and 3rd R., 513.
- (115) An Act respecting the representation of the North-West Territory in the Parliament of Canada.—*Mr. Plumb.*  
1st R., 611; 2nd R. m., 638; debate, 639-622; M. agreed to, 643; In Com., amnt. to 4th clause, (defining qualification of voters), m., 716; lost, 717; amt. (striking out word

- "householder") lost, 717; on 26th clause, amt. (striking out "open voting" and substituting "ballot"). *Mr. McInnes*, m., 719; lost on a division, 722; B. rep. from Com., 624; on 3rd R. Amnt. to 26th clause (same as above), m., 734; lost on a divn., 735; 3rd R. on a divn., 735.
- (116) An Act to incorporate the St. Gabriel Levee and Railway Co.—*Mr. Plumb*.  
1st R., m. for 2nd R., 464; 2nd R., postponed, 481; 2nd R., m., 509; Debate, 510-512; M. agreed to, 513; Ref. to Com., m., 513; concurr. in amnts. of Com., m. (*Mr. Vidal*), 633; Debate, 933-37; M. agreed to, 837; 3rd R., m., (*Mr. Vidal*), 546; Amnt. (addition of clause as to compensation) *Mr. Bellerose*, m., 646; Debate, 647-653; lost on a div., 653; 3rd R. of B., 653.
- (117) An Act to amend the Act to authorize the granting of subsidies and land to certain railway companies.—*Mr. Smith*.  
1st R., 379; 2nd R., m., (*Mr. Plumb*), 765; in Com., 703; rep. from Com., and 3rd R., 505.
- (119) An Act to amend the Act relating to the Winnipeg and Hudson Bay Railway and Steamship Co.—*Mr. Girard*.  
1st R., 645; 2nd R., 700; 3rd R., 768.
- (120) An Act to make further provision respecting the administration of public lands of Canada in British Columbia.—*Mr. Plumb*.  
1st R., 495; 2nd R., m., 569; 3rd R., 621.
- (122) An Act for the relief of the town of Cobourg.—*Mr. Smith*.  
1st R., 479; 2nd R., (*Mr. Plumb*), m., 507; in Com., 570; rep. from Com. and 3rd R., 572.
- (123) An Act to explain the Act entitled "An Act for the final settlement of the Claims made by the Province of Manitoba on the Dominion."—*Mr. Smith*.  
1st R., 479; 2nd R., (*Mr. Girard*), m., 507; in Com., 546; rep. from Com., and 3rd R., 547.
- (124) An Act respecting experimental farm stations.—*Mr. Smith*.  
1st R., 479; 2nd R., m., (*Mr. Allan*), 533; Debate, 538-545; on M. to go into Com.; Amnt. (three months' hoist), *Mr. Alexander*, m., 573; lost on a div., 574; in Com., 574; Amnt. to 10th clause, (persons in charge to pass examination), *Mr. Power*, m., 575; B. rep. from Com., 579; 3rd R., m., (*Mr. Allan*), 603; and to 1st clause (same as above), *Mr. Power*, m., 603; Debate, 604-609; rejected, 908; Amnt. (as to places where farms shall be established), *Mr. McInnes*, m., 608; ruled out of order, 611; 3rd R. of B. agreed to, 611.
- (125) An Act to amend the law relating to the salaries of certain judges of the Supreme Court of Judicature for Ontario.—*Mr. Plumb*.  
1st R., 495; 2nd R., m., 569; in Com., rep. from Com. and 3rd R., m., 621.
- (126) An Act to amend the law respecting Crown cases reserved.—*Mr. Plumb*.  
1st R., 495; 2nd R., —; 3rd R., 621.
- (130) An Act respecting certain works constructed in and over navigable Rivers.—*Mr. Plumb*.  
1st R., 564; 2nd R., m., 620; in Com., 655; rep. from Com., 657; 3rd R., Amnt. (addition of certain wards), m., (*Mr. Power*), accepted; in Com. again; rep. from Com., and 3rd R., 701.
- (131) An Act further to amend the Act respecting the Canadian Pacific Railway.—*Mr. Plumb*.  
1st R., 646; 2nd R., m., 694; Debate, 696-700; M. agreed to, 700; in Com., 724-731; rep. from Com., 731; 3rd R. postponed, 732; 3rd R., m., 735; Amnt. (striking out 7th clause), *Mr. Power*, m., 735; Debate, 735-38; lost on a divn., 738; Amnt. (striking out 5th clause) *Mr. McInnes*, ruled out of order, 742; Amnt. (addition to clause 8), *Mr. McInnes*, ruled out of order, 742; 3rd R. of B., 743.
- (132) An Act respecting the Department of Public Printing and Stationery.—*Mr. Smith*.  
1st R., 865; 2nd R., m., (*Mr. Plumb*), 868; debate, 869-876; M. carried, 876; in Com., 896; Com. reports progress, 901; in Com. again, 901; on 4th clause; Amnt. (striking out certain words) *Mr. Power*, lost on a divn., 903; on 13th clause, Amnt. (as to Houses of Parliament), m., 903; adopted on a divn., 905; B. rep. from Com. and concurr. in Amnt., m., 905; 3rd R., m., 915.
- (133) An Act further to amend the law respecting the North-West Territories.—*Mr. Plumb*.

- 1st R., —; 2nd R., *m.*, 807; rep. from Com. and 3rd R., 831.
- (136) An Act further to amend the Act respecting fishing by foreign vessels.—*Mr. Plumb.*  
1st R., 701; 2nd R., *m.*, (*Mr. Allan*), 769-782; *M.* agreed to, 781; in Com., *Amt.* (*Mr. Allan*), agreed to; rep. from Com., and *M.* for 3rd R., 782; Reference back to Com., *m.*, (*Mr. Allan*), 830; in Com., 831; rep. from Com. Concurr. in *Amts.* and 3rd R., 831.
- (137) An Act respecting the Carleton, City of St. John, Branch Railroad.—*Mr. Plumb.*  
1st R., 701; 2nd R. *m.*, 745; Rep. from Com., 807; 3rd R. *m.*, 831.
- (138) An Act to amend the Act respecting the Electoral Franchise and the Dominion Elections Act 1874.—*Mr. Plumb.*  
1st R., Suspension of the 41st Rule and 2nd R., in Com. and Rep. from Com. on *M.* for 3rd R.; Debate 918-920; 3rd R., 920.
- (139) An Act respecting tolls over the Dunville Dam and Bridge connecting works constructed over the Grand River.—*Mr. Plumb.*  
1st R., 744; 2nd R. *m.*, 807; Rep. from Com. and 3rd R., 831.
- (140) An Act respecting the improvement of the Harbor of Quebec.—*Mr. Plumb.*  
1st R., 744; 2nd R. *m.*, 806; Rep. from Com. and 3rd R., 831.
- (142) An Act to make further provisions respecting grants of land to members of the Militia Force on Active Service in the North-West.—*Mr. Plumb.*  
1st R. *m.*, 877; Dispensing with Rule 41 and 2nd R. *m.*, 877; In Com., Rep. from Com., and 3rd R. *m.*, 907.
- (143) An Act to authorize the construction of a railway from the Straits of Canso to Louisburg or Sydney as a public work.—*Mr. Plumb.*  
1st R., 901; 2nd R. *m.*, 907; Suspension of 41st Rule and 3rd R. *m.*, 909.
- (144) An Act respecting certain subsidies for a line of railway from Metapedia on the Intercolonial Railway to Paspébiac.—*Mr. Plumb.*  
1st R., 901; 2nd R. *m.*, 909; Suspension of 41st Rule and 3rd R. *m.*, 911.
- (143) An Act further to amend the Act relating to duties on Customs and the importation or exportation of goods into or from Canada.—*Mr. Plumb.*  
1st, 2nd and 3rd R's., 921.
- (145) 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 of June 1886, and the 30th of June 1887; and for other purposes relating to the public service.—*Mr. Plumb.*  
1st R. and 2nd *m.*, 925; 3rd R. *m.*, 927.
- (146) An Act to authorize the granting of certain subsidies for and in aid of the construction of the lines of railway mentioned therein.—*Mr. Plumb.*  
1st R. and *m.* for 2nd R., 922; *M.* agreed to and 3rd R. *m.*, 924.
- (147) An Act to authorize the grant of certain subsidies in land for the construction of the railways therein mentioned.—*Mr. Plumb.*  
1st R., 2nd R. *m.*, and 3rd R. *m.*, 924.
- (149) An Act to prohibit the Manufacture and Sale of certain substitutes for Butter.—*Mr. Plumb.*  
1st, 2nd and 3rd R's., 920.
- Bills assented to, by His Excellency the Governor-General.  
927.
- Birrell Divorce B. (I).—*Mr. Plumb.*  
1st R., 88; *m.* for 2nd R., 88; Proof of service of notice, etc., 217; 2nd R. *m.*, 218; 1st Rep. from Committee, 237; Rep. from Com. and concurr. in *amts.* 295; *M.* for 3rd R. 295; 3rd R. postponed, 305; 3rd R. *m.* 315-321.
- Birrell Divorce Case.  
Affidavit of Service, etc., presented (*Mr. Plumb*), 86.
- Bourgue, S. A., Dismissal of, from service of Intercolonial Railway.  
See *Intercolonial Railway*.
- Bow River Coal Mine Railway & Transportation Co's Incorp. B. (44).—*Mr. Plumb.*  
1st R., 301; 2nd R. *m.*, 308; Rep. from Com. concurr. in *Amts.* and 3rd R., 352.
- British Canadian Bank Acts *Amt. B.*  
—*Mr. Turner.*  
1st R., 423; 2nd R., 464; Rep. from Com. and 3rd R., 513.

British Columbia, Customs Duties paid by.

See Mr. McInnes' Remarks, 120.

British Columbia, Imports and Exports of.

See Mr. McInnes' Remarks, 131.

British Columbia Public Lands Administration B. (120).—*Mr. Plumb*.  
1st R., 495; 2nd R. m., 569; 3rd R., 621.

British Columbia, Representation of, in the Cabinet.

Notice of Motion (*Mr. McInnes*) 58; M. and Remarks, 123-145; Debate as to Mr. McInnes being allowed to proceed, 137-38; M. seconded (*Mr. Girard*), 146; Remarks (*Sir A. Campbell*) 146; (*Mr. Nelson*) 149; (*Mr. Ogilvie*) 150; (*Mr. Alexander*) 151; (*Mr. Howlan*) 155; (*Mr. Power*) 158; (*Mr. Macdonald*), 160; (*Mr. Plumb*), 161; (*Mr. Sutherland*) 166; (*Mr. Haythorne*), 167; (*Mr. Trudel*), 169; (*Mr. McInnes*), 170; Resolution withdrawn, 173; Explanation (*Mr. Nelson*), 198.

British Columbia Section of Canadian Pacific Railway, Completion of.

See *Canadian Pacific Railway*.

Brockville & New York Bridge Co's Incorp. B. (68).—*Mr. Clemow*.

1st R., 301; 2nd R. m., 327; Rep. from Com. 407; Concurr. in Amts. of Com., 445; 3rd R., 446.

Burlington Bay Canal B. (76).—*Sir Alexander Campbell*.

1st R., 264; 2nd R. m., 285; 3rd R., 297.

Butter Substitutes Prohibition B. (149).  
*Mr. Plumb*.

1st, 2nd and 3rd R.'s, 921.

Cabinet, Irish Catholic Representation in.

See *Irish Catholic Representation*.

Calvin Company Limited Incorp. B. (53).

1st R., 216; 2nd R. m., 256; 3rd R., 294.

Campbell, Sir Alexander, Illness of.  
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Canada Atlantic Railway Co. Incorp. Act Amt. B. (43).—*Mr. Clemow*.  
1st R., 276; 2nd R. m., 289; 3rd R., 309.

Canada Permanent Loan & Savings Co's Bill (H).—*Mr. Plumb*.

1st R., 88; 2nd R. m., 120, 3rd R., 200.

Canada Southern Bridge Co's B. (40).  
*Mr. Plumb*.

1st R., 199; 2nd R. m., 237; 3rd R., 294.

Canada Temperance Act.

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Canada Copper Co's B. (61).—*Mr. Flint*.

1st R., 311; 2nd R. m. (*Mr. Read*), 384; Rep. from Com. and 3rd R., 408.

Canadian Pacific Railway Act Further Amendment B. (131).—*Mr. Plumb*.

1st R. 646; 2nd R. m., 694; Debate, 696-700; M. agreed to, 700; In Com., 724-731; Rep. from Com., 731; 3rd R. postponed, 732; 3rd R. m., 735; Amt. (striking out 7th clause) *Mr. Power* m., 735; Debate, 735-38; lost on a div'n, 738; Amt. (striking out 5th clause) *Mr. McInnes*, ruled out of order, 742; Amt. (addition to clause 8) *Mr. McInnes*, ruled out of order, 742; 3rd R. of B., 743.

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M. for Return, (*Mr. Girard*) 237; Remarks, (*Mr. Macdonald, B.C.*) 241; (*Mr. Kaulbach*) 241; (*Mr. Nelson*) 242; (*Mr. Sutherland*), (*Mr. Alexander*) 244; *Mr. Haythorne* 246; (*Sir A. Campbell*) 248; (*Mr. Power*) 250; (*Mr. McInnes*) 251; Motion adopted, 252.

Canadian Pacific Railway, Completion of.

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Canadian Pacific Railway, Completion of British Columbia Section of.

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Canadian Pacific Railway, Free Passes over, granted to Senators and Members.

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Canso and Louisburg Railway Construction B. (143).—*Mr. Plumb*.

1st R., 901; 2nd R. m., 907; Suspension of 41st Rule and 3rd R. m., 909.

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- On 3rd R. of Representation in the North-West Territories B. (115).  
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