



Canada

# Debates of the Senate

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THE HONOURABLE JOSEPH EDOUARD CAUCHON  
SPEAKER

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FIRST SESSION - FIRST PARLIAMENT  
31 VICTORIA

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1867-1868

Parliament was opened on November 6, 1867 and was prorogued on May 22, 1868

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
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## FOREWORD

Students of Canadian history will welcome the publication of this volume of Parliamentary Debates for the years 1867 and 1868. This is the first volume in a series, undertaken as a Centennial project under the auspices of the Library of Parliament covering the years 1867 to 1874.

During these formative years of Confederation the Parliamentary Debates were not officially reported, and the absence from the public record of the major speeches and debates in Parliament during that important period has been a conspicuous and frustrating gap in the historical source material on the early years of Confederation.

We are indeed fortunate to have, as director of this complex project, the distinguished historian, Professor P. B. Waite of Dalhousie University. Professor Waite has brought to it a capacity for painstaking research and a dedication that has brought this first volume to completion well before the anniversary date of our nationhood. Without the active support and collaboration of the Parliamentary Librarian, Mr. Erik J. Spicer, and his associates, this project would not have been possible, and we are very much in their debt.

The Honourable SYDNEY J. SMITH  
Speaker of the Senate

The Honourable LUCIEN LAMOUREUX, Q.C., M.P.  
Speaker of the House of Commons

Joint Chairmen  
Joint Committee on the Library  
of Parliament

Ottawa, Canada, April 1967

## PREFACE

Though Professor Norman Ward is both the most recent and the most effective person to urge the compilation and publishing of a Hansard for 1867-1874, and I am happy to publicly acknowledge Parliament's indebtedness to him, I should also like to pay tribute to two of my predecessors who originally made the suggestion. In their report to Parliament for 1886, the Joint Librarians, Mr. A. D. DeCelles, General Librarian, and Mr. Martin J. Griffin, Parliamentary Librarian, urged the provision of "a good general Index to the reports of Parliamentary Proceedings in both Houses..." and "In order that such a work may be complete the Librarians venture to suggest the reprinting of the debates from 1867 to 1875, at which date the present series of Hansard Debates begin. The debates from 1867 to 1871 are contained in scrapbooks seldom available for the use of Members generally. The debates for 1870-71-72 are now out of print and not obtainable. There are no reports for 1873-74. If these debates were reprinted and revised under the charge of an impartial and capable man a very valuable work would be done in preserving a continuous record of the political history of the Dominion."

I believe that we were fortunate in engaging the services of "an impartial and capable man", and that the work he is producing will be "very valuable...in preserving a continuous record of the political history of the Dominion." We are all happy to have Professor Peter B. Waite of Dalhousie University, Halifax, in charge of this project. In this regard, I should like to thank Dr. W. Kaye Lamb, National Librarian and Dominion Archivist, Professor D. G. Creighton of the University of Toronto, and Mr. W. I. Smith, Assistant Dominion archivist, for their willingness to discuss this appointment and other matters at the beginning. It seemed to me that Professor Waite's interest in the period, his facility in both French and English, and his knowledge of available newspapers and their proprietors, as evidenced by his book *The Life and Times of Confederation* (University of Toronto Press), made him a logical choice as editor of these debates.

The interest of The Joint Chairmen of the Joint Committee on the Library of Parliament has also been helpful, particularly as the work proceeded, as also has the increasing interest of the Committee members.

Professor Waite pays deserved tribute to the work done by the Associate Librarian, Mr. Guy Sylvestre, and the Assistant Librarian, Miss A. Pamela Hardisty on the project. Other members of the staff of the Library of Parliament also contributed in various ways to the compilation of these debates. And finally, I should like to thank the Queen's Printer, himself, Mr. Roger Duhamel, and the other normally unsung heroes of the production side who are ultimately responsible for the appearance of this project.

For myself it has been an honour to be associated with such a worthwhile and enduring monument to former politicians whose parliamentary efforts will now, I hope, reach a larger public, and, in so doing, increase Canadian knowledge of, and respect for, both the House of Commons and the Senate of Canada.

ERIK J. SPICER  
Parliamentary Librarian,  
Library of Parliament,  
Ottawa, Canada,

April 1967.

## INTRODUCTION

The publication of the debates of Parliament, 1867-1868, is a Centennial project of the Parliament of Canada, organized through the Library of Parliament. This undertaking is both useful and fascinating. The inadequacy of the "Scrapbook Debates" has long been felt, and particularly so for the lengthy and vital first session of Parliament that opened in Ottawa on Wednesday, November 6, 1867. The first speeches of the new Members of Parliament of the new Canada reflect their growing and broadening sense of common commitment to a common cause, and the impact of events, such as the assassination of D'Arcy McGee on April 7, 1868, give these debates much of the immediacy of the time.

The official debates of the Parliament of the Dominion of Canada were first published only in 1875. Between 1867 and 1874 they exist only in newspapers, or in a semi-official form such as the "Cotton" debates of 1870-2. In the British North American colonies before Confederation, publishing debates was not established practice. Nova Scotia and Prince Edward Island had published debates, and once in a while so had New Brunswick, but the old Province of Canada had not, nor had Newfoundland. The one notable exception to the Province of Canada's lack of official debates was the official reporting of the debate on Confederation in 1865. (Not, by the way, the whole session of 1865.) It is fair to say that the 1032 pages of that Confederation debate of 1865 went a long way to persuade parliamentarians of the Province of Canada then, and afterward, that official publishing of debates brought out the worst habits of the *genus*: the long speeches for the delectation of constituents, the readings for the record, the interminable reworking of speeches that were not otherwise fit to appear in cold print. In short, Parliament boggled at the sheer volume of talk to be printed for what was then thought to be the doubtful edification of posterity.

As a result, after 1865 no further official debates were published by the Province of Canada, or by the Dominion of Canada, for another decade. Every year a few earnest souls, of whom Alexander Mackenzie was one, would propose that Parliament consider the question of official reporting of debates, and these efforts usually met with the same reaction. That in 1867-8 is quite characteristic. Mackenzie submitted on December 4, 1867, an interim report from the Joint Printing Committee on the possible organization and costs of an official report of debates. It was not to be a verbatim report; it was to be compressed roughly to the reports current in the *Toronto Globe*, i.e., about one-third of the length of the original speech.

In March, 1868, the Joint Committee on Printing recommended, in its Fourth Report, that both Houses favorably consider the official reporting of debates. The House of Commons opposed the project, by a vote of 94-48, on March 27, 1868. The Senate, on the same day, seems to have been rather less cavalier, as it might have been expected to be, but, equally, the Senate was disposed to be cautious. Senator McCully liked the idea but was uncomfortable about the expense. It is fair to say that Senator Hazen's view tended to prevail: that there was no good reason for reporting debates officially, since "a very good report of the speeches of members was now given in the newspapers."

The truth was the reading public already had easy access to a form of parliamentary debates, and did not really feel an official version was needed, and this feeling was clearly shared by a substantial number of Senators and MP's. Nearly every newspaper supplied some account of the debates in the Commons, but the Senate got increasingly short shrift from the press, and had to subsidize the *Ottawa Times* in order to get any effective account of its debates. This edition of the Debates of the Senate is taken wholly from reports in the *Ottawa Times*, sometimes called the "Scrapbook Debates," from having been pasted up by an enterprising librarian in the Library of Parliament. The *Globe's* reports were almost invariably shorter than those in the *Times*, and most other newspapers were usually much worse. The *Ottawa Times* seems to have had an arrangement with the Senate through John Bourinot, son of Senator Bourinot, who joined the Parliamentary staff in 1868, and had been a reporter with the Nova Scotian Assembly before Confederation.

The session of 1867-1868 was the longest session of the Parliament of Canada until the session of 1903. The session was in two parts from November 5th to December 21st, and from March 15th, 1868, until May 22nd. It dealt with a vast range of business, but its great fascination lies in its being the first common meeting ground for Nova Scotians, New Brunswickers, and Canadians from the old Province of Canada, now at grips with the problems of a new political dimension.

Making these debates available in official form was first proposed by Professor Norman Ward late in 1961, in a letter to the then Speaker of the Commons, Hon. Roland Michener. It was subsequently taken up by the Parliamentary Librarian, Mr. Erik Spicer, as a project of Parliament for Canada's Centennial. Professor Ward had never expected to be able to organize the work, and I was approached in 1962 and the project was presented to Parliament and approved in May, 1963.

Here I must make kind acknowledgement for assistance in every respect to the Parliamentary Librarian, Mr. Erik Spicer, and to his staff, especially to the Associate Librarian, M. Guy Sylvestre and to the Assistant Librarian, Miss Pamela Hardisty; in Halifax to Mr. J. J. Tepas who laboured long and conscientiously on galley proof, and who helped me with page proof.

The imperfections in this version are numerous and frequently obvious; the reports are often uneven; they are certainly incomplete; there are places where one even has to strain sometimes for the sense: but they are the only version we have, or can have. Indeed they prove that official reporting had advantages, after all, whatever the Canadian Parliament may have thought of the idea before Alexander Mackenzie finally brought it in, in 1875. But, still more, the newspaper version of the Senate, 1867-1868, knots and all, has the strong grain of the best of Parliament in it; and with this cheerful reflection, Parliament redresses the decision of a hundred years ago, and presents its debates of 1867-8.

P. B. WAITE,  
Dalhousie University,  
Halifax, N.S.

April, 1967.

# THE MINISTRY

## FIRST PARLIAMENT

FIRST SESSION—Nov. 6, 1867 TO MAY 22, 1868

Minister of Justice and Attorney General .....	Hon. Sir John Alexander Macdonald	July 1, 1867
Minister of Militia and Defence .....	Hon. Sir George Etienne Cartier	July 1, 1867
Minister of Customs .....	Hon. Samuel Leonard Tilley	July 1, 1867
Minister of Finance .....	Hon. Alexander Tilloch Galt	July 1, 1867- Nov. 7, 1867
	Hon. John Rose	Nov. 18, 1867
Minister of Public Works...	Hon. William McDougall	July 1, 1867
Minister of Inland Revenue.	Hon. William Pearce Howland	July 1, 1867
Secretary of State for the Provinces .....	Hon. Adams George Archibald	July 1, 1867
President of the Privy Council .....	Hon. Adam Johnston Fergusson Blair	July 1, 1867
Minister of Marine and Fisheries .....	Hon. Peter Mitchell	July 1, 1867
Postmaster General.....	Hon. Alexander Campbell	July 1, 1867
Minister of Agriculture.....	Hon. Jean Charles Chapais	July 1, 1867
Secretary of State of Canada	Hon. Hector Louis Langevin	July 1, 1867
Receiver General .....	Hon. Edward Kenny	July 1, 1867
Superintendent General of Indian Affairs .....	Hon. Hector Louis Langevin	July 1, 1867

# SENATORS OF CANADA

## ALPHABETICAL LIST

### FIRST PARLIAMENT

FIRST SESSION—NOV. 6, 1867 TO MAY 22, 1868

Aikins, Hon. James Cox .....	Ontario
Allan, Hon. George William .....	Ontario
Anderson, Hon. John Hawkins .....	Nova Scotia
Archibald, Hon. Thomas D. ....	Nova Scotia
Armand, Hon. Joseph F. ....	Quebec
Benson, Hon. James Rea .....	Ontario
Bill, Hon. Caleb R. ....	Nova Scotia
Blair, Hon. Adam Johnston Fergusson .....	Ontario
(Passed away March 1868)	
Replaced by: Hon. James Rea Benson	
Blake, Hon. Oliver .....	Ontario
Bossé, Hon. Joseph Noel .....	Quebec
(Resigned seat January 1868)	
Replaced by: Hon. Jean Charles Chapais	
Botsford, Hon. Amos Edwin .....	New Brunswick
Bourinot, Hon. John .....	Nova Scotia
Bureau, Hon. Jacques Olivier .....	Quebec
Burnham, Hon. Asa Allworth .....	Ontario
Campbell, Hon. Alexander .....	Ontario
Cauchon, Hon. Joseph Edouard—Speaker .....	Quebec
Chaffers, Hon. William Henry .....	Quebec
Chapais, Hon. Jean Charles .....	Quebec
Christie, Hon. David .....	Ontario
Cormier, Hon. Charles .....	Quebec
Crawford, Hon. George .....	Ontario
Dever, Hon. James .....	New Brunswick
Dickey, Hon. Robert B. ....	Nova Scotia
Dickson, Hon. Walter Hamilton .....	Ontario
Duchesnay, Hon. Antoine Juchereau .....	Quebec
Duchesnay, Hon. Elzear H. J. ....	Quebec
Dumouchel, Hon. Leandre .....	Quebec
Ferguson, Hon. John .....	New Brunswick
Ferrier, Hon. James .....	Quebec
Flint, Hon. Billa .....	Ontario
Foster, Hon. Asa Belknap .....	Quebec
Glasier, Hon. John .....	New Brunswick
Quévremont, Hon. Jean Baptiste .....	Quebec
Hamilton, Hon. John .....	Quebec
Hamilton, Hon. John .....	Ontario



Hazen, Hon. Robert Leonard .....	New Brunswick
Holmes, Hon. John .....	Nova Scotia
Kenny, Hon. Edward .....	Nova Scotia
Lacoste, Hon. Louis .....	Quebec
Leonard, Hon. Elijah .....	Ontario
Leslie, Hon. James .....	Quebec
Letellier de St. Just, Hon. Luc .....	Quebec
Locke, Hon. John .....	Nova Scotia
McClelan, Hon. Abner Reid .....	New Brunswick
McCrea, Hon. Walter .....	Ontario
McCully, Hon. Jonathan .....	Nova Scotia
McDonald, Hon. Donald .....	Ontario
McMaster, Hon. William .....	Ontario
Macpherson, Hon. David Lewis .....	Ontario
Malhiot, Hon. Charles .....	Quebec
Matheson, Hon. Roderick .....	Ontario
Miller, Hon. William .....	Nova Scotia
Mills, Hon. Samuel .....	Ontario
Mitchell, Hon. Peter .....	New Brunswick
Odell, Hon. William Hunter .....	New Brunswick
Olivier, Hon. Louis A. ....	Quebec
Price, Hon. David Edward .....	Quebec
Reesor, Hon. David .....	Ontario
Renaud, Hon. Louis .....	Quebec
Ritchie, Hon. John W. ....	Nova Scotia
Robertson, Hon. John .....	New Brunswick
Ross, Hon. John .....	Ontario
Ryan, Hon. Thomas .....	Quebec
Sanborn, Hon. John Sewall .....	Quebec
Seymour, Hon. Benjamin .....	Ontario
Shaw, Hon. James .....	Ontario
Simpson, Hon. John .....	Ontario
Skead, Hon. James .....	Ontario
Steeves, Hon. William Henry .....	New Brunswick
Tessier, Hon. Ulric Joseph .....	Quebec
Wark, Hon. David .....	New Brunswick
Wier, Hon. Benjamin .....	Nova Scotia
(Passed away April 1868)	
Wilmot, Hon. Robert Duncan .....	New Brunswick
Wilson, Hon. Charles .....	Quebec

# SENATORS OF CANADA

## BY PROVINCES

### FIRST PARLIAMENT

FIRST SESSION—NOV. 6, 1867 TO MAY 22, 1868

#### ONTARIO

Aikins, Hon. James Cox	Leonard, Hon. Elijah
Allan, Hon. George William	McCrea, Hon. Walter
Benson, Hon. James Rea	McDonald, Hon. Donald
Blair, Hon. Adam Johnston Fergusson (Passed away March 1868)	McMaster, Hon. William
Replaced by: Hon. James Rea Benson	Macpherson, Hon. David Lewis
Blake, Hon. Oliver	Matheson, Hon. Roderick
Burnham, Hon. Asa Allworth	Mills, Hon. Samuel
Campbell, Hon. Alexander	Reesor, Hon. David
Christie, Hon. David	Ross, Hon. John
Crawford, Hon. George	Seymour, Hon. Benjamin
Dickson, Hon. Walter Hamilton	Shaw, Hon. James
Flint, Hon. Billa	Simpson, Hon. John
Hamilton, Hon. John	Skead, Hon. James

#### QUEBEC

Armand, Hon. Joseph F.	Guévremont, Hon. Jean Baptiste
Bossé, Hon. Joseph Noel (Resigned seat January 1868)	Hamilton, Hon. John
Replaced by: Hon. Jean Charles Chapais	Lacoste, Hon. Louis
Bureau, Hon. Jacques Olivier	Leslie, Hon. James
Cauchon, Hon. Joseph Edouard—Speaker	Letellier de St. Just, Hon. Luc
Chaffers, Hon. William Henry	Malhiot, Hon. Charles
Chapais, Hon. Jean Charles	Olivier, Hon. Louis A.
Cormier, Hon. Charles	Price, Hon. David Edward
Duchesnay, Hon. Antoine Juchereau	Renaud, Hon. Louis
Duchesnay, Hon. Elzear H. J.	Ryan, Hon. Thomas
Dumouchel, Hon. Leandre	Sanborn, Hon. John Sewall
Ferrier, Hon. James	Tessier, Hon. Ulric Joseph
Foster, Hon. Asa Belknap	Wilson, Hon. Charles

#### NOVA SCOTIA

Anderson, Hon. John Hawkins	Locke, Hon. John
Archibald, Hon. Thomas D.	McCully, Hon. Jonathan
Bill, Hon. Caleb R.	Miller, Hon. William
Bourinot, Hon. John	Ritchie, Hon. John W.
Dickey, Hon. Robert B.	Wier, Hon. Benjamin
Holmes, Hon. John	(Passed away April 1868)
Kenny, Hon. Edward	

NEW BRUNSWICK

Botsford, Hon. Amos Edwin  
Dever, Hon. James  
Ferguson, Hon. John  
Glasier, Hon. John  
Hazen, Hon. Robert Leonard  
McClelan, Hon. Abner Reid

Mitchell, Hon. Peter  
Odell, Hon. William Hunter  
Robertson, Hon. John  
Steeves, Hon. William Henry  
Wark, Hon. David  
Wilmot, Hon. Robert Duncan

**DEBATES OF  
SENATE OF CANADA  
1867—1868**

## CANADA

# Debates of the Senate

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Wednesday, November 6, 1867

### OPENING OF FIRST SESSION FIRST PARLIAMENT

The Members present having taken and subscribed the Oath, and made and signed the Declaration of Qualification required by Law, before John Fennings Taylor, Esquire, the Elder, one of the Commissioners appointed for that purpose, took their seats.

The Members of the Senate were then informed that a Commission under the Great Seal had been issued, appointing the Honourable Joseph Edouard Cauchon, to be the Speaker of the Senate.

A Commission under the Great Seal, appointing Rene Kimber, Esquire, to be Gentleman Usher of the Black Rod, was then reported by the Honourable the Speaker.

His Excellency the Right Honourable Charles Stanley, Viscount Monck, Baron Monck, of Ballytrammon, in the County of Wexford, in the Peerage of Ireland, and Baron Monck, of Ballytrammon, in the County of Wexford, in the Peerage of the United Kingdom of Great Britain and Ireland, Governor General of Canada, etc., etc., being seated in the Chair on the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House "It is His Excellency's pleasure they attend him immediately in this House." Who being come,

The Honourable the Speaker said:

Honourable Gentlemen of the Senate,

Gentlemen of the House of Commons.

His Excellency the Governor General does not see fit to declare the causes of his summoning the present Parliament of Canada until the Speaker of the House of Commons shall have been chosen according to Law; but to-morrow, at the hour of three o'clock in the afternoon, His Excellency will declare the causes of his calling this Parliament.

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

Then, on motion of the Honourable Mr. Hamilton (Kingston), seconded by the Honourable Mr. Campbell.

The House adjourned until to-morrow, at half-past two o'clock in the afternoon.

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## THE SENATE

Thursday, November 7, 1867

His Excellency the Right Honourable Charles Stanley, Viscount Monck, Baron Monck of Ballytrammon, in the County of Wexford, in the Peerage of Ireland, and Baron Monck of Ballytrammon, in the County of Wexford, in the Peerage of the United Kingdom of Great Britain and Ireland, Governor General of Canada, etc., etc., being seated in the Chair on the Throne,

**The Honourable the Speaker** commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House "It is His Excellency's pleasure they attend him immediately in this House."

Who being come,

**The Honourable James Cockburn** said:

MAY IT PLEASE YOUR EXCELLENCY,

The House of Commons have elected me as their Speaker, though I am but little able to fulfill the important duties thus assigned to me.

If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am, and who through me, the better to enable them to discharge their duty to their Queen and Country, humbly claim all their undoubted rights and privileges, especially, that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable interpretation.

**The Honourable the Speaker** of this House then said:—

Mr. Speaker,

I am commanded by His Excellency the Governor General to declare to you that he freely confides in the duty and attachment of the House of Commons to Her Majesty's Person and Government, and not doubting that their proceedings will be conducted with wisdom, temper, and prudence, he grants, and upon all occasions will recognize and allow, their constitutional privileges.

I am commanded also to assure you, that the Commons shall have ready access to His Excellency upon all seasonable occasions, and that their proceedings as well as your words and actions, will constantly receive from him the most favourable construction.

His Excellency the Governor General was then pleased to open the Session by a gracious speech to both Houses:

Honourable Gentlemen of the Senate,

Gentlemen of the House of Commons:

In addressing for the first time the Parliamentary Representatives of the Dominion of Canada, I desire to give expression to my own deep feeling of gratification that it has been my high privilege to occupy an official position which has made it my duty to assist at every step taken in the creation of this Great Confederation.

I congratulate you on the Legislative sanction which has been given by the Imperial Parliament to the Act of Union, under the provisions of which we are now assembled, and which has laid the foundation of a new Nationality that I trust and believe will, ere long, extend its bounds from the Atlantic to the Pacific Ocean.

In the discussions which preceded the introduction of this measure in the Imperial Parliament, between the Members of Her Majesty's Government on the one side, and the Delegates who represented the Provinces now united on the other,—it was apparent to all those who took part in those conferences, that, while Her Majesty's Ministers considered and pressed the principle of Union as a subject of great Imperial interest, they allowed the Provincial Representatives every freedom in arranging the mode in which that principle should be applied.

In a similar spirit of respect for your privileges, as a free and self-governing people, the Act of Union, as adopted by the Imperial Parliament, imposes the duty and confers upon you the right of reducing to practice the system of Government, which it has called into existence, of consolidating its institutions, harmonizing its administrative details, and of making such legislative provisions as will secure to a constitution, in some respects novel, a full, fair, and unprejudiced trial.

With the design of effecting these objects, measures will be laid before you for the amendment and assimilation of the laws now existing in the several Provinces relating to Currency, Customs, Excise, and Revenue generally,—for the adoption of a uniform Postal System,—for the proper management and maintenance of the Public Works and Properties of the Dominion,—for the adoption of a well considered scheme of Militia Organization and Defence, for the proper administration of Indian affairs,—for the intro-

duction of uniform Laws respecting Patents of Invention and Discovery,—the naturalization of Aliens,—and the assimilations of the Criminal Law, and the Laws relating to Bankruptcy and Insolvency.

A measure will also be submitted to you, for the performance of the duty imposed upon Canada, under the terms of the Union Act, of immediately constructing the Intercolonial Railway.

This great work will add a practical and physical connection to the legislative bond which now unites the Provinces comprising the Dominion, and the liberality with which the guarantee for the cost of its construction was given by the Imperial Parliament is a new proof of the hearty interest felt by the British people in your prosperity.

Your consideration will also be invited to the important subject of Western Territorial extension, and your attention will be called to the best means for the protection and development of our Fisheries and Marine interests.

You will also be asked to consider measures defining the privileges of Parliament and for the establishment of uniform laws relating to elections, and the trial of controverted elections.

Gentlemen of the House of Commons,—

The circumstances under which the Act of Union came into operation, rendered it impossible to obtain the assent of the Legislature to the expenditure necessary for carrying on the ordinary business of the Government.

The expenditure since the first of July has therefore been incurred on the responsibility of Ministers of the Crown.

The details of that expenditure will be laid before you, and submitted for your sanction.

I have directed that the estimates for the current and succeeding Financial Year shall be laid before you. You will find that they have been framed with all the attention to economy which is compatible with the maintenance of efficiency in the different branches of the public service.

Honourable Gentlemen and Gentlemen,—

The general organization and efficiency of the Volunteers and Militia have been great-

ly improved within the last year, and the whole Volunteer Force of Ontario and Quebec is already, by the liberality of the Imperial Government, armed with the breech-loading Rifle.

I am happy to be able to congratulate you on the abundant harvest with which it has pleased Providence to bless you, and on the general prosperity of the Dominion.

Your new nationality enters on its course backed by the moral support—the material aid—and the most ardent good wishes of the Mother Country. Within your own borders peace, security and prosperity prevail, and I fervently pray that your aspirations may be directed to such high and patriotic objects, and that you may be endowed with such a spirit of moderation and wisdom as will cause you to render the great work of Union which has been achieved, a blessing to yourselves and your posterity, and a fresh starting point in the moral, political and material advancement of the people of Canada.

After His Excellency had repeated the speech in French the Commons retired.

After the retirement of the Commons upon the conclusion of the reading of the Speech from the Throne, the usual motion *pro forma* having been read,

**Hon. Mr. Campbell** moved that all the members present be a committee to decide upon matters of privilege, etc. In doing so he alluded to the peculiarity of the Senate's position, in being a completely new body, but had no doubt that the rules which governed the late Legislative Council of Canada would be most applicable to them. For the present it was advisable that the previous rules, governing the Legislative Council, which were very complete, should *ad interim* govern them. The business of the Senate, in one sense, would be considerably lighter than that which had devolved on the Legislative Council of Canada, as there would necessarily be a great diminution of private legislation. He also moved, seconded by Mr. Blair, that a special Committee, to prepare rules of order and debate, be appointed, consisting of Messrs. Blair, Tessier, McCully, Botsford, Sanborn, and the mover, which was carried by acclamation, and the House adjourned until three o'clock p.m. on Monday next.

## THE SENATE

Monday, November 11, 1867

The Speaker took the Chair at 3 o'clock.

After routine,

The order of the day for the consideration of His Excellency's Speech having been called

**Hon. Mr. Allan** rose to move the answer to the Speech, and said: In rising to address you to-day, I cannot altogether claim your indulgence upon the same grounds upon which an appeal is not unfrequently made to the consideration of the House on similar occasions, that of youth and inexperience, having already as it were served my parliamentary apprenticeship, though but a short one, in one former Legislative Council—but I am nevertheless but too conscious of my shortcomings and deficiencies as a speaker, not to feel how much I need your kind consideration upon the present occasion. Indeed, I might, perhaps, have done wisely had I at once declined in favour of other and abler members of this House, the task of moving the address in answer to the speech from the Throne, but I will frankly confess that I could not resist the opportunity thus offered to me of identifying myself with the first step in the parliamentary proceedings of the new era, which is now, I trust, opening so auspiciously upon our common country. Trusting, then honourable gentlemen to your indulgence, I shall proceed to make a few brief remarks on the different points alluded to in the address. I am sure, honourable gentlemen, that we all heartily participate in the deep feelings of gratification expressed by His Excellency the Governor-General in the consummation of the great work of Confederation, first commenced, carried on step by step, and now so happily completed under His Excellency's able and popular administration, and we rejoice that His Excellency has had the gratification of presiding over the first opening of the Parliament of the New Dominion. In stating further that we thankfully receive His Excellency's congratulations on the legislative sanction which has been given by the Imperial Parliament to the Act of Union, we feel that it is not boastful spirit that we are invited to join in the aspiration that under this Act of Union we may be laying the foundation of a new nationality, which shall extend its bounds from the Atlantic to the Pacific Oceans. I repeat, honourable gentlemen, that it is no idle spirit of boasting that we give expression

to such utterances within this Senate Chamber. Folly and worse than folly would it be to affect for one moment to ignore the tremendous power of the great Republic which lies along our borders, but we should be unworthy of the great races from which we are sprung and of the mighty empire to which we belong, if we allowed the craven fear to intrude, that loyally fulfilling our obligations as friends and neighbours, we had aught to dread which should lead us to forego for one moment our determination to preserve our own distinct national independence! I am persuaded that the spirit which actuates the great body of the people of these Confederate Provinces is one of quiet, manly determination that we will, God helping us, preserve British America for British Americans, and I believe that one great step towards accomplishing this, which should be the great object of every true patriot, is to endeavour to draw together by the closest bonds into one great Confederation, all who on this continent from the Atlantic to the Pacific now acknowledge the sway of the same sovereign. In carrying out this great work of Confederation, honourable gentlemen, we have the satisfaction of hearing that we have both the moral and material support of the great Empire to which we belong. In the paragraph of His Excellency's speech to which the next resolution refers, His Excellency states that Her Majesty's Ministers considered the principle of Union as one of great and Imperial interests—not as has been hastily and ungenerously asserted by some few disappointed politicians in order that the mother country might then rid herself of all further responsibilities, and shift the whole burden of the defence of the Confederation upon the people of these Provinces, but because Her Majesty's Government were persuaded that in such a Union lay the elements of that strength, which if properly exerted would enable us to bear our fair share in the defence of our own soil, backed as we should be, if occasion unhappily required it, by the whole strength of the Empire. That we shall thus be supported we have had the fullest and most explicit assurances given to us on the part of Her Majesty's Government, and no better pledge could have been given for the fulfilment of these assurances than the promptitude with which the very flower of the British army has been from time to time despatched to this country, when the peace and safety of these colonies were likely to be endangered by foreign foes. All that is required of us honourable gentlemen is to be true to ourselves, cheerful to do our



part, and we need never fear that England will withdraw her protecting aegis from the new nationality until it has become firm and powerful enough to maintain its own foothold upon this continent. But honourable gentlemen, to attain that Union among ourselves, which is really strength, it is of the first importance that the utmost freedom should be accorded to all who are seeking to be confederated together, to discuss and arrange the mode in which the principle should be applied, and therefore, it is that we are invited to express our satisfaction at the assurance given by His Excellency that in the discussion which preceded the introduction of this measure in the Imperial Parliament between Her Majesty's Government and the Provincial delegates, that the fullest freedom was allowed in arranging and settling all the details of this important measure. In the same spirit of respect for our privileges are we called upon now to accept the duties which are imposed upon us by the system of Government called into existence by the Act of Union, and I may be permitted on behalf of other honourable gentlemen from the Maritime Provinces, who like myself, are more at home here to express the feelings of unmixed and hearty gratification with which we hail the presence, and anticipate the valuable cooperation of those honourable gentlemen from the Maritime Provinces, whom we have the honour of having for our colleagues in this Senate. To us then, honourable gentlemen, in common with the other branch of the Legislature, will be committed the important task of considering measures for the amendment and assimilation of the laws now existing in the several Provinces relating to currency, customs, excise, and revenue generally, for the adoption of a uniform postal system, and many other important measures which will require our most earnest and careful attention. Many of these subjects would have required legislation, even had Confederation not taken place, but under the new order of things the revision and assimilation of the criminal law, and the law relating to bankruptcy and insolvency, has become absolutely necessary. Another, and perhaps one of the most important subjects alluded to in His Excellency's speech is the Intercolonial railway. Without an Intercolonial railway the Union would be not half complete. With it we shall be brought into such close and intimate connection with each other as to become practically, as well as theoretically, *one people*. Already a great and important trade has sprung up between us of

the inland Provinces and our friends on the sea board, but necessarily confined to the season of navigation. With the Intercolonial railway once established, commercial intercourse, instead of being limited to a few short months in summer will be continued throughout the year, contributing to the growth and prosperity of the whole Dominion, and uniting us socially and commercially as one people. Among the subjects of congratulation referred to by His Excellency, none will be felt to be more truly so to every inhabitant of the Dominion than the fact of the great improvement which has taken place within the last year in the general organization and efficiency of the volunteers and militia. When the Provincial Parliament last met in this place, our volunteers had just been called out to repel the invasion of our soil by bands of miscreants who threatened the peace and safety of the Province at the same time both in its eastern and western sections. The manner in which the force turned out, and the spirit then displayed within Upper and Lower Canada was most gratifying to every Canadian, and plainly showed the misguided wretches who had dared to invade our soil, as well as those who supported and abetted them, that anything like permanent success in their mad undertaking was utterly hopeless. Since these events occurred, the efficiency of our volunteer force has been greatly increased. The short experience of actual service in the field was of immense benefit to them, and it is not saying too much to assert that Canada possesses now, so far as it goes, a volunteer force which for intelligence and discipline, any country might be proud of. Added to this, and as we are reminded by His Excellency, thanks to the Commons of the Mother country, we have now the gratification of knowing that our volunteers have that, without which, bravery and intelligence would avail but little in modern warfare—a thorough and efficient weapon—the whole volunteer force of Ontario and Quebec being now armed by the Imperial Government with a breech loading rifle. But whilst we congratulate ourselves on the present state of the volunteer force, there is no doubt that the circumstances under which we are now placed call for the adoption, as stated in His Excellency's speech, of a more general scheme of militia organization and defence. Well considered, I trust it will be, for I know of no subject of more vital importance which can engage the attention of Parliament, or which will require more careful and earnest thought. That the defences of the country cannot be placed upon a satisfactory footing

without some sacrifices upon the part of the people of the Dominion is beyond all doubt, but I have much misunderstood the feelings and spirit of my countrymen if they are not found ready to submit to any reasonable sacrifice to preserve their independence and nationality. But I trust that it will be the especial care of the Government in bringing up their scheme for the further organization of the militia that no unnecessary burdens are laid upon the people—that every regard is paid to economy consistent with expediency; and that the volunteer spirit, instead of an enforced service, should be relied upon as much as possible. In conclusion, honourable gentlemen, I am sure that I shall have your hearty concurrence in the hopes and anticipations expressed by His Excellency in reference to the future of the new Dominion. It has pleased Providence to bless us with an abundant harvest. Our farmers are obtaining high and remunerative prices for the produce of their farms. Notwithstanding the late unfortunate failure of one of our banking institutions, trade is prosperous throughout the Province generally. We have no heavy imports, or burdensome taxes to pay. Peace, quietness, and security reign within our borders, and we have a future before us of which any people might be proud. But it rests with ourselves, honourable gentlemen, to make or mar that future. Let a spirit of sectionalism prevail, let party strife grow rampant, and all our brilliant anticipations may end in disappointment. But if we strive to conduct our affairs in a spirit of moderation and mutual forbearance, if following the spirit of those words with which each day we prepare for our deliberations, "we lay aside all private interests, prejudices and partial affections," then we may safely hope that in His Excellency's words, we shall render the great work of Union which has been achieved, a blessing to ourselves and our posterity, and a fresh starting point in the moral, political, and material advancement of the people of Canada.

**Hon. Mr. McCully**, rising to second the answer, alluded to the negotiations which had preceded Confederation, and spoke of the resources of the Provinces now that they are united. It was for the Senate to arrange details, and they had both the power and the spirit to make the Union all that could be desired. The elements of a great nation the Dominion fully possessed, and nothing but unity among the different parts of it, a kindness of feeling between the Confederated States, was wanted to fully develop them. An assimilation of the laws was very essential

and would, he trusted, be well considered by the House. He hoped that the taxes would be as light as possible, the more especially as in the Maritime Provinces, the people had been accustomed to a low tariff; and an uneasy feeling existed, which only the adoption of a low tariff would effectually remove. In the Act of Union, Canada proper had evinced the utmost liberality, as not now demanding such large sacrifices from the Maritime Provinces, in regard to the construction of the Inter-colonial Railway as it had previously done, and he had no doubt, but that the utmost economy would be practiced in the prosecution of the work. Not desirous of great military display, nor of large expenditure for military purposes, it was nevertheless desirable to place the militia and volunteers on the most efficient footing consistent with a due regard to the wishes of the people of the Maritime Provinces, who were very sensitive in reference to what they considered as the great burden of a contemplated novel military organization. He trusted that those eligible for militia duty would not be called out for a longer time than was absolutely necessary to make them efficient in drill; and he wound up by speaking hopefully of the future of the Dominion.

**Hon. Mr. McDonald** then rose and said: We may not be able to realize precisely the feelings of those who have been directly concerned in the organization of a new nation, but at least we may appreciate the peculiar importance of the circumstances in which for the first time we meet as Senators of the New Dominion. Happily ours is not the task of revolution, or even of reconstruction. No act of secession has deprived us of the strong support and wise counsel of the parent state, nor has any form of internal conflict created sectional difficulties which only long years could overcome. We are simply exemplifying the law of growth in its application to provincial communities. We are emerging from the feeble condition of isolated Colonies into the vastly more satisfactory condition of a confederated portion of the British Empire. Now, as never before, we may plume ourselves upon the distinctive appellation of British Americans—the heirs of half a continent, with a destiny which only want of nerve or want of judgment on our part can render otherwise than great. Upon the people of the Dominion alone depends its future, and upon us as members of its Legislature devolves the duty of doing what can be done to give effect to the popular will in the promotion of what I may

pardonably term our national advancement. For though we sustain no direct representative relation to defined constituencies, I cannot divest myself of the conviction that, as part of the machinery of the Government, this Chamber is bound to consult the aggregate of the people's will not slavishly, indeed, in the sense of delegates accountable to particular districts, but as distinguished from the idea which in other days attached to a crown nominated body. We are placed in a position which relieves us from the temptation to surrender our own judgment to the demands of momentary prejudice or passion, but which in my opinion in no degree entitles us to be indifferent to the sober, well-matured requirements of the people. On any other hypothesis I should consider our standing and duties anomalous in these days of representative rule. Thus viewed, however, it seems to me that our functions may be exercised most usefully—not as registrars of executive opinion on one hand, nor servile echoes of fleeting popular feeling on the other, but as the balance-wheel of this Government, guiding always, obstructing never, and in all things manifesting a superiority to the promptings of an angry partisanship. Unless I am mistaken, there will be ample opportunities for the cultivation of the varied qualities which are essential to statesmanship. The system of Government under which we now assemble is in many respects experimental. In the nature of things it is impossible that all obstacles can have been anticipated or that provision can have been made for all emergencies. Under the most favourable circumstances hindrances may be expected to develop themselves in the working of the complicated machinery of the Federal Government. But we cannot hope always to enjoy favourable circumstances or to avoid the collisions which are inseparable from the adjustment of imperfectly defined authority. The relations of the central to the local governments, though arranged in outline by the terms of the Imperial Act, necessarily remain to be perfected by the light of actual experience. I see no insuperable obstacle that is likely to arise, nor any question which can properly embarrass the practical working of the scheme. But I foresee many occasions for temperate and prudent counsel on both sides—many occurrences which can be satisfactorily disposed of only by forbearance and moderation on the part of both. Of these we shall be better able to speak by and by. Meanwhile I advert to this aspect of the general question for the purpose of indicating the necessity for more discrimination and care than they may

be inclined to cultivate, who, in their zeal for the glory of the Dominion, ignore the rights or disregard the pretensions of the Provinces of which it is composed. We must not forget that centralization has dangers not less formidable than those which grow out of an extreme application of the States rights—or, in our case, the Provincial rights, doctrine. For the present, however, our thoughts are to be occupied with subjects over which the legislature of the Dominion will exercise direct authority, and to the more important of which reference has been made in His Excellency's speech. Some of these are in the main strictly administrative, as for instance everything relating to the organization of departments and the management by the Dominion of enterprises and interests which have been heretofore under local control. Of the subjects which involve principles and policy, perhaps, the equalization of the tariff is that which most concerns the harmony and welfare of the Provinces. We have but to glance across a neighbouring line to discover the perils and difficulties incident to crude systems of finance, or to systems framed with a view to special interests rather than the general benefit. Our duty is to avoid the blunders which our neighbours have committed, and as far as possible to adopt the liberal fiscal policy which has conferred such solid advantages on Great Britain. We cannot be blind to the considerations which suggest the desirability of equalizing downward, not upward, and moreover of accompanying equalization with revision in the direction of reduction. Of course the requirements of the Exchequer must not be neglected, but experience elsewhere has proved the feasibility of combining productiveness with measures of taxation lightly affecting the trade and industry of a country. On no single circumstance is our growth in population and wealth more dependent than on the adoption of just and comparatively light taxation; and to attain this, we must discard the notion of protecting small and special interests, and keep in sight the wants of the people at large. In no other way shall we be able to meet the expectations of the Provinces whose tariffs have been lower than that of Canada, or to attract the immigrants to whom we must look for much needed help. Partly to promote the same end, it is expedient to proceed with the work of colonizing and organizing the north-west territory, that we may be enabled to offer to the struggling populations of the old world a region as fertile, as easily tilled, as desirable in all respects for purposes of settlement as

the choicest sections of Wisconsin or Minnesota. Steps have already been taken to facilitate access to this distant territory, but measures are necessary to organize government there and to unite its fortunes with ours. I am persuaded that no time should be lost in the prosecution of this policy, the consummation of which is almost essential to the integrity of the Dominion. The future we claim for it is predicated upon its extension from ocean to ocean. The Atlantic and Pacific must be the boundaries of our Confederation, or the hopes we have cherished will be to a great extent destroyed. The loss of a single link will destroy the nation. The failure to keep the Red River District to ourselves—the failure to prevent its absorption into the United States by colonization with Minnesota—would inevitably damage the Dominion beyond redemption, and hence the extreme importance of hastening the solution of the northwest problem. The Intercolonial Railway project calls for no such speed. As an element in the Confederation, and a feature in the arrangement entered into with the Imperial authorities, we cannot divest ourselves of the responsibility incident to its construction. But though the terms of the Imperial guarantee are liberal, I am sure that the work will task our financial ability to the utmost, and therefore I favour great deliberation on the part of this Government at every stage. Commercially considered it is in no manner essential. Its necessity always must be as a means of strengthening the defensive power of the Dominion in the event of war. There is no reason, then for precipitancy. We can afford to proceed deliberately in the business. Nay, it is incumbent on us to advance with extreme caution, to examine carefully the advantages and disadvantages of the different routes, to scrutinize the claims of competing interests and localities, and to insist that the basis of the enterprise shall combine economy with efficiency. Do as we may, I fear the cost will exceed the guarantee; and sure I am that delay and caution are needed to prevent improvident expenditure. As to the military aspects of the work, I frankly confess that in providing for the peace and prosperity of the Dominion, I am inclined to place less dependence on armies and fortifications, and even on the Intercolonial Railway, than on the adoption of a wise domestic policy, and the cultivation of friendly relations with our neighbours. It is meet that we make some provision for the maintenance of order, as against Fenian marauders or irregular incursions of

any kind; but I shall require more cogent reasons than have yet been advanced before deciding that the young Dominion can advantageously aspire to the forms and outlays of a military power. We must have peace or all our statesmanship will come to naught; and I believe that we shall have peace if we pursue an enlightened and friendly policy, and address ourselves exclusively to our own business. Instead of expending millions on fortifications, I would complete our canal system and otherwise promote the material development of all the Provinces. I will not, however, enlarge upon this subject now, or further trespass upon your attention. I have attempted less to discuss questions minutely than to indicate the spirit in which, as a member of your honourable body, I enter upon my duties in this new stage of our country's history. And I indulge the hope that by combining the independence of character which is essential to legislative usefulness with the moderation which befits a Senate, we shall contribute our full share to the harmonious working and the ultimate success of the Dominion.

**Hon. Mr. Letellier de St. Just**, begged to inquire from the Government the reasons for the resignation of Hon. Mr. Galt.

**Hon. Mr. Campbell** said he had expected the inquiry to have been made before. There had been two resignations, that of Hon. Mr. Archibald, of Nova Scotia who could not find a seat, and that of Hon. Mr. Galt, who had given full explanation of the cause of said retirement in the other House. There had been nothing in the case of the resignation of the Minister of Finance in connection with the policy of the Government to occasion his resignation. He was in agreement with his colleagues as well in respect of their past as of their future policy, and only the exigencies of his own private affairs had induced him to withdraw. He felt he could not give to his own private business the attention which it urgently demanded, and at the same time bestow upon the important duties of his public office all the care they required. He would have avoided this step if he could, and though not in the Ministry, would continue to give them the benefit of his assistance.

**Hon. Mr. Letellier de St. Just** said he had been opposed to the scheme of Confederation, and had done what he could to prevent its adoption, but as it has become a *fait accompli* he considered it his duty to accept it and give such aid as might be in his power to enable it to work well. (Hear, hear.)

Hon. Mr. Sanborn said, that he was disposed to keep his feelings in abeyance until the results showed whether the congratulations of His Excellency were based on correct data. He (Mr. Sanborn) was one of the members of the late Legislative Council, who had opposed Confederation, not that he objected so much to the scheme itself as to the means employed for carrying the measure, but he fully concurred with other honourable members, that since the measure had passed and become the Constitution, it was the duty of every honest citizen to uphold it and to place no obstacle in its way. It would then be no fault of his if it did not work well. We were told by His Excellency that we had entered upon a new nationality, but we rather disliked the expression, and could not well see how we were a nation, since we lacked several most important national attributes. As to the defences, he agreed with some of the speakers, that we required a certain degree of organization wherewith to sustain our position, even as a quasi nation, but at the same time he feared we might be in danger of going too far. Yet he much desired that the Militia should be organized and made available, since in case of need it would be upon its substantial yeomanry, the country would have to depend, their all being at stake. There was an-

other subject to which allusion was made; he referred to the assimilation of the Bankrupt laws of the several Provinces. In the Province of Quebec, that law he believed had had its day and serious evils were now growing out of it. These laws needed not only assimilation, but in his opinion warranted the inquiry as to whether they needed to be continued at all. Some honourable members were very enthusiastic as to the resources of the Dominion, but he could not be blind to the fact that it had drawbacks as well. It had a drawback geographically in its shape and another of climate; still it was a fine country and with industry and good morals, could be made to yield happiness and plenty of inhabitants. He was pleased in the main with His Excellency's speech, and certainly admitted we had cause to congratulate ourselves on the peace and prosperity which prevailed. He joined in the hope that we would go forward, not downward, that we would gain strength not weakness, and that all factiousness and undue party spirit would be laid down. (Hear, hear)

The 1st paragraph was then put and passed, when on motion of Hon. Mr. Campbell, the resolutions as a whole were adopted. An address based thereon was passed and ordered to be presented to His Excellency by the members of the House who were members of the Government.

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## THE SENATE

Tuesday, November 12, 1867

The Speaker took the Chair at three o'clock.

After routine,

**Hon. Mr. Letellier de St. Just** enquired from the Government whether any arrangements were likely to be made this Session, for reporting the proceedings and debates of the House.

**Hon. Mr. Campbell** said in substance that it was a matter for the House itself to deal with.

A general conversation ensued on the subject when it became apparent that the sense of the House was favourable to the idea. The practice in New Brunswick was referred to by several speakers, and in the course of the discussion some sharp sparring took place

between Hon. Messrs. Mitchell and Hazen, the two gentlemen disagreeing in *toto* as to the propriety of employing reporters. Mr. Mitchell affirming its necessity and importance, Mr. Hazen denying both.

**Hon. Mr. Wilmot** proposed the appointment of a Committee to consider the whole subject, which was agreed to.

**Hon. Mr. McClelan** gave notice of inquiring on Thursday next, as follows: "Is the report correct that two gentlemen appointed to this Chamber from New Brunswick have declined acceptance of their seats, and if so, have those vacancies been filled, and by whom?"

**Hon. Mr. Wilmot** gave notice that on Thursday he would move that a Committee be appointed to inquire at what cost the debates of this Honourable House can be reported and printed.

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## THE SENATE

Wednesday, November 13, 1867

The Speaker took the Chair at 3 o'clock.

After the usual routine business the

**Hon. Mr. Campbell (Postmaster General)** introduced a Bill for "An Act for the Regulation of the Postal Service," which was read a first time.

### A CORRECTION

**Hon. Mr. Steeves** thought it but right to notice that in the newspaper report of yesterday's proceedings his name had been given instead of that of another honourable member and hoped the reporters would endeavour to avoid such mistakes in future.

(The error consisted in coupling Hon. Mr. Steeves' name with Hon. Mr. Mitchell's in the very brief report of a rather unpleasant discussion between the latter honourable member and Hon. Mr. Hazen. The reporter not being as yet conversant with the names of the Senators from Nova Scotia and New Brunswick had inquired from one of the employees of the House, and was misled—unintentionally no doubt. It was quite proper for Hon. Mr. Steeves to vindicate himself, and we are glad to be able to correct our inadvertent error.)

### STANDING COMMITTEES

On motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Blair**, the following Committees were appointed.

### CONTINGENT ACCOUNTS COMMITTEE

Messrs. Seymour, Macpherson, Dickson, Tessier, Armand, Hamilton (*Inkerman*), McCully, Dickey, McClelan, Mitchell and Christie.

### STANDING ORDERS AND PRIVATE BILLS

Messrs. Blair, Allan, McCrea, E. Duchesnay, Sanborn, Ferrier, Olivier, McCully, Ritchie, Botsford and Robertson.

### BANKING, COMMERCE AND RAILWAYS

Messrs. Hamilton (*Kingston*), Simpson, McDonald, Wilson, Ryan, Foster, Wier, Kenny, Wilmot and Walsh.

Before taking the vote on the motion for these Committees, **Hon. Mr. Skead** took exception to the non-representation of the Ottawa District on the list, and firmly expressed his opinion that its immense lumbering business entitled it to some representation. He did not ask to be put upon the Committee, but suggested that the name of the Hon. Mr. Hamilton, of *Inkerman*, should be added thereto.

**Hon. Mr. Campbell** said that as the Forests had been transferred to the Local Governments, it had not been thought particularly necessary that the Ottawa region should be specially represented, but at the same time was perfectly willing to add the honourable member's own name (Mr. Skead's) which was done.

The House then adjourned.

## THE SENATE

Thursday, November 14, 1867

The Speaker took the Chair at three o'clock.

After the presentation of petitions, and other routine,

### INQUIRY

**Hon. Mr. McClelan** inquired of the Government if the report that two gentlemen appointed to this Chamber from New Brunswick had declined acceptance of their seats was correct, and if so, had those vacancies been filled, and by whom?

**Hon. Mr. Campbell** answered that there were two vacancies for New Brunswick in the House, and they were about to be filled up.

### REPORTING THE DEBATES

A general conversational discussion again took place on the motion of **Hon. Mr. Wilmot** for a Committee to enquire at what cost the debates of the House could be reported and printed. Some honourable members favored the appointment of such a Committee; others

preferred leaving the matters in the hands of the Committee on Contingent Accounts, and by consent of the House the motion was amended so as to refer it to that Committee. It was then put and carried.

### MAILS TO THE LOWER PROVINCES

**Hon. Mr. Steeves** gave notice that he would inquire to-morrow of the Postmaster-General, whether daily mails were made up in this city for Nova Scotia and New Brunswick; if not how many mails were made up for those places each week, and by what route or routes they were sent.

### ADDRESS

**Hon. Mr. Campbell** moved for an Address to His Excellency praying him to communicate to this House, any royal instructions received by him respecting the passage of Bills by Parliament.

The honourable gentleman stated, it was desirable to have these instructions, together with the Union Act, printed with the new edition of the Rules and Orders of the House.—Carried.

The House then adjourned.

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## THE SENATE

Friday, November 15, 1867

The Speaker took the Chair at three o'clock.

Sundry petitions were presented, among others one from Arthur Harvey, author of a statistical work on British Columbia, which, on motion of Honourable Mr. Ryan, was referred to the Library Committee.

## CALL OF THE HOUSE

Pursuant to the orders of the day the Clerk proceeded to make a call of the House, when the following members answered to their names:

The Honourable Joseph Cauchon, Speaker; the Honourables, Messrs. Aikens, Allan, Anderson, Armand, Blair, Blake, Bosse, Botsford, Bourinot, Campbell, Christie, Crawford, Dickey, Dickson, Duchesnay (A. J.), Dumouchel, Ferguson, Flint, Guévremont, Hamilton (Kingston), Holmes, Kenny, Lacoste, Leonard, Leslie, Letellier de St. Just, Macpherson, McCrea, McDonald, Ryan, Sanborn, Seymour, Skead, and Wilson.

## ADJOURNMENT

**Hon. Mr. Christie**, previous to the putting of the motion for the adjournment of the House, suggested that as there was little at present to engage its attention, the adjournment should continue until Thursday next, the 21st instant.

**Hon. Mr. Macpherson** said the House ought to be careful not to create the impression that its presence was not required, or that business was not ready to be proceeded with. He had on former occasions suggested that more of the Government Bills might very properly be introduced into this branch of the Legislature, and in referring to His Excellency's speech, at the opening of Parliament, he found there were several which could originate here as well as in the other House. These Bills, whether introduced here or not, must be carried through by the members of the Government in it, and he thought it would greatly facilitate and expedite business, if the practice obtained of bringing in more of such Bills in the Senate. We ought not to be content to be a mere Court of Revision, and should aim at giving it a firm place in the confidence of the country. In his opinion we ought to remain at our post.

**Hon. Mr. Christie** said that the measures the honourable member named, with one or two exceptions, must of necessity originate with the other House, as they would affect the finances of the country, and as a general thing should be in charge of the head of the Department to which the particular interest they related to appertain. The House met day by day but to adjourn as it were. The delays caused by the debates on the Address in the Commons necessarily left this House without work, and it would always be so since that branch of Parliament invariably expended several days in this way—a fact for which this House was in no wise responsible. Then after the Address was passed the earliest bills introduced would at least take a week before they could get to their final stage and find their way to this House. If he saw there was any prospect of business, he would be the last man to propose a prolonged adjournment.

**Hon. Mr. Macpherson** maintained that while any member who had private business could at any time absent himself, it was an altogether different thing to close the House itself and could not but think such a course would injuriously affect its position and influence.

**Hon. Mr. Dickey** said he fully sympathized with the objection urged against the proposed adjournment. This House was as it were on its trial, and should not even seem to ignore what the country expected from it. Business might come, and it should be prepared to do it. The Address had now passed the other Branch, and no doubt several measures would immediately be submitted. It was not desirable to give parties sufficiently disposed to find fault with the opportunity of doing so with a semblance of propriety. The conduct of the House was in the hands of the Government, and it was for them to say whether the proposed adjournment should take place.

**Hon. Mr. Campbell** said it was for the House to decide the question. It was the place of the members of the Government to be here to attend to the business, but they could not always occupy the time. This lack of occupation at the commencement of the sessions had been always experienced in the Legislative Councils, and in all the Provinces alike. With reference to the measures foreshadowed in the Speech, and to which an honourable member had referred, with two exceptions they were of a character requiring their introduction in the Commons. And even where a Bill did not necessarily involve this, it was always much more proper and convenient that it should be presented by the Minister to whose

particular Department it related, as he had to give explanations and to receive suggestions, which could not be given or received by any one so well as by himself. The honourable member then named the measures adverted to in His Excellency's Speech, and argued that with the exception of the Postal Regulation Bill already introduced by himself, one on the Fisheries which his honourable colleague (Mr. Mitchell) intended to submit, and possibly one other, it would be either necessary or highly expedient that they should originate in the other Branch.

**Hon. Mr. Letellier de St. Just**—The Militia Bill was introduced into this House.

**Hon. Mr. Campbell**—Yes, just precisely for the reason he had alleged, that the Minister of Militia was then a member of it. There was some force in the argument that the adjournment proposed would show the House had nothing to do, and it would perhaps be as well to avoid making that impression, but their meeting day by day without doing anything would very likely have the same effect.

**Hon. Mr. Ryan** said there was some work to go on with, and quite enough to occupy the House meanwhile. There was one important measure, the Postal Regulation Bill, which he presumed the Postmaster-General was ready to proceed with. Then there was the subject of reporting the debates, which if not immediately attended to and the House adjourned would be found unsettled when it met again. There was a Committee on banking, commerce and railways, which was not fully organized; a Committee on the rules and orders of the House, and in fact there was something to be done to prepare the machinery for doing the work which would afterwards come before them. As the Government did not seem to wish it, he thought it would not only be impolitic to adjourn but a dereliction of duty.

**Hon. Mr. Tessier** said the adjournment would be a bad precedent, and if the reasons adduced prevailed they could be repeated with similar results at the commencement of every Session. The Senate desired to take a position which would command the respect of the country, but he thought this was not the way to do it. Then there were a number of members from a long distance who would be kept all their time entirely without occupation. Bills would immediately be introduced in the other House and distributed in this, and the members would have the opportunity of examining them and forming their own opin-

ions of their merits. But this House had at least one important measure before it, and he could see no reason why it should not be discussed next week. There were now four Ministers in the House, and if they each brought one measure at an early date the House would soon have work enough to do.

**Hon. Mr. Mitchell, (Minister of Fisheries,)** wished to say that although he intended to bring in a Bill to establish as far as possible a uniform system of dealing with the fisheries in the several parts of the Dominion he could not engage to do so during this short part of the Session, and he believed that when he had stated his reasons for this delay the House would entirely concur in their reasonableness. The jurisdiction of his Department extended over thousands of miles of sea coast in three Provinces, and for other thousands of miles in the interior, and as he had had but a few weeks after the elections to prepare himself for his onerous duties, it was hardly to be expected, he should be prepared to bring in so early a well considered measure of the kind proposed. His subordinates were busily employed in collecting the information necessary to enable him to deal with the subject, but there was a great deal to be done before safe conclusions were arrived at. Then there was the Marine Branch of his duties which involved the need of much attention and thought before the great interests it had to deal with could be thoroughly understood, and if possible harmonized in the Provinces of Nova Scotia, New Brunswick and Quebec. Different laws respecting lights had obtained in these several countries. In Canada, they were free, whereas in the other Provinces, the cost of their maintenance was chargeable upon the mercantile interests specially affected. The question to be considered was whether the old Canada system should be adopted for the Dominion, or that of one of the Maritime Provinces. Then also there was the subject of Marine Hospitals and other such places of refuge for sailors, which in the different places he had named were managed differently, and regulated by different laws. He was now in communication with the Collectors of Customs and Boards of Trade for the purpose of obtaining information, and was daily receiving replies to the many questions he had proposed, from which he hoped to derive much assistance in framing the measure contemplated. His honourable colleague (Mr. Campbell) had stated reasons why Bills should be introduced in the Chamber, to which the Minister belonged whose Department had to deal with the matters legislated

upon, and from what he himself had just now stated, he thought the House would see the great inconvenience of having the measure submitted by others than themselves. As to the adjournment he could not see its propriety. The honourable Minister urged several reasons against it and sat down.

**Hon. Mr. Allan** was sure from what he knew of the great ingenuity of the Postmaster-General that he would manage to leave the matter in the hands of the House. (Hear, hear.) For his part he thought it would be a wrong step. The Militia Bill before referred to, and subsequently a Fishery Bill, were brought into the Legislative Council, and left over until the ensuing session, to give the members and the country ample time to consider them. He hoped the Honourable Minister of Fisheries would not bring his proposed measure late, but that there would be every opportunity of dealing with it carefully.

**Hon. Mr. Mitchell** said he proposed bringing it in at the commencement of the second part of the session, which would probably be late in February or at the commencement of March.

**Hon. Mr. Wark** said honourable members should keep at their post until the answers to the Address were passed and presented. Communications with His Excellency were not supposed to be open, but now as this had been done the House might at any moment receive important messages which would require attention.

**Hon. Mr. Christie** withdrew his amendment, or rather stated he had only made a suggestion.

The House then adjourned (as usual) to meet again on Monday at three o'clock.

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## THE SENATE

Monday, November 18, 1867

The Speaker took the Chair at three o'clock.  
After routine,

### INQUIRY

**Hon. Mr. McClelan** inquired whether any action had been taken by the Privy Council towards the reconstruction of the Lighthouse on the Beacon Bar, in the harbor of St. John.

**Hon. Mr. Mitchell** replied that the plans sent on not having been satisfactory, Mr. Page, Chief Engineer of the Board of Works, would be sent down to examine the place and report.

### NOTICES

**Hon. Mr. Tessier** gave notice that on Wednesday next he would enquire of the Government,

1st.—If a Bill respecting the construction of the Intercolonial Railway would be introduced during this first part of the Session.

2nd.—If the selection of the route would be left to the decision of the Parliament of

Canada, or only to the Executive Council, subject in either case to the approval of Her Majesty's principal Secretary of State. The same honourable member also gave notice that he would at the same time move for copies of all reports, papers and correspondence, respecting the Intercolonial Railway since last Session.

**Hon. Mr. McCully** gave notice that he would inquire

1st.—Whether the Cunard Steamer Service in connection with Halifax, N.S., was to terminate with the current year, if not, what arrangements existed for its continuance, and up to what period.

2nd.—Whether, and what measures are to be proposed to be taken by the Government to open up a line of Steam Navigation between this Dominion and the British West India possessions.

3rd.—Whether the Executive Government of Canada have committed to them the power to initiate negotiations or to entertain negotiations submitted for the renewal of the Reciprocity Treaty with the United States.

The House then adjourned.

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## THE SENATE

Tuesday, Nov. 19, 1867

The Speaker took the Chair at three o'clock.

After routine,

**Hon. Mr. Steeves** inquired whether a mail for Nova Scotia and New Brunswick was made up each day? If not how many mails for those places were made up each week, and by what route or routes they were sent?

**Hon. Mr. Campbell** replied that mails for those places were made up every day, and forwarded by way of Portland; and also that another daily mail was sent by way of Madawaska.

### NOTICES

**Hon. Mr. Dickey** gave notice that he would inquire on Thursday next whether the Executive Government intended to propose a measure for opening water communication between the Gulf of St. Lawrence and the Bay of Fundy?

**Hon. Mr. Aikins**, on the same day, if under the provisions of Cap. 52, clause 427, sec. 3 of 29 and 30 Victoria, Statutes of Canada, any extra number of copies of the Municipal and Assessment Acts have been printed and distributed, as therein provided, and if not why not?

**Hon. Mr. Locke**—That he will ask the Government whether or not it is their intention to extend the system of bounties to the fishermen throughout the Dominion, and if so at what time such system is to come into operation; and further, in what manner such bounty (if granted), is to be apportioned, whether in the tonnage engaged in the fisheries, or on the quantities of fish caught.

**Hon. Mr. Anderson**—Will enquire

1st. Under what terms are the notes of the Dominion issued by the Bank of Montreal?

2nd. Is a commission allowed the bank? If so, at what rate per annum?

3rd. Will the Government be willing to allow the banks of the Maritime Provinces to issue Dominion notes on the same terms as those extended to the Bank of Montreal?

4th. Does the Bank of Montreal, respond the Dominion notes in specie at the various branches throughout the Dominion, as well as at the parent institution, or must the notes be presented for payment at the place of issue?

5th. Is interest allowed by the Bank of Montreal on balances at the credit of the Dominion; if so, at what rate per annum?

6th. What rate of interest is charged by the Bank for advances made on account of the Dominion?

## THE SENATE

Wednesday, November 20, 1867

The House opened at three o'clock.

An informal debate opening up in reference to the occupation by strangers of the gallery set apart in the House of Commons for the members of the Senate, it appeared in the course of the conversation, which lasted some time, and which became somewhat spicy, that the place in question had been at times filled by persons admitted by members of the Senate themselves, to the inconvenience of other members. After a good many suggestions it was resolved, on motion of **Hon. Mr. Campbell**, that hereafter room be kept in the said gallery for members of the Senate and that the Speaker of the House of Commons be requested to issue tickets representing the additional seats; said tickets to be placed within the hands of the Speaker of this House, and by him distributed to the members on application.

Sundry petitions were presented, among them one by **Hon. Mr. Flint**, from certain inhabitants of Belleville, praying for the establishment of a Local Bank.

**Hon. Mr. Campbell** submitted the return to an address praying for a copy of the Royal instructions sent to His Excellency respecting the passage of Bills by Parliament.

A message was reported from the House of Commons, brought by **Messrs. Mackenzie and Young**, naming the Printing Committee of that House, and requesting that the Printing Committee of this Senate should co-operate with their Committee during the Session—as a Joint Committee.

On motion of **Hon. Mr. Campbell**, the Printing Committee of the Senate was directed to do so.

**Hon. Mr. Wark** gave notice that on Friday next he will move that an humble address be presented to His Excellency the Governor-General, respectfully requesting that His Excellency will cause to be laid before this House, copies of the correspondence which has taken place between Her Majesty's Imperial Government, the Government of the late Province of Canada, the Government of this Dominion, and the Hudson's Bay Company, relative to the claims of that Company to the North-West Territory, and the transfer of such claims. Also copies of reports of

explanations made under instruction from either of the aforesaid Governments, with the view of opening up communication with the said territory, and more especially with that part of it known as the Red River Settlement, and any estimates which have been prepared of the cost of opening such communication.

### INTERCOLONIAL RAILWAY

In reply to the **Hon. Mr. Tessier's** inquiries,

**Hon. Mr. Campbell** said it was the intention of the Government to introduce a Bill respecting the Intercolonial Railway during the first part of this session. That the route must first be approved of by the Imperial Government before the money necessary for its construction can be obtained. After survey the Government of the Dominion would submit their recommendations to the Imperial Government.

**Hon. Mr. Tessier** then said with regard to the motion praying for reports, papers, and correspondence relating to the Intercolonial Railway since last session, that as a similar one had been made in the other branch, to avoid the double expense, he would withdraw his own. As a Bill was to be introduced he hoped, however, that all the papers necessary to an intelligent apprehension of the merits would be supplied. He would not now occupy the time of the House in speaking about the route the road should take, but would say that it was a vitally important point. If a mistake were made in this matter, it could not afterwards be remedied, and it was not perhaps too much to add that upon the wisdom of the choice of route might very largely depend the prosperity of the Union.

**Hon. Mr. Campbell** said the papers would be supplied at an early day.

**Hon. Mr. Ryan** gave notice that on Monday, 25th instant, he will move to inquire whether it is the intention of Government to include in the estimates to be laid before Parliament this session amounts equal to one half of the usual grants to charitable and literary institutions, so as to prevent them from suffering loss in consequence of the recent change in our form of Government; these institutions having hitherto received grants for the year terminating December 31st, and the Local Governments only having come into existence on the 1st of July last.

### CUNARD STEAMERS

**Hon. Mr. McCully** rose to propose the inquiries of which he had given notice. 1st,

whether the Cunard steamboat service in connection with Halifax, Nova Scotia, is to terminate this year, and if not, what arrangements exist for its continuance, and up to what period.

And in rising to make these inquiries, he would take occasion to say that it was now nearly 30 years since the service in question had commenced, and it was not therefore surprising that the people of the Maritime Provinces should feel a deep interest in knowing whether it was to continue. They were largely interested in shipping, and their sails might be said to whiten every sea. The service of these steamers had been so punctually performed, that the arrivals of the vessels might almost be calculated to the hour, and by these means, and the improved land communications, the owners could receive intelligence of the whereabouts of the ships, and what they were doing. But a report had got abroad, he did not know how, that the contract had expired, and the service was soon to cease. Such an impression had certainly got abroad, and he hoped that Ministers would be able to answer, and set the fears at rest.

**Hon. Mr. Campbell** replied that the service in question was not under the control of the Government of the Dominion, but they had been informed by the Imperial Post Office that so far as Liverpool and New York were concerned, it would cease at the end of this year. It would, however be continued with Halifax until the 30th June next, by which time the Government of the Dominion hoped and intended to have arrangements perfected for its perpetuation (hear, hear).

#### TRADE WITH THE BRITISH WEST INDIES

**Hon. Mr. McCully**, with reference to his next enquiry, said that not long ago a delegation had been sent to the British and other West Indies, to inquire into the feasibility of expanding the trade of the now United Provinces with those Islands, and the Commissioners had made an elaborate report, but he had not heard that any action had been taken upon it. He hoped, however, that a line of steamers with those islands would be established at an early day. He knew that since then the Government had many important subjects to occupy their attention. This subject excited a deep interest in the Maritime Provinces, and if steamers were put upon the route he had no doubt a very large and

profitable business would be done. He would be gratified to hear that it was the intention of the Government to take the matter in hand and to prosecute it with vigor. The honourable member then asked, whether any and what measures are proposed to be taken on the part of the Government to open a line of steam navigation between this Dominion and the British West India possessions?

**Hon. Mr. Campbell** said that no measures had yet been taken to establish such a line of steam communication, and for the reason that the Government could not do so without any appropriation of money by Parliament, which could not be made until this session. It was now proposed to ask Parliament for an appropriation for carrying the mails to those Islands, and the Government would then have power by way of subsidy to encourage the establishment of the line. After the return of the Commissioners two weekly mails had been established, and they were still subsisting. With the new powers which the Postal Bill would confer, he hoped a better communication with the British West Indies would be arranged and maintained.

#### RECIPROCITY

**Hon. Mr. McCully** then inquired whether the Executive Government of Canada have committed to them the power to initiate negotiations or to entertain negotiations submitted for the renewal of a Reciprocity Treaty with the United States of America? In proposing this question the honourable member said, he had understood that some time before the termination of the Reciprocity Treaty power had been conferred upon the Government of Canada to treat with the American Government, either directly or through the Ambassador at Washington, for its renewal. That Treaty while in existence had been mutually beneficial to the several countries interested, and its renewal was generally desired. If the Government had not the power in question it seemed desirable that they should take measures to acquire it. He did not know but that he was treading upon forbidden ground, for he was aware that the treaty making power was a prerogative of the Crown, yet he hoped it was not impossible for the Crown to confer upon the Government of the Dominion the facilities necessary to obtain a renewal of the Treaty. The Lower Provinces had carried on a large and always increasing business with the United States, under it exporting thither coal

and fish, which found a ready market. Since then the coal trade, especially, had been greatly contracted. bags with mails for St. John and Halifax were now made up.

**Hon. Mr. Campbell** said the honourable member had to a certain extent answered his own question. The Government of Canada had not the power to treat directly with the United States for the renewal of the Reciprocity Treaty, but they had the power through the British Minister at Washington to approach the subject, and thus to initiate negotiations. This power had been given to Canada by certain despatches from the Colonial Minister, which he now held in his hand, and it still continued valid.

In answer to a question not on the paper, the Hon. Mr. Campbell also said that separate

#### POSTAL REGULATION BILL

**Hon. Mr. Campbell** moved that the order for the second reading of this Bill be discharged. Some delay in translating and printing had occurred, which had prevented his laying it upon the table before. He hoped to do so to-morrow or next day so that it might be in the hands of honourable members a few days before it was brought up; the second reading might be fixed for an early day next week.

The House then adjourned.

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## THE SENATE

Thursday, November 21, 1867

The Speaker took the Chair at three o'clock.  
After routine,

### CANAL BETWEEN THE GULF AND BAY OF FUNDY

**Hon. Mr. Dickey** inquired whether the Executive Government intended to propose a measure for opening water communication by Canal between the Gulf of St. Lawrence and the Bay of Fundy?

The honourable member would take occasion to say that this project was of the greatest possible importance to the trade of the country, and if accomplished would save not less than one dollar per ton on the freight of coal to Boston, besides resulting in great general benefit to other interests.

**Hon. Mr. Campbell** said the Government were fully aware of the importance of the subject, but were not in possession at present of sufficient information to warrant their undertaking such a work. The honourable member might be sure, however, that it would receive the consideration of the Government.

### FISHERY BOUNTIES

**Hon. Mr. Locke** inquired whether it was the intention of the Government to extend the system of bounties to fishermen throughout the Dominion, and if so, at what time such system was to come into operation, and further in what manner such bounty (if granted) is to be apportioned, whether on the tonnage engaged in the Fisheries, or on the quantities of fish caught?

In putting the inquiry the honourable member stated that the fishermen commenced in March to make preparations for their season's business, and it was therefore important, they should be informed as early as possible of the intention of the Government in these respects, so as to enable them to shape their course prudently. The honourable member was proceeding, when

**Hon. Mr. Sanborn** rose to a question of order, and said that according to the rules of the House, which had been accepted upon the opening of Parliament, honourable members putting questions to the Government were expected to confine themselves strictly to the letter of such questions, unless an explanation were found to be needed.

A Constitutional debate followed in which the past practice of the Legislative Councils of the several Provinces, as also of the Imperial Parliament was referred to. Several authorities were quoted, and the result of the discussion seemed to be a general conviction that it would be inconvenient to allow of prefaces to questions or reasons, and opinions after stating them, as these would inevitably lead to the statement of counter opinions by other members, and to long debates. The Chair being mentioned the Speaker gave his opinion on the subject in the sense above stated.

**Hon. Mr. Mitchell** then replied to the questions to the effect that the statements he had made on a previous occasion, supplied, as he conceived, a full answer to the inquiries of the honourable member. He had then stated that as soon as possible after the recess he would bring up a measure to regulate the fisheries of the whole Dominion, in which the subject of bounties, and several other important interests, would be dealt with. He thought that on that occasion the House had been satisfied with his explanations, and with the impossibility there was of his having the varied information necessary to enable him to deal with the matter sooner. He could only reiterate his assurance of introducing the measure in the first days of the second part of the Session.

### GOVERNMENT ARRANGEMENT WITH THE BANK OF MONTREAL

**Hon. Mr. Anderson** inquired—

1st.—Under what terms are the notes of the Dominion issued by the Bank of Montreal?

**Hon. Mr. Kenny** replied that according to the provisions of the Act for the issue of Provincial notes the Bank of Montreal was entitled to receive 5 per cent on the actual amount of its circulation withdrawn, as compensation for surrendering its power to issue notes, the circulation being established by Returns dated 30th April, 1866.

2nd. Question—Is a Commission allowed to the Bank, if so at what rate per annum?

**Answer**—The Bank receives a Commission of  $\frac{1}{4}$  per cent every three months upon the average amount of notes in circulation, as compensation for the issue and redemption thereof.

3rd. Question—Will the Government be willing to allow the Banks of the Maritime Provinces to issue Dominion notes on the same terms as those extended to the Bank of Montreal?

**Answer**—The Act to provide for the issue of Provincial notes does not extend to the Maritime Provinces.

4th. Question—Does the Bank of Montreal respond the Dominion notes in specie at the various Branches throughout the Dominion, as well as at the parent institution, or must the notes be presented for payment at the place of issue?

**Answer**—The Provincial notes are redeemable in specie at Montreal and Toronto only.

5th. Question—Is interest allowed by the Bank of Montreal in balances at the credit of the Dominion; if so at what rate per annum?

**Answer**—The balances at the credit of the Government at the Bank of Montreal do not bear interest, as they are daily subject to the cheque of the Receiver General.

6th. Question—What rate of interest is charged by the Bank for advances made on account of the Dominion?

**Answer**—The rate of interest on loans to the Government is the subject of arrangement from time to time between the Government and the Bank.

#### MUNICIPAL AND ASSESSMENT ACTS

**Hon. Mr. Aikins** inquired if any extra copies of these Acts had been printed and dis-

tributed, as therein provided, and if not why not?

**Hon. Mr. Campbell** replied that they had. Three copies had been sent to each municipality, and one to each Member of Parliament, besides which two hundred copies had been printed and distributed through the Attorney-General's office.

**Hon. Mr. Aikins** said that he and another member present had not received their copies.

**Hon. Mr. Bureau** moved that when the House adjourns it stands adjourned until Monday next. This would afford members from the Lower Provinces the opportunity of travelling round a little, and acquainting themselves with the country.

**Hon. Mr. Tessier** said that if the members adverted to desired such an adjournment he would gladly vote for it, but as no one had expressed such a wish, it was, he thought, the duty of the House to continue its sitting.

Other members expressed the same opinions, and the **Hon. Mr. Bureau** withdrew his motion.

The House then adjourned.

## THE SENATE

Friday, November 22, 1867

THE PARLIAMENTARY PRACTICE  
IN REGARD TO MAKING  
INQUIRIES FROM  
THE GOVERNMENT

**Hon. Mr. McCully** rose to move an adjournment. (This motion was made for the purpose of bringing up the question as to the practice to be observed in making inquiries from the Government.) The honourable member stated that it would be advantageous to the House generally to know whether in proposing questions to the Government, the party submitting them was at liberty to preface such enquiries with explanations and reasons, or to follow them with such remarks as he might deem necessary to put the Government and the House in possession of the true merits. He brought this subject up in consequence of the question of order which was raised, and he had no doubt honourable members generally would be glad to have a clear and definite understanding of what was the correct practice. For this purpose he thought that, as this House professed to be to a great extent guided by the customs and usages of the Imperial Parliament, the best way would be to refer to the course usually pursued in both the Lords and Commons. He would, however, take the liberty to say that in a matter of this kind, it was expedient to look rather to the practice obtaining than to the letter of the Rules. Now he found in the London *TIMES* for the year 1857—he had not been careful to select any particular year—that instead of the cast-iron system which some honourable members of this Senate seemed desirous of following, the exact reverse was the case in the House of Lords, and that not only in asking questions, but in presenting petitions, the members referred to the merits of the subjects, stated the contents and gave collateral reasons. Nor was this liberty confined to matters which touched the personal interest of the speakers, but to things of general public importance, things affecting the welfare of the realm. There he also found that in replying to such inquiries the Ministers did not confine themselves to brief forms, but went largely into particulars, and in fact answered in the most liberal manner, always excepting of course, when to do so would in their opinion be prejudicial to the interests of the State. Nor did the questions and replies end there, for other members regarded themselves as at perfect liberty to

state their opinions, and it not unfrequently happened that the debates were continued until the subjects were fully exhausted. Turning over the volume of the *TIMES* which was before him, the honourable member said, there was a debate upon the conduct of the Earl of Cardigan during the Crimean war which lasted for some time. On the 11th May, the Earl of Albermarle presents a petition and accompanies it by half a column of explanations. On the 18th of the same month, the subject of St. James' Park was brought up on a simple question of the Earl of Malmesbury, and two or three other noble Lords expressed their views. But he (Mr. McCully) had a case yet much more in point. On the 28th of May Lord Dungannon called the attention of the Bishop of London to the practice of preaching in Exeter Hall, which had been recently introduced, and asked that prelate whether it was intended to continue these services. His Lordship replied that although the inquiry was not in order, he would very readily answer it, and then proceeded to speak a quarter of a column, Lord Kennan and the Archbishop of Canterbury then spoke, but some exception being taken to the regularity of the proceeding, Lord Campbell moved that the Archbishop be allowed to speak, and then the matter more fully discussed. Now, he (Mr. Campbell) thought it was unnecessary for him to produce any more instances, but the reports in the *TIMES* were full of them, and he could multiply them *ad infinitum*. Now, he would be sorry that this House should adopt a more stringent rule in respect to their proceedings, than was followed in the Chamber to which this House was generally supposed to look as a model for its own guidance. If the liberty or license allowed in that place were not regarded as objectionable, he hardly thought it should be considered objectionable here. He would now move that this House do now adjourn.

**Hon. Mr. Bureau**, in French, said that in point of fact the practice of the House of Lords as indicated by the remarks of the honourable member who had just sat down, was very much that which has obtained in the Legislative Council of Canada in past times. If the Government were disposed to answer the questions of which notice had been given they took counsel together, and came prepared to do so. If a discussion was desired, it was for the House to say whether or not it should be allowed, and if then it proceeded too far any honourable member was quite at liberty to ask an application of the rule. He had, however, at

times, regretted the rigor of the rule, for surely the House had a right to ask any questions it chose, and to expect all the information the Ministers might feel at liberty to communicate. The Senate constituted the large inquest of the country, and as such should be considered at liberty to inquire into all matters of public interest. In his opinion it was better to follow the usage prevailing in the Lords of which the House had now had good samples in the instances produced by the honourable member (Mr. McCully).

**Hon. Mr. Blair** said he desired to draw the attention of the House to one simple consideration, which would, he thought, show the inconvenience of the practice recommended by the honourable member (Mr. McCully). If in putting a question, the honourable member doing so should be at liberty to go fully into the subject, he would probably state views and opinions to which other honourable members would take exception, and they of course would expect to be allowed to reply. Thus long discussions would be introduced, and the House would never get at the standing orders. The case of the Earl of Cardigan was an exceptional one. His personal honour and courage had been called in question, and it was right he should have the opportunity of vindicating himself. But it would hardly be expected that the conduct of affairs should be left in the hands of honourable members.

**Hon. Mr. Hazen** thought that the decision arrived at yesterday was the correct one and should be respected. The cases produced by the honourable member were altogether exceptional and if it were necessary he (Mr. Hazen) would undertake to prove that in nine out of ten cases when questions were proposed to the Government in the Imperial Parliament no discussion whatever took place. From what he had himself witnessed there he could assert that the practice was question and answer, and nothing beyond that. If questions of all sorts could be brought up and speeches of two or three hours allowed, it would not be possible to proceed with the real business. Then, if only the member who propounded the inquiry and were at liberty to speak, other members would consider themselves unfairly treated, and with reason. All things considered he held it was better to abide by the rules.

**Hon. Mr. Botsford** said he had had no opportunity yesterday of presenting a few remarks, as he had intended to do, upon this subject, in consequence of the Chair having

been appealed to for a decision. There appeared, however, to be no express rule bearing upon the case, and the Senate was therefore left to govern itself by the practice of the Imperial Parliament. When the point of order was raised his honourable friend (Mr. Locke) was, as he (Mr. Botsford) believed, perfectly in order, for he was simply giving a reason for asking the question whether the Government intended to extend the system of bounties to the fishermen of the Maritime Provinces. If he had gone into an elaborate argument as to the propriety of extending such bounties it might have been held that he was encroaching, but he was merely stating that as arrangements for the next season's fishing were always made early in March, it was important they should know whether or not it was probable the system of bounties would be extended to them. To satisfy his own mind as to the practice of the House of Lords he (Mr. Botsford) had turned to Hansard and found half a dozen cases which would prove that it was not in questions of personal honor as in that of the Earl of Cardigan that explanations were permitted, and he would now adduce them. The first was on June 6th of this year, when Sir Andrew Agnew rose to ask the Secretary of War whether by the warrant of July 1, 1848, as well as by the Horse Guards Circulars of April 15, 1862, the troops engaged in repelling the Fenian raid in Canada, June 1866, were not fairly entitled to receive three month's extraordinary field allowance, instead of one month's allowance which had been issued, and the speaker went on to give his views to the extent of a column without being called to order. On June 7th Sir John Gray rose to call attention to the distress, which, according to communications which had reached him, now prevailed in the Western portions of Mayo and Galway, and made a speech of a column and a half. Lord Naas replied at considerable length, the report of his speech occupying four columns, after which Mr. Brady spoke some time. The honourable member produced five or six other cases, all equally pertinent to the question, and said that they were all on matters of public importance, and if proper he could go on multiplying them, but he presumed those presented would be sufficient. They all went to show that great liberties were allowed in the Imperial Parliament in matters of this kind, and he was sure the rigid rule advocated by some honourable members would be attended with very great inconvenience. And he would ask what interest the public could be expected to take in the proceedings of the Senate, if the

members were bound down to simple questions and answers—such answers for instance as the Hon. Receiver General had given to the honourable member for Halifax (Mr. Anderson). Such a course he was persuaded would greatly lessen the influence of the House, and he hoped it would not be insisted upon. As had been seen in both the Lords and Commons, the members were allowed ample liberty, and he trusted the Senate of Canada would follow their example.

**Hon. Mr. Blair** said that after all it would make very little difference even if the Bill was adopted and rigidly applied, for honourable members by putting their questions in the form of resolutions, could always have them debated.

**Hon. Mr. Hazen** again spoke, and reiterated his opinion of the necessity for the rule. It was more wearisome to listen to long speeches than to have nothing to do. Let the rule be preserved, and then if any necessity arose for explanations in proposing inquiries, the member who did so could ask the indulgence of the House, which would, no doubt, be extended to him.

**Hon. Mr. Campbell** said that the rule in the Imperial Parliament was just as absolute as that which had existed in this branch of the Legislature in Canada. But it was equally evident that when explanations were needed to make the inquiry understood, they were always permitted. The honourable members who had taken such pains to get up instances, had only looked at the side which favored their opinion, and had altogether overlooked the decisions of the actual point of order when it had been brought up. Now he would venture to say those honourable members could not find a single instance in which, when the point of order had been raised, it was not decided that such explanations, reasons and arguments, before or after proposing questions, were out of order. It was easy enough to find exceptions, but all they could prove was that the rule was occasionally transgressed without the point of order being raised. It was thus that irregularities were multiplied and gained force. Now he (Mr. Campbell) had looked up a few cases in respect of which the rule had been invoked, and in every single instance, both in the Lords and Commons, the decision had been against the parties attempting to speak at such times. The Hon. Postmaster-General then cited five or six such cases, in which the appeal to the rule had been followed, as stated, by a prompt

decision, that the remarks were out of order. Mr. Campbell, however, said he had no doubt that if an honourable member deemed it essential to give reasons for any inquiry he had to make, the House would always be willing to hear him—unless indeed, this happened too often. He (Mr. Campbell) then referred to the allusion of an honourable member (Mr. Botsford), to the questions proposed by another honourable member, (Mr. Anderson), on Friday last, and to the nature of the replies, which he seemed to have regarded as unsatisfactory. But he (Mr. Campbell) could not see that the said questions admitted of fuller or clearer answers. Categorical questions of this sort could only be answered in the same way, and he considered that on the occasion referred to, the queries of the honourable member (Mr. Anderson), had been fully and fairly met. (Mr. Campbell here went over each of the questions and answers, and insisted that it would have been impossible to give other replies. They were direct and logical, and no fault could properly be found with them.)

There were then some allusions on the part of two or three members, to the question relating to the rate of interest paid to the Montreal Bank on advances to the Government, which it was contended was not sufficient.

**Hon. Mr. Anderson** said he desired to know what the average rate per annum of such interest was, and contended it could easily have been stated.

**Hon. Mr. Wilmot** stated a case in the House of Commons, which had occurred on an evening when he had gone there expecting to hear an important debate on currency and banking; but a Mr. Pym had questions to ask relating to the conveyance of the mails, and although he was entreated by several members to give way, he would not, but spoke for an hour or more, and was not called to order.

**Hon. Mr. Sanborn** wished it to be distinctly understood that when he had raised the point of order, he had no personal objection to the remarks the honourable member who was then on his feet was making at the time; in fact that honourable member had departed less from the rule than the gentleman who had preceded him. But as he had observed that it was becoming the practice to speak on such occasions he had thought it only right to have the point decided. It was no doubt true that much irregularity was permitted, but to make

the exception the rule, and the rule the exception, as some honourable members seemed to desire, could hardly be allowed. While a liberal indulgence might sometimes be granted he conceived that the rule was none the less necessary. The honourable member went on at a considerable length, contending that for its own protection the House should have the privilege of appealing to the Chair if it conceived that undue license was taken.

**Hon. Mr. Locke** said he was glad the honourable member (Mr. Sanborn) had raised the question, as he had come from a Parliament where the rules were not so rigid, and it was therefore proper that the members from the Maritime Provinces should understand what was the practice. He conceived, however, that it would not be sound policy to demand a very strict adherence to these rules, as there would arise cases when it would be very desirable that both the House and the Government should have fuller explanations than could be embodied in a mere question.

**Hon. Mr. Steeves** said in his opinion the honourable member opposite (Mr. Locke), who had inquired from the Minister of Fisheries whether the system of fishery bounties would be extended to the Lower Provinces had in no wise transgressed the rules when, while explaining his reasons, he had been interrupted by the honourable member from Sherbrooke. The rule which applied to the matter was in the following words: "In putting any such question no argument or opinion is to be offered, nor any facts stated, except so far as may be necessary to explain such questions." Now the only remarks of the honourable member were in explanation of the very question he was putting to the Government, and were quite in accordance with Parliamentary practice as laid down in the authorities. No doubt it would be extremely inconvenient to permit of speeches and arguments involving answers from members holding different opinions, but to make simple

explanations was not only admissible, but was often necessary in order to elicit satisfactory replies, and moreover it was justified by immemorial usage.

**Hon. Mr. Tessier (ex-Speaker L.C.)** said that the Rule followed in the Canadian Legislative Council was similar to that of the Imperial Parliament, and no debates were allowed upon questions proposed to the Government. It was, no doubt, true that in certain cases explanations at some length were permitted, but it was only by the indulgence of the House. In referring to precedents it was found that when a member was called to order upon this point, the Speakers of both Houses of the Imperial Parliament maintained the rule, and the case cited from the London *TIMES* by an honourable member were altogether exceptional. Mr. May in his Parliamentary practice put it very forcibly that "questions should be put in a manner which does not involve opinion, argument or reference." This rule had been strictly followed during the four years he (Mr. Tessier) had the honor of occupying the Chair of the Legislative Council of Canada, and he hoped it would be maintained in the Senate, otherwise debates of a desultory character would be pretty sure to take place on the questions which honourable members might have to propose to the Government.

**Hon. Mr. Mitchell** again repeated the information he had already given in regard of the time necessary for the preparation of a satisfactory Bill on the Fisheries, and hoped it would be placed in the hands of members in sufficient time to serve the purposes of the Fishermen of the Lower Provinces. The honourable member then proceeded to remark upon the allusion of an honourable member (Mr. Botsford) to the replies given to Honourable Mr. Anderson's questions, characterizing such allusion as unkind and uncalled for.

The House then adjourned.

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## THE SENATE

Monday, November 25, 1867

The Speaker took the Chair at three o'clock.

After routine,

**The Hon. Mr. Ryan**—inquired

Whether it is the intention of Government to include in the estimates to be laid before Parliament this session amounts equal to one-half the usual grants to Charitable and Literary Institutions, so as to prevent them from suffering loss in consequence of the recent change in our form of Government, those institutions having hitherto received such grants for the years terminating December 31st, and the Local Governments only having come into existence on the 1st of July last.

The honourable gentleman, in making this inquiry, stated that he knew not exactly how, but in some way or other the grants to these institutions did not extend beyond the 31st December, 1866, and unless provisions were made in the estimates of the Dominion Government for their relief, he believed that an actual loss, upon the customary annual aid would be suffered, which he felt sure was not even contemplated by the Government of the late Province of Canada. He had been told that these institutions had actually made their arrangements upon the supposition of having a certain sum to command—a certain sum upon which they honestly depended, and which if they did not get would, in a pecuniary point of view, cause them more than ordinary inconvenience. It was indisputable that a loss, however arising, had been sustained, which, whether rightly or wrongly conjectured, seemed to have grown out of the disruption of the late Government of Canada into the Local Governments of Ontario and Quebec, and he thought that some provision in the estimates of the Government of the Dominion might be made to cover it.

**Hon. Mr. Campbell** considered it possible that there had been some mistake with regard to the six months' loss, and which the charitable and literary institutions supposed they had sustained. The last vote of grants to these

bodies were designed to cover everything to 1st July, 1867, and not merely a provision made to 31st December, 1866, as had been seemingly inferred. It was possible that a loss had been sustained but if it were so, it could only have occurred from the change made in the fiscal year, from 1st January to 1st July, which took place not very long before the inauguration of the Union, up to which time it assuredly had been the intention of the Government of the late Province of Canada to make full provision in grants by Parliament as aids to literary and charitable institutions, as in other matters. However, should it be fully ascertained that a loss had actually been sustained the Government of the Dominion would make representations to the Local Governments with the view, if possible, of supplying the deficiency.

As the motion for adjournment was about to be put, **Honourable Mr. Botsford** inquired of the Honourable Postmaster-General whether he had not promised to bring up the Postal Regulation Bill for a second reading to-day.

**Hon. Mr. Campbell**—No. The honourable gentleman will see that it is not on the paper. The second reading had been fixed for to-morrow, not to-day.

**Hon. Mr. Steeves**—Yes; but if he remembered rightly, the Honourable Postmaster-General had promised to have the Bill ready for the use of members some days before it should come up for a second reading, with the view of affording honourable members the fullest opportunity of examining it, and making themselves acquainted with its provisions and details before they should come up for discussion in the House.

**Hon. Mr. Campbell** had hoped to have been able to have done so, and with that view every exertion had been made. The translation into French had occupied more time than had been supposed, although it was now two-thirds through, and such progress had been made as would, he hoped, enable him to lay it before the House in both languages to-morrow. He believed the English copies would be circulated among members in the morning, and the French copies in the afternoon.

The House then adjourned.

## THE SENATE

Tuesday, November 26, 1867

The Speaker took the Chair at three o'clock.

After routine.

### REPORT OF PRINTING COMMITTEE

**Hon. Mr. Simpson** brought up the second Report of the Joint Committee on Printing, and after explaining that the printing for both Houses of the late Legislature of the United Provinces of Canada had been taken under contract by Messrs. Hunter, Rose & Co. at a very moderate price, and for a period expiring on 1st January, 1870; that the work had been satisfactorily performed, and also that the prices for paper furnished and the binding done had been equally satisfactory. As these contracts only expire on 1st January, 1870, although the Parliament of the Dominion might not consider itself legally bound to recognize them, yet as the services were rendered at prices which in the opinion of competent judges were extremely moderate, the Committee recommended that the House should charge itself with the obligation of continuing said contracts until their expiry. He would now move that the report be adopted.

**Hon. Mr. Mitchell** asked that before putting the question the report should be read.

The Speaker here read the report.

**Hon. Mr. Mitchell** begged to know the amount of expenditure which these contracts would involve, for from what he knew of printer's bills he would prefer being informed before committing himself to the acceptance of the recommendation, the amount in dollars, which the report meant.

**Hon. Mr. Simpson** could not tell with any precision the amount involved. The printing, as he had stated, was done by private contracts, not by the Queen's Printers. This contract was taken two years ago and was to last until 1870. The prices paid them were admitted by gentlemen from both Nova Scotia and New Brunswick, acquainted with such work, to be extremely low, and in fact so low that it was impossible to get it done for less. The work had been done most efficiently, and an immense saving had been effected since this contract was entered into. When he (Mr. Simpson) had been placed at the head of the Printing Committee of this House some five or six years ago, he had found that the cost for

printing previously had been some \$180,000 a year, but the Committee had brought it down to \$30,000, but he believed it was impossible to effect any saving upon the prices now paid, and hence it was that he had recommended the adoption of the report.

**Hon. Mr. Steeves** also explained that the contract was for five years and was to end in 1870. The Committee had not regarded the contract as legally or strictly binding upon the House, yet as the prices for which the work was executed were very reasonable, the work itself well done, and it might reasonably be supposed that the contractors had invested a considerable sum in preparing for the discharge of the duty they had undertaken, it was but equitable that they should be permitted to finish their contract.

**Hon. Mr. Dickey** said the House was indebted to the Hon. Minister of Fisheries and Marine for having called attention to the expense, and procured the explanations which had been given. If there had been really a saving, by employing the present contractors, of 500 per cent, it was to be hoped the same happy results would be attained in future.

**Hon. Mr. Mitchell** said he was rather taken by surprise at the summary mode about to be pursued with respect to a report of Committee, which had only been in the Speaker's hands a few moments, and of which he (Mr. Mitchell) had never heard before. He had heard the names of Hunter & Rose, Desbarats, and some one else, and remembering from what he had seen in the Blue Book of Canada in former times, the enormous sums paid for printing, he was not prepared to adopt the report without some explanation. He would now ask whether the report had respect to any other printing than Hunter & Rose's.

**Hon. Mr. Simpson**—It had not.

**Hon. Mr. Mitchell**—Well, one of the honourable members who had given explanations had said the Committee did not consider the House strictly bound to recognize the contract with Messrs. Hunter & Rose, but he (Mr. Mitchell) held that the House though possibly bound morally, was not bound legally, to continue the contract. If any party was bound it was the old Province of Canada, not the Dominion. He held this House should commence right, and if an admission was made of being bound to carry on old contracts, such admission would act very detrimentally. He did not oppose the adoption of the report, for he had full confidence in the Committee, but



he could not assent to the principle implied in the explanations, that we might not be bound to recognize such grants. If the contractors had rights they should look for satisfaction to the old Province of Canada.

**Hon. Mr. Letellier**—There is no such province.

**Hon. Mr. Mitchell**—He wished to have the point well understood, because if it were admitted that one set of contractors had rights of this kind, the principle would extend to other parties similarly situated, and he was sure that such a decision would be objected to in other parts of the Dominion. He regarded it as the duty of the House to offer all such contracts to public competition, and if the work to be performed could be done for less than formerly, such offers should be accepted. (Hear, hear.)

**Hon. Mr. Locke** said that there was no such principle as the recognition of old contractor's rights involved in the decision the Committee had come to, as embodied in the Report before the House. The decision was arrived at on the simple understanding that it would secure economy, for it was believed that if new contracts for printing were made, the prices would be larger than those now paid. The matter was in a nutshell. The Committee had recommended the assumption of the obligation under the old contracts for the sole purpose of saving money.

**Hon. Mr. Steeves** had not said anything implying that the House was under any obligations of a legal or binding nature under the former contracts, but that the matter had been referred to persons who were fully conversant with the value of the work to be done, and who after examining the prices paid, had given it as their opinion that they were so low as to make it proper that the contracts should be continued. He (Mr. Steeves) had simply taken the ground that it would be advantageous to the House to do so, yet he must add that as the young men (Messrs. Hunter and Rose) had undoubtedly expended a considerable sum in providing an establishment, and making arrangements for the execution of the printing until 1870, all other things being equal, it was right to give them the residue of the work, and he believed that the honourable member himself (Mr. Mitchell) would say that under the circumstances they were entitled to it.

**Hon. Mr. Tessier** asked whether the honourable Minister of Fisheries intended to affirm

that all contracts under the old regime were nullified by the change in the Constitution, and had no binding effect upon Canada?

**Hon. Mr. Mitchell** had never said so.

**Hon. Mr. Tessier**—Was the House to understand that the contracts with the Grand Trunk and the former Government were invalidated, and with those of the Ocean Mail Steamers, had no binding force on the Dominion. Were these too all set aside, and were these parties to look to Ontario and Quebec for the satisfaction of their claims? As he read it the Union Act embodies no such principle. If such claims were not recognized by the Federal Government he contended the parties would have good grounds for damages. Governments were bound by the same obligations as private individuals, and he was satisfied no doctrine savouring so much of repudiation would ever be received in a British Colony. If no provision was found in the Union Act for dealing with such obligations, it was a great oversight. But he found that Clause No. 111 rendered the Dominion of Canada responsible for all debts and liabilities of the several Provinces to be confederated. Nor could it escape such responsibilities. If the contract of Messrs. Hunter and Rose were set aside, there was nothing to prevent their bringing a suit for the recovery of damages. He distinctly affirmed that the Dominion was, as the Act expressed it, responsible not only for actual debts, but for any liabilities arising under contracts made with the old united Province of Canada. If such contracts were not binding, how would it be with all the engagements for the Postal Service? But it could not be safely questioned that they were binding.

**Hon. Mr. Campbell**—Yes, on both sides.

**Hon. Mr. Tessier** would be sorry it should go out of the House, that it was not disposed to recognize the liabilities contracted under the former state of things. In this instance, as the Committee reported, the contract was at such moderate prices that it would be wise to extend or assume its obligations, but the principle remained intact that the Dominion was bound by it.

**Hon. Mr. Ritchie**: The reason assigned by the Committee for assuming the contract with Hunter and Rose was so good, that he was perfectly willing to concur in their decision, but he took exception to the doctrine laid down by the honourable member, who had just spoken. When the adoption of the report was proposed, he was surprised to hear that

the contract was considered either legally or morally binding. He would certainly be the last man to advise repudiation of any honest debt, but he did not think that we were in any danger of ever approaching such a principle. But surely if the views of this honourable friend were sound it would follow that Nova Scotia and New Brunswick, instead of being united with Canada in Confederation, has been annexed to it. As he understood matters the four united Provinces were commencing *de novo*, and they had to arrange by what rules they were to be guided, what servants they were to employ, and what contracts they were to make for supplies, or services of any kind. And why so? Because the new Dominion was alike independent of the Canadas, Nova Scotia and New Brunswick. When the contracts were services common to these Provinces like postal contracts the matter was different, but contracts with Legislative Councils and Assemblies, which has ceased to exist, were altogether different. To be sure this body sat in the place in which the Legislative Council of old Canada had held its Sessions, and honourable members were surrounded with the former appliances and appendages, but they had come here to organize and establish means for future proceedings. It might be granted that all arrangements which were found in every way suitable to the new state of things could properly be adopted, and continued, but simply because they recommended themselves by their usefulness and ready adaptation to the necessities of the Senate. Supposing that instead of meeting in Ottawa Parliament had met in Fredericton or Halifax, would the honourable members who took the view he was objecting to, have recognized the propriety of being bound to old contracts? He thought not.

**Hon. Mr. Mitchell** said he felt it due to his position to vindicate himself from the implied charge of having given utterance to any expression calculated to convey the idea that he favored any such thing as repudiation, and he could not help saying that the honourable member who had mentioned that word, has gone very much out of his way in even supposing such a thing. He had not objected to the report, because he had the greatest confidence in the judgment of the Committee, but the honourable member (Mr. Tessier) had presented opinions respecting the liabilities of the Dominion in which he did not concur. The honourable member had asked whether the House was disposed to repudiate the liabilities arising from the old contracts, and he (Mr. Mitchell) would at once answer that he did

not. Canada was liable for the debts of all the Confederated Provinces, but then it would have recourse upon them and would have to bring such obligations in account against them. The Dominion stood intact in the position of an endorser upon such obligations. Would the honourable member undertake to say that if the service now performed by Messrs. Hunter and Rose for \$30,000 could be undertaken by some other party for \$20,000, that the House was bound to continue the contract? And if not, then those gentlemen could claim damages, but they would be against the Provinces of Ontario and Quebec, and the Dominion would have a right to charge them. Clause 111 did not say the Dominion should charge itself with such contracts, it was to pay the debts and assume the liabilities, but then if there was an excess over the amounts the Provinces had a right to receive such excess would be charged to them. If suits were brought for damages the old Provinces would have to pay them. The explanations of the Printing Committee were quite satisfactory, but they did not report that they had recognized the contracts as binding upon the House. Indeed, the Committee had evidently doubted such liability.

**Hon. Mr. McCully** said he had not intended to speak, but he could not endorse by silence the views the Hon. Minister of Fisheries in his early observations had advanced. As a lawyer he must say he considered Canada to be bound by the contracts made under the old order of things. It was a different matter, however, where contracts had been made by separate Provinces. He did not wish it to go abroad that the Dominion held the doctrines propounded.

**Hon. Mr. Mitchell**—Would the honourable member say that, if an improvident contract had yet ten years to run the Dominion would be bound to assume it?

**Hon. Mr. McCully**—In such a case, the Dominion would have to recharge what might be considered in excess of the proper amount to the Province concerned.

**Hon. Mr. Sanborn** said he fully concurred in the report, and endorsed all that the Chairman had said as to the contract. It had been a matter of surprise to him that such an enormous reduction could have been made in the printing expenses of the Parliament, and that the public could have been so victimized as it had been before. But when he was fully satisfied that it was as represented, he felt there was much credit due to Hunter & Rose,

for having done their work so well at such an immense reduction upon the prices paid to previous contractors. As to the other points, he thought that the honourable member who objected to the liabilities of the Dominion for old contracts with a zeal and warmth which he (Mr. Sanborn) thought were quite unnecessary. He conceived it but right to consider that the contracts in question had been entered into at a time when Confederation was not so much as contemplated, and it was but right that the Committee should take this into account. It was a maxim of Constitutional law that the agents bringing about a change which injudiciously affected any interest, was bound to provide a remedy. Those who brought about Confederation ought to feel responsible for the results it entailed. It had shocked him to hear the opinions of the Hon. Minister of Fisheries, for they amounted to nothing else than a repudiation of the obligations which had arisen under the contracts spoken of, and as the contractors were in no wise responsible for the changes of the Constitution, they certainly had a right to look for a fulfilment of the terms on the other side. But the honourable member had modified his views in his later remarks, and now admitted that the Federal Government was bound to see that the contractors did not suffer. They were he said, in the position of endorsers, who when the promissor made default, were bound to see the obligations honored; but there was no analogy at all between the cases. The party which whom the contracts were made was done away, and had in fact vanished, so that there was no other quarter to look for damages, if any arose, than the Federal Government. There the matter ended. The honourable member concluded by saying it should not go forth to the world that even were they only moral obligations, the Dominion was disposed to repudiate them. The Committee had put the matter in very mild terms, and he had no doubt the report would be adopted.

**Hon. Mr. Letellier de St. Just** was about to allude to the liabilities of Nova Scotia and New Brunswick, in connection with the inauguration of the New Dominion, when—

**Hon. Mr. Allan** rose to order. The Committee in their report had placed no such issue before the House; but on the contrary based their recommendation on the ground that it was one of the most economical that could be made. The gentlemen from the Maritime provinces were strongly of this opinion,

thinking it the best arrangement possible, and we therefore conceived it to be quite unnecessary to enter into the question of the liability of Canada to carry out a contract.

**Hon. Mr. Mitchell** thought he had sufficiently explained himself. He neither denied his first nor subsequent explanations. What he said was that by the adoption of this report, the old Province of Canada would be relieved of all liability. An honourable friend had reminded him of the moral obligation which rested upon us in this matter of a contract. He should like to know if any moral obligation existed which would make it necessary for the Dominion to carry out to completion the contracts of Nova Scotia or New Brunswick. He certainly did not want Hunter, Rose & Co., or any special party, to come to them with special claims. He then apologized for having perhaps in the strict letter of the law been somewhat out of order, alleging that if the discussion had taken a wider range than was intended he was not responsible for it.

The report was adopted.

**Hon. Mr. Mitchell** moved that the Bill for the organization of the Department of Marine and Fisheries be read a second time on Thursday next.

**Hon. Mr. Campbell** stated that the Postal Regulation Bill had not yet been printed, and moved that the order for the second reading be discharged, and that it be read on Friday next.

**Hon. Mr. Steeves**—The Senate had been nearly a month in session, and there had been nothing before the House from the Government. He certainly expected that when the Governor-General called Parliament together the political machinery of the Government would be in working order. It might not be the fault of the Government that such was not the case, but, assuredly, as Parliament would in a few days more be adjourned until 1st March next, this delay was matter for regret.

**Hon. Mr. Campbell** said the Bill was quite ready, but he could do nothing in the way of expediting the translators, who had not yet completed their labors. He had already explained the reasons why business could not be so early begun in this as in the other House, and expressed the hope that he would be able to lay the English copy of the Bill before members to-morrow.

**REPORT OF CONTINGENT ACCOUNT  
COMMITTEE**

**Hon. Mr. Seymour** brought up the First Report of the Select Committee, charged with the duty of examining the contingent accounts of the Senate for this session, as follows:

1. That with the exception of the appointment of Clerk of the Senate, Usher of the Black Rod and Sergeant-at-Arms, which are considered to be Crown officers, all other officers of the Senate, as well as all salaries of officers, are and ought to be in the appointment of the Senate, and under the control of the Senate.

2. That no officer of the Senate shall be liable to be displaced, except by order of the Senate.

3. That the duties of Sergeant-at-Arms to the Senate, as well as those of Usher of the Black Rod, may, and should be discharged by the same individual.

4. Your Committee do not recognize the existence of any officer or servant of the Senate at the opening of the session, with the exception of Crown appointments above referred to, and they propose at an early day to report, for the consideration of the Senate, such a staff of officials, with such salaries as they may think necessary for the efficiency of this branch of the Legislature.

The honourable member proceeded to describe at some length the practice of the House of Lords in the appointment of its officers. Prayers were said in that House, but they had no Chaplain, the Lords, spiritual, discharging that duty. The honourable member then alluded to the way in which in the past in Canada, the patronage of the Legislative Council had been delegated to the Speaker, who had made new appointments and increased salaries as he deemed advisable. Exception had been taken in the House to the exercise of such power, and a long and somewhat acrimonious debate with closed doors had followed. Complaints were made by the officers of that Chamber that they were not placed on an equality with those of the Legislative Assembly, and the result was a considerable addition to the emoluments of those gentlemen. By adopting the report and vesting the appointments directly in the House itself, they would be strictly conforming to the practice of the House of Lords, and of the Legislative Council of the Maritime Provinces. He would now move the adoption of the report.

**Hon. Mr. McCully** seconded the motion.

**Hon. Mr. Tessier** thought it would be better to move the adoption by paragraphs, for differing as he did on some points with the majority of the Committee, he wished to have the opportunity of offering a few remarks.

**An Hon. Member**—You were the only dissentient, I believe.

**Hon. Mr. Tessier**—No, the Hon. Mr. Allan agreed with me. He objected particularly to the third paragraph, and his objection, as he conceived, was on a matter involving a principle. The Officers of the House, whatever might be their positions, were entitled to its protection. Now, with respect to the Gentleman Usher of the Black Rod, the proposition that he should also discharge the duties of Sergeant-at-Arms was, as he (Mr. Tessier) conceived, an invasion of that officer's rights. The implied understanding with him was that he should do certain things and those only, and although the duties appertaining to this officer might perhaps not be regarded as very onerous they were of a peculiar nature and light, as they were even, some of the honourable members might not be able to discharge them so gracefully. (Hear, hear, and laughter.) There was a high dignity and importance attached to the office in England, and the incumbent was regarded as a person of eminent rank. He also objected to the fourth paragraph as neither moral nor equitable. Some of the officers whom it would affect had held places in the Legislatures of Canada for upwards of thirty years, and at this time of the day to ignore their existence and claims, as the report proposed to do, was not as he conceived just. The honourable member then quoted the following passage from "Todd's Parliamentary Government in England," which he thought worthy of the serious consideration of the House:

"Whenever it is deemed advisable, in furtherance of proposed reforms or retrenchments in the public service, to disperse with the services of any particular class of public employees, it has always been customary to respect the claims of existing incumbents, by allotting to them suitable pensions or retiring allowances. It was well said by Edmund Burke, whose patient labors in the cause of national retrenchment were so eminently successful, that it was neither wise, expedient, or just, to interfere retrospectively with places or pensions; that reform ought to be prospective; that the duration of the life of a nation was not to be compared with the short duration of the

life of an individual; that an individual hardship, and especially an injustice, ought not to be committed for the sake of arriving a few years sooner at the object Parliament had in view, namely, economical reform. It is to the credit of the Imperial Government that they have invariably acted upon this magnanimous principle. Authority has been given to the Treasury, by a General Act of Parliament, to make suitable compensations to all persons whose offices may be abolished; and in cases which do not come within the purview of this Act, special provision is made by Parliament for the purpose. When the new Divorce and Probate Court was established in 1857, provision was made to compensate the proctors who had practised in the old Court, which was then abolished. This compensation amounted to the enormous sum of 116,000 pounds per annum."

**Hon. Mr. Campbell** recommended the amendment of the first paragraph of the Report by adding the word "Chaplain." As to the proposition that the duties of Gentleman Usher of the Black Rod and Sergeant-at-Arms should be discharged by the same person, it might, perhaps, be expedient to have it so, he did not say it would be, nor yet the contrary. If the House adopted the recommendation it could not of itself abolish the office, but it could proceed by address praying that no such appointment should be made, and it would be for the Crown to say whether or not it should be dispensed with. With regard to the 4th paragraph an honourable member who had objected to it went rather too far, as he (Mr. Campbell) thought, for it did not set aside any rights the employees of the House might have, or might suppose they had. He was glad to find the Report so worded as not to prejudice any claims of this kind. He would much rather have preferred, however, that the matter had not been touched upon at all, but as it had been, and formed part of the report, it was as well to have it understood that it did not deny the validity of the claims the officers and servants might have on the Dominion or the Local Governments. The Report simply assumed that these parties were not the officers or servant of the Senate, nor in point of actual fact were they, any more than the officers and servants of the Legislatures of Nova Scotia and New Brunswick. This was a truism in which he was obliged to concur, yet it would perhaps have been better not to have thus set aside the expectations of these employees. He hoped and trusted, however, that

when the time for finally disposing of this matter had arrived every proper consideration would be given to the positions of the officers and servants, many of whom had been for long years in the positions they now filled, and that at the same time equal regard would be had to the claims of persons from the Provinces of Nova Scotia and New Brunswick who might desire to enter the service. No doubt the Committee would be disposed to do what was fair with all the parties in question. But if in carrying out the principle admitted as correct, (and recognizing that, with the exception of the three offices named in the Report, the House was in effect at present without a staff,) it was found impossible to re-appoint all the old officers and servants he trusted some arrangement would be devised by which they would escape being thrown upon the world without provision or pension. Such provision or pension, however, ought not properly to come from the Treasury of the Dominion, as the matter was one with which neither Nova Scotia nor New Brunswick had any concern. If the Local Governments had taken all the staff of this House and left it free, it would have been no more than their duty. Yet he sincerely trusted that whether from Ontario and Quebec or from the Dominion, means would be found to provide for these old servants. He would now move that the word "Chaplain" be added after that of the three Crown officers named in the paragraph of the Report.

**Hon. Mr. McCully** said he was sorry that the paragraph referred to by the honourable member should be held to bear the construction put upon it, and also that the Chaplain should not have been enumerated in the report among the Crown Officers. But he might be allowed to state that reverting to 1841, it would be found that the Legislative Council then had no Chaplain, and therefore the Contingent Account Committee were strictly in order in not naming him. Some honourable members also, it appeared to him, misapprehended the meaning of the 130th clause of the Union Act, which had respect to the continuance of the Civil Servants in office. The officers referred to there were those of the Customs, the Post Office Department, the Penitentiaries and the Lighthouses, whom the exigencies of the Public Service required should be kept in their places between the 1st July, when the Act came in force, and the meeting of Parliament. The next clause applied to the Officials of the Lower Provinces who were to stand in the same relation to their own Governments after as before

Confederation. He hoped that a measure would be introduced, giving to the Senate the same rights and privileges as were enjoyed by the Imperial Parliament.

**Hon. Mr. Seymour** said he had no objection. It was in the power of the Crown to make the appointment.

It being six o'clock the Speaker left the Chair.

#### AFTER RECESS

(Debate on Report of Contingent Account Committee resumed.)

**Hon. Mr. Price** said he had proposed putting a question to the Honourable Postmaster-General, but as he was not in his place, he would merely say he desired to know why the Government had not divided the officers of the two Houses of the Parliament of United Canada between the Legislatures of Ontario and Quebec. Perhaps the Honourable Receiver-General could answer the enquiry.

**Hon. Mr. Kenny** said he could not speak for the Postmaster-General.

**Hon. Mr. Price** had observed a disposition to push this report through with something of haste. Now, as it was an important matter, and there was not much else pressing for attention just at present, he thought the House could very well afford to come to its consideration with deliberation and quietness, and he hoped they would do so.

**Hon. Mr. Bureau**, in French, said the report appeared to him so important that he felt it his duty to propose the adjournment of its further consideration to some other day. This was the first report of the Committee on Contingent Accounts, and it recommended that the whole patronage of the House should be left in its own hands, saving the three Crown officers named, the other offices to become vacant. He did not object to this, but at the same time, thought the report should have gone further, and stated which of the officers and servants would be kept, with the salaries they were to receive, and which were to be dispensed with. If this information had been supplied, then the parties thrown out of employment, could have sought for it in the Legislatures of Toronto and Quebec. The only office alluded to as useless was that of Sergeant-at-Arms, but it occurred to him that there were others quite as useless. At present the pay of the staff amounted to \$40,000 per annum, which probably admitted of reduction.

Evidently the Committee were bent upon economy, and he hoped retrenchment would not be confined to the Senate, but would be carried out in the other branch of Parliament and in the Departments. But reverting to his motion, he would propose an adjournment of the debate, (cries of "no, no,") or if not he would move that the report be sent back to the Committee, with instructions to amend and complete it by supplying lists of the officers and servants to be retained, and of those which were to be dispensed with. ("No, no, go on.")

**Hon. Mr. Mitchell** after recapitulating the remarks of Honourable Mr. Bureau, said that an adjournment of the debate or the recommittal of the report, would defeat the object intended, which was the economization of funds of the country. The reason why the list of officers to be retained, and of those not to be retained, was not appended to the report was the propriety of having the principle it embodied sanctioned first by the House. It would have been premature to say who were to be retained and who dispensed with until it was known whether the principle laid down was adopted. The House had now been three weeks sitting, but with the exception of the three or four officers named in the report, it had in effect no staff, and it was not to be supposed that it could charge itself with the retention of all those who had belonged to the Legislative Council under a former state of things. The Dominion had to commence with a clean sheet, and wherever reductions could be effected, with due regard to the necessities of the public service, they would have to be made. Let the report be adopted, and where the old officers could be retained consistently with proper economy, it would no doubt be done. It would be for the Committee to decide what staff should be required. No unnecessary or undue rigour of economy would be attempted, but all proper consideration would be given to the old officers and servants. He hoped the honorable member would withdraw his motion, and the House might rely upon the Committee for discharging their duty fairly and faithfully.

**Hon. Mr. Seymour** said the Committee were now engaged in making enquiries preparatory to presenting a second report, in which the information desired by the honourable member (Honourable Mr. Bureau), would be supplied. The three first clauses had been adopted at an early day. The staff considered necessary to carry on the business of the House efficiently would be recommended, but before that could

be done it was indispensable that the principle of the report should be confirmed by the House.

**Hon. Mr. Price** said that as the Honourable Postmaster-General was now in his place he would ask him the question he had already proposed to the Receiver-General in his absence. The honourable member here repeated the inquiry, and proceeded to say that the Local Government of Quebec had appointed a number of young men of no experience, and he had no doubt that if the General Government had sent a few of the old officers from Ottawa they would have been accepted. It would be very hard to turn old servants into the street, and he would be glad to know why some had not been sent down who had acquired experience in the old Parliament offices.

**Hon. Mr. Campbell** replied that he could not say how it was that the Local Governments had not appointed some of the old officers. It was not the business of the General Government to make or prevent such appointments, and he lamented with the honourable member that the Governments of Ontario and Quebec had not provided for more of these old servants. He believed that the Government of Quebec had appointed six or seven, and that of Ontario one or two. The General Government had done all they could in urging upon the Local Governments the claims of these parties, but they had not power to go further than this.

**Hon. Mr. Price**—As the General Government had the nomination of the Local Governments, he rather thought they might have stipulated for the proper placements of these old servants.

**Hon. Mr. Campbell**—No, no; the General Government did not appoint the Local Governments.

**Hon. Mr. Price**—Well, it was generally supposed they had, and at any rate a miss had been made which was very much to be regretted.

**Hon. Mr. Botsford** said that if the Governments of Quebec and Ontario had provided employment for these persons, the difficulty would have been comfortably got over and the Parliament of the Dominion would have been relieved of a most disagreeable and painful duty. Upon looking carefully over the proceedings of the old Legislative Council of Canada, with respect to the mode of appoint-

ing its officers, he had been struck with the extremely correct manner in which it had followed the practice of the House of Lords. When dispensing with servants whom they did not require, the Lords has provided them a reasonable compensation for the loss of their offices. Now, if the Provinces of Ontario and Quebec did not take the course which he conceived they were bound to do in this matter, he was sure this House would exhibit the same spirit of justice the House of Lords had manifested, and moreover that it would not unnecessarily dispense with any of the useful officers. (Hear, hear.) Let the principle, however, be established that the House had the right to make all the needed appointments, and if it could not get quite so economical a staff immediately as was desirable, it will be able as vacancies occur to introduce greater economy. He had been surprised to hear from the Honourable Postmaster-General that the office of Chaplain was not a Crown appointment, but he was sure the House would only do itself credit by re-appointing the venerable gentleman who at present so ably discharged the duty. The honourable member here read from a printed paper, with the view of showing how well the practice of the Legislative Council of Canada had accorded with that of the House of Lords in the matter of its officers and servants, and concluded by saying that he had never been in any Legislature where the officers and servants were more attentive or careful in the discharge of their duties. The honourable member referred to a report of the Committee of the House of Lords in Vol. 56, pages 322 and 367 of the Proceedings of that House, in which it is stated that Clerks of Parliament are to be appointed by the Crown and are removeable by address of the Lords. That the Clerk Assistant should be appointed by the Lord Chancellor or Speaker of the House, and be removed only by a vote of the House, who fix the salary; that the Reading Clerk and Clerk of Out of Door Committees should be appointed and are removeable in like manner, and salary similarly fixed; and that other clerks and servants are appointed and removed by the Clerk of Parliaments; and he added, a Bill was presented by the Earl of Shaftsbury, the Chairman of the Committee, to carry out the recommendation contained in the report. Mr. Botsford added that it was the duty of Black Rod to recommend the appointments of door-keepers and messengers; and he also read a report of the Commons recommending the reduction of the number of door-keepers and the rate of salaries and emolu-

ments, and recommending the abolition of other offices in which report it was also urged that vacancies should not be filled up without the previous sanction of the House, and that no addition should be made to the salaries of officers or attendants, except as a temporary substitution in case of illness, and no addition whatever to be made to salaries without the previous sanction by resolution or order of the House.

**Mr. McClelan** said that as one member of the Committee who had assisted in preparing this report, he felt that the leading object to be obtained was the enunciation of correct principles in arranging a new programme, and the assertion of all the rights properly appertaining to this branch of this, the first Parliament of the Dominion; and having now defined its power and privileges, it would not be desirable to employ an entirely new staff of officials. Those already found performing the duties efficiently might with propriety be retained, so far as they might be found to be needed, and with such remuneration as was commensurate with their respective labours, having due regard to that principle of economy so generally recognized by honourable members. He felt

much gratified that the debate elicited by the presentation of this preliminary report, clearly indicated the feeling of the Senate and the policy of the Government on several important points: that the system of granting pensions should be restricted to Ontario and Quebec, and that subordinate officers of the former Legislature of Canada who had become inefficient, shall not have any claim whatever on this United Parliament. The Government were no doubt compelled to provide, and maintain, a temporary staff of officials to meet the exigencies of the period since the date of the last Union, but in doing this, they had acted on their own responsibility, and such arrangements could only last until the meeting of Parliament. He hoped the honourable member who spoke so well in both languages in support of the action of the Committee would consent to the withdrawal of the motion to postpone, and by sustaining the whole report, empower the Committee to proceed with their further recommendations as to defining duties and apportioning salaries, etc.

The Report was then adopted and the House adjourned.

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## THE SENATE

Wednesday, 27th Nov., 1867.

The Speaker took the Chair at 3 o'clock.

The House then sat with closed doors for an hour and a half discussing a privilege.

When the House re-opened

**Hon. Mr. McDonald** moved that the 53rd Rule be suspended, so far as it regarded the petition for the establishment of the Dominion Life Assurance Company.—Carried.

The **Hon. Member** then introduced a Bill relating to said Company, which was read a first time, and ordered for a second reading on Friday next.

**Hon. Mr. Flint** moved the suspension of the same Rule regarding the petition for the establishment of a Local Bank in the County of Hastings.

**Hon. Mr. Campbell** moved that the time for the reception of petitions relating to Private Bills be extended for a fortnight.

The **Hon. Member** moved that the name of the Honourable D. MacPherson be added to the Standing Committee on Commerce, Banking and Railways.—Carried.

**Hon. Mr. Wilmot** moved for the Address relating to the terms upon which the Montreal Bank transacted the business of the Government. (The notice has already appeared in our columns.)

**Hon. Mr. Kenny** said that a motion very identical to that now made by the honourable member had been made elsewhere (in the Commons), and that the papers would be laid upon the table to-morrow, so under the circumstances he thought the honourable member would be willing to withdraw his motion.

**Hon. Mr. Wilmot** said he would postpone it.

**Hon. Mr. Aikins** begged to inquire of the Government whether the Geological Survey heretofore carried on by the Province of Canada would be continued by the Federal Government.

**Hon. Mr. Campbell** replied that these surveys had been carried on by periods of five years, and provided by vote. The last five years had not expired, when the Union was proclaimed. The Government could not now say positively whether the survey would be resumed, for until an appropriation was made for that purpose, the matter would remain to some extent in suspense, but his own personal opinion was that it was very probable the necessary amount would be granted.

The Senate then adjourned.

## THE SENATE

Thursday, Nov. 28, 1867.

The Speaker took the Chair at three o'clock.

After routine

### HARBOUR CHARGES

**Hon. Mr. McCully** moved that an address be presented to His Excellency, praying that he would lay before the House a comparative statement of the harbour charges of all kinds authorized by law upon shipping at the ports of Montreal, Quebec, Gaspé, Dalhousie, Newcastle and Chatham, Richebucto, Pugwash, Pictou, Halifax, Liverpool, Shelburne, Yarmouth, St. John, N.B., St. Stephens, St. Andrews, Hillsborough and Cumberland; giving particulars and shewing how such statements are made, specifying also the principle upon which lighthouse dues are collected in each of the Provinces of the Dominion, and the amount collected for the year ending 30th June, 1867; also specifying the amount of tonnage entered and cleared at each of the above ports for the same period, showing what portion is Colonial, what British, and what Foreign.

**Hon. Mr. Bourinot** said that with the permission of the mover he would desire to add the ports of Sidney, Arichat, North Sydney, Port Wood, Glace Bay, Cow Bay and Lingan, in the Island of Cape Breton and Bathurst and Caraquet.

**Hon. Mr. Ferguson** asked to further add Buctouche and Shediac, in New Brunswick.

**Hon. Mr. McCully** was quite willing. He then went on to remark upon the different systems which prevailed of collecting the charges and dues, and the necessity of the information for the purpose of establishing a uniform system.

[Remarks were made by one or two members, but the displacement of the Reporters' desks precluded their taking notes.]

**Hon. Mr. Mitchell** said, in substance, that he would be happy at the earliest day to supply the information prayed for. A good deal, however, of what the honourable member asked had already been published, and he might refer him to the documents prepared by Mr. Wood of Nova Scotia, (which the honourable member, Honourable Mr. Mitchell said, he had no doubt already seen) also to other documents relating to the ports of New Brunswick, prepared by Mr. Wm. Smith, now of his (Mr. Mitchell's) Department. He could not say if all the information relating to Canada was accessible, but he imagined it would be found among the trade and navigation returns published annually. He did not say this as indicating an unwillingness to supply the precise return prayed for, and in the form prayed for, but as it would take a good deal of time to get at all the facts the honourable member desired to have, he would perhaps be willing meanwhile to avail himself of the sources of information he (Mr. Mitchell) had now mentioned. Might he now ask the honourable member if he expected the return to the address to be furnished during this part of the Session.

**Hon. Mr. McCully** said, he did not.

**Hon. Mr. Mitchell** said, if the honourable member would have the kindness to call at his office he would there find a great deal which might serve his purpose, and he (Mr. Mitchell) would see to have ready by the second part of the Session such as might not now be to hand. The honourable member had asked a good deal which the Government from its own sources could not supply, as he (Mr. Mitchell) would have to write to private parties in order to procure the desired statements. He entirely approved of the motion, and would give the honourable member all the assistance in his power. He had already stated to the House that early after the next meeting he would be prepared with a Bill dealing with the varied interests over which he presided, and even if the honourable member had not made his motion he (Mr. Mitchell) would have

supplied the information desired before the Bill itself was submitted.

**Hon. Mr. McCully** said he was quite aware of the existence of the printed papers to which the Honourable Minister of Fisheries and Marine had referred, but what was desired was a comparative statement of the facts.

The motion as enlarged was then put and adopted.

**Hon. Mr. Allan** brought in a Report from the Standing Committee on Private Bills.

**Hon. Mr. Christie** introduced a Bill to incorporate the Colonial Fire Insurance Company. Read and ordered for a second reading to-morrow.

The order of the day for the second reading of the Marine and Fisheries Department Bill being called,

**Hon. Mr. Mitchell** said it was not yet translated, and moved that the order be discharged, and the second reading fixed for Monday.

The Senate then adjourned.

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**THE SENATE**

Friday, Nov. 29, 1867.

The Speaker took the Chair at three o'clock.

After routine,

**ORDERS OF THE DAY**

The order for the second reading of the Bill to incorporate the Dominion Life Insurance Company having been called,

**Hon. Mr. McDonald** moved that the order be discharged.—Carried.

The next item was the second reading of the Intercolonial Insurance Company Incorporation Bill.

**Hon. Mr. Skead** moved that the same be postponed until Monday.—Carried.

The Senate then adjourned during pleasure.

On the Speaker resuming the Chair, he informed the House that he had received a message from the House of Commons with two Bills, to which the concurrence of the Senate was desired.

The first was a Bill relating to the indemnity of members of both Houses, and the salaries of the Speakers, which was read a first time.

**Hon. Mr. Blair** moved that the said Bill be read a second time on Tuesday next.—Carried.

The other was a Bill respecting the office of Speaker of the House of Commons, which was also read a first time.

On motion of **Hon. Mr. Blair**, the second reading of this Bill was also fixed for Tuesday.

The Senate then adjourned.

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## THE SENATE

Monday, Dec. 2, 1867.

The Speaker took the Chair at three o'clock.

After routine

**Hon. Mr. Macpherson** gave notice that on Wednesday next he will move that a select committee be appointed to inquire into, and report upon, the causes of the recent financial crisis in the Province of Ontario, with power to send for persons and papers.

### MARINE AND FISHERIES DEPARTMENT

**Hon. Mr. Mitchell** moved that the Bill to organize a Marine and Fisheries Department be now read a second time.

**Hon. Mr. Dickey** said he begged to call the attention of the Hon. Minister of the Marine and Fisheries Department, and of the House, to certain characteristics of the measure now submitted. He did not rise for the purpose of opposing the second reading of the Bill, but to draw attention to what he conceived to be some extraordinary features therein. It was both short and sweet, concise and comprehensive, but at the same time he felt as if it went very far indeed. The last clause gave powers to the Minister of Marine with regard to all matters therein mentioned, and he alone would have authority to regulate and supervise these very important interests. Now in Nova Scotia these interests were matters of separate legislation, but by the Bill they were handed to the Minister—harbours, ports, the appointment of harbour-masters, and all things appertaining to this class of subjects, were given over to this Minister. In Nova Scotia the appointments of Harbour Masters were in the hands of the Commissioners of Pilots, as were the charge of wharves, buoys, beacons, etc. Then in the same Province there was an appeal from the Commissioners to Superior Courts when parties felt themselves aggrieved, but by this Bill the whole control and final decision upon the questions which might arise were left to the Minister. Then as to Shipping Officers and Shipping Masters he (Mr. Dickey) feared the bill would be found to conflict with the Imperial Shipping Act of 1854. He would not go on remarking upon the other classes of subjects to which the Bill applied, but would say he thought that any legislation which might be deemed necessary, should be in strict analogy to the laws now in

existence in the several Colonies. Then before these subjects were handed over to the Department of Marine and Fisheries this House should know what the regulations were to be. Then there should be an opportunity of appeal from the decision of the Department.

**Hon. Mr. Locke** thought that the Bill would throw too much work upon one Department, and he thought it was quite possible for the Government to interfere too much with private interests. Then the sea coast and inland fisheries were of themselves very large and important interests, and it was quite possible that an Act for the one class would conflict with the prosperity of the other class.

**Hon. Mr. Allan** thought that if the Minister of Fisheries would give explanations of the Bill, the objections named might be found not to exist.

**Hon. Mr. Locke** thought it was quite proper in any honourable member to question the propriety of any clause in the measure which might seem to him to be going too far. He feared, indeed, that under the Bill there would be too much opportunity for setting up a huge political machinery. If the Government, for instance, obtained the power to classify ships, and to appoint inspectors and deputies for that purpose, it could be seen how easy it would be to make political use of the measure. Perhaps when the explanations of the hon. minister were given the objections which appeared to exist would be removed.

**Honourable Mr. Mitchell** said he would be most happy not only to give any explanations honourable members desired, but moreover be quite ready to consider any suggestions which honourable members might have to offer for the improvement of the measure. He was, indeed, glad to find that the House was so disposed to inquire into the hearings of the Bill, as it was a guarantee to the country that it would jealously guard its legislation. An honourable member (Mr. Dickey) had expressed a fear that the Bill was too comprehensive and conferred too great powers upon the Minister of Marine. Well, in his (Mr. Mitchell's) opinion it would be of little use to have a Department of Marine and Fisheries unless the subjects the Bill embraced were brought under the supervision of such a department. It was also feared that the action which might be taken under it in respect to one part of the fisheries would conflict with the fisheries in another part of the Dominion. Now he conceived that it was quite possible to deal with the inland

fisheries without doing damage to those of the coasts, and *vice versa*, and as to a division of the duties, he thought that altogether impracticable. He remembered that a leading paper in Ontario, not devoted to the Government, said that with regard to the Inland Fisheries there would be little or nothing to do, and urged that as a reason against the organization of a Department of Marine and Fisheries. He, however, agreed with the honourable member (Mr. Dickey) that the fisheries did need the active and careful supervision of a Minister, though he did not agree with him in supposing that the duties that Minister would have to do, would be altogether beyond the capacity of one man. The Honourable Minister then read, section by section, and having reached the 5th said this was the one to which special objection was made. The clause was to the following effect.

The duties, powers and functions of the said Department shall extend and apply to the subjects and Boards and other public bodies, officers and other persons, services and properties of the Crown, enumerated in the Schedule to this Act, of which the said Department shall have the control, regulation, management and supervision; and the said department shall have, exercise and discharge, such other duties, powers and functions as may from time to time be assigned to or vested in or conferred upon it by order of the Governor in Council.

The Schedule to which it referred read thus:

1. Sea, Coast and Inland Fisheries and the management, regulation and protection thereof, and anything relating thereto.
2. Trinity Houses and Trinity Boards, pilots and pilotage, and decayed pilots' funds.
3. Beacons, buoys, lights and lighthouses, and their construction and maintenance.
4. Harbours, ports, piers and wharves, steamers and vessels belonging to the Government of Canada.
5. Harbour Commissioners and Harbour Masters.
6. Classification of vessels, and examination and granting of certificates of masters and mates, and others in the merchant service.
7. Shipping masters and shipping offices.
8. Inspection of steamboats and boards of steamboat inspection.
9. Enquiries into causes of shipwrecks.
10. Establishment, regulation and maintenance of Marine and Seamen's Hospitals and care of distressed seamen, and generally such

matters as refer to the Marine and Navigation of Canada.

Now reverting to the argument that these duties were too extensive for one Department, he (Mr. Mitchell) said they would have to be attended to, and he would ask upon what other Department they could, with any propriety, be affiliated. Could any of them be properly devolved upon the Department of the Board of Works, the Excise, or the Post Office? He rather thought they would not be congruous with the functions of any of those Departments. The Department of Marine and Fisheries had been called into existence for the express purpose of managing and supervising the interests named in the Bill, and was, as he thought, the only one which could properly be charged with them. When the Government had determined upon forming this Department, and placing it under his charge, he had found that it was in many respects different from those already in existence. There was not, as in the other Departments, any basis upon which to erect the superstructure, but that he would have to give it shape and form. He felt, indeed, when looking at all the duties which devolved upon such a Department, that it would be a very important one, particularly in its relations with the Lower Provinces, whose interests have in great part connected with fisheries and navigation. Besides the fisheries, there were the lighthouses, the harbours, the classification of ships, the manner of conducting shipping offices, and shipping seamen, the proper management of sailor's hospitals, the care of shipwrecked seamen, and other kindred subjects, but still they were all matters which properly came under the charge of such a Department, and it would have been very difficult, if not quite impossible, to separate them and assign portions to the charge of other parties. Now he thought their considerations would dispose of the objection to the extent and diversity of the interests placed under his charge. Then the honourable member (Mr. Dickey) had stated that the management of the harbours and wharves in Nova Scotia were committed by law to local Commissioners, but the Bill did not propose to interfere with these arrangements. They would continue as they were now, in so far at least, as the Bill before the House was concerned. The Government did not propose by this measure to assume the control of these interests. It simply proposed that the ports and properties of various kinds belonging to the State should be brought under the care of

his Department, but it was in no wise their intention to interfere with the properties owned by municipalities or individuals. All that was transferred by the Bill to his charge was the property of Canada, of the Government of Canada. In a word it vested in the Department of Marine and Fisheries the public property enumerated and none other.

**Hon. Mr. Steeves** begged to ask if, for instance, the harbour of Saint John, N.B., would come under the control of that Department?

**Hon. Mr. Mitchell** said that no harbour would come under its control, but such as was legislated upon by both Houses of Parliament, and the Department would only possess the power which might in that way be conferred upon it. The honourable member had evidently misapprehended the object and purport of the Bill. He would, as he had already several times stated, bring in a measure in the next part of the session, making regulations for the management of the fisheries and other of the subjects which come under the provision of his Department, and then it would be quite proper to discuss the merits of such proposed legislation. For instance, at present, the expense for lighthouses was defrayed in different portions of the Dominion in different ways. In New Brunswick by a tax on the tonnage, while in Canada there was no such charge. The Bill he would bring in would give the opportunity of deciding whether it was better to adopt the New Brunswick mode, or that which obtained in Canada. But the Bill before the House did not give him power to deal with these subjects, nor did it abrogate any power now possessed by local authorities anywhere.

**Hon. Mr. Allan** said if he understood the matter right, the Bill would vest in the Department of Marine and Fisheries all the powers heretofore possessed and exercised by the Local Governments in respect of these particular interests.

**Hon. Mr. Mitchell**—Yes, that was precisely the object of the measure.

**Hon. Mr. Allan**—Nor did the Government intend to make any changes without previous legislation?

**Hon. Mr. Mitchell**—They did not. Things remained as they were. In New Brunswick the maintenance of the lighthouses, for instance, remained as formerly, and in Ontario and Quebec, in the Trinity Houses.

**Hon. Mr. McCully** called attention to the 129 clause of the Union Act, which provided that these matters should continue as they were at the time of Union until legislated upon by the Parliament of the Dominion.

**Hon. Mr. Mitchell**, the Bill gave the Government no new power, but left it to execute the existing laws. The duties and charges in respect of several of the subjects named, were as he had said different in the several Provinces, and before an Act to assimilate the practice could be prepared with any hope of establishing a uniform system much thought and labor would be necessary. There were three different modes of conducting shipping offices and of shipping seamen, and he did not know which of the three he would select. The Quebec system made the officers responsible to the Government instead of to Local Boards, but he did not know yet which would be adopted, and so of the pilots. At present in Canada they were under the supervision he believed of the Secretary of State, but by this Bill they would come under that of the Department of Marine. It was said the Bill was very short, but that it gave the Minister very large powers. Well, it was short and comprehensive, and it had to define the powers it entrusted to the Head of the Department, or if not to confide to him general powers. He had, however, thought it more fair to specify or enumerate the powers to be exercised so that if any were deemed inconsistent they might be pointed out and considered.

**Hon. Mr. Boatsford**—But besides the powers enumerated the Bill conferred other powers not named.

**Hon. Mr. Mitchell**—He was glad the hon. member had referred to that point. The Department, as he had already stated, was an entirely new one. It had never existed as a separate Department, but it was intrusted with the supervision and administration of vast and important interests, and moreover it was in the very nature of things that it should continue to expand, yet as it was quite new it had been thought desirable in case subjects not contemplated should supervene, and require to be dealt with some measure of discretion should be given to the Minister in charge. Now there was a question with respect to seamen's hospitals. In Quebec the Marine Hospital was also an hospital for immigrants, and it had not been brought under the operation of the Bill, though if it were deemed desirable by the House, it might be so placed. Certain questions had been submitted to the

Boards of Trade at Quebec and Montreal, as to whether it was desirable to have seamen and immigrant hospitals in common, or if it would be better to keep them separate. The discretionary power given by the Bill to the Minister of Marine would enable him to do in relation to this question what might after due consideration and advice be thought for the best.

**Hon. Mr. Tessier** said that in regard to the classification of vessels, he was not aware that there was any law to prevent it, but would not the Bill give power under Orders in Council to do this? If it did not, where was the necessity of introducing the subject in this measure, or until legislation had taken place? He (Mr. Tessier) was satisfied in relation to the other subjects named, for there were laws relating to them, and all the bill did was to take them from under the control of the Board of Works, or some other Department to place them under that of the Department of Fisheries. But when there was no law regulating a matter, such as the classification of vessels, would not the 5th clause give the Department that power? And would not an order in Council in that case be equivalent to a law? It would be useful to classify our ships, but he doubted whether it would be right to make it compulsory. If instead of Orders in Council it was said "according to the laws in force, or hereafter to be enacted," he thought it would be better.

**Hon. Mr. Christie** said he thought the Bill was liable to two objections. From the 2nd clause it imposed, or tended to impose, charges upon the people, for it established an office which would involve an expenditure of money, and he inclined to the opinion that for this reason such a Bill could not properly originate in this Chamber. Then secondly, if it could properly originate here, it should have been introduced by resolutions in Committee of the whole House, for although it did not expressly refer to trade, yet it did so incidentally. The rule in this point, as laid down in "May," was as follows: "That no Bill relating to religion, or trade, or the alteration of the laws concerning religion or trade, be brought into this House, until the proposition shall have first been considered in a Committee of the whole House, and agreed unto by the House." In Hansard, at page 724, it is reported as follows: "Mr. Spooner moved for leave to bring in a bill to regulate the business of marine store dealers, when Mr. Speaker said, that as it was a bill relating to trade it must be moved for in a Committee of the whole

House." Now he (Mr. Christie) held that as the Bill before the House imposed changes on the people, it should have originated in the House of Commons, and if it might properly originate in this House, it should, as relating to trade, and possibly involving new legislation, have first been submitted in the form of resolutions to a Committee of the whole.

**Hon. Mr. Blair** said he did not agree with the hon. member, as it simply gave power to take an office already existing.

**Hon. Mr. McCully** said he thought the measure might very properly originate in the Senate. It was a bill merely to organize, and there was nothing in it giving powers which were not already in existence somewhere in one or other of the Provinces. It simply gathered together a number of particulars, not of an incongruous nature, and placed there under the charge of one special officer, accountable to the Legislature. These subjects must fall under some supervision, and the question to be determined, as he understood it was, have they been properly collected together, or has there been some incongruity in the arrangement, something which does not properly fall within the scope of the duties of the Minister of Marine. If there was anything which did not legitimately come under the purview of that officer, then it might be eliminated, but after all there were details which would be better considered in Committee of the whole. If the Committee should feel disposed to limit the fifth clause, well, but at present the House was only properly concerned with the principle of the measure. He could well understand why the Government should assign duties of the nature proposed, to the Department in question, for a limited time, and he might suggest an amendment, limiting these powers until the end of the next part of the session. It was necessary to have a bill to organize the Department, and if hon. members would turn to the Act of Union they would find it dissipated the fears of the honourable member for Cumberland. So far as the Bill was concerned there was no interference whatever with the laws of the several Provinces. Clause 129 of the Union Act declared that all the laws and all the courts of justice in existence at the time of its enactment, would remain in all the Provinces the same as if the Union had not taken place. The bill in effect only created a head of a Department, and this was, he thought, the simple question to be considered, was it necessary to do this. The 29th sub-section of the 91st clause, gave the necessary



powers. In his opinion the Parliament had all the requisite power to do what it was proposed to do but to discuss the details, was like leaping before you came to the stile.

**Hon. Mr. Blair** was satisfied that the objections of an hon. member (Mr. Christie) were not valid, but if they were, they should have been adduced before the first reading.

**Hon. Mr. Christie** said it was only when the Bill came up that members could state such objections. The bill created an office, incidentally creating charges upon the people, and when this was the case the measure should come first from the Commons, then secondly, it proposed to deal with trade, and for that reason should have come through a Committee of the Whole.

**Hon. Mr. Steeves** said that already two or three speeches had been made since the point of order was raised. He had proposed saying a few words, but when the question of order was stated, he had refrained.

**Hon. Mr. McCully** had not understood that the hon. member (Mr. Christie) had formally raised the point.

**Hon. Mr. Christie** said he had quoted May, and given a precedent from Hansard, in support of his objections.

**Hon. Mr. Botsford** said that if the points raised were correct, and applied to the bill, they would necessarily be fatal, but he did not attach much weight to them. The bill did not impose any distinct change on the people. It did not impose restrictions on trade, and it created no salary, and he therefore thought that the course followed was correct.

**Hon. Mr. Tessier** admitted that if the Bill was for the regulation of trade it could not originate here.

**Hon. Mr. Christie**—Why the hon. member himself had said that the classification of vessels was something in the nature of regulating trade.

**Hon. Mr. Tessier**—The bill only provided for the organization of a Department distinct from all others, and if it went further than this, it could not be amended. Then, as there were no salaries attached to the offices, it could not be said to impose charges. Bills had often been brought into the Legislative Council affecting trade, and even specifying salaries, but the salaries were left in blank, to be filled in by the other branch of the Legislature. If all such Bills were excluded there

would be very little left which this House could do, and such a course would deprive the Senate of the importance it ought to possess.

**Hon. Mr. McCully**—Why the very Union Bill, under which this Parliament existed, was introduced into the House of Lords.

**Hon. Mr. Macpherson** really hoped that his hon. friend would not press his point of order. Whether the hon. gentleman was right or wrong in the stand he had taken was to him a matter of much less consequence, than the attitude of the House with regard to matters of legislation. To him it certainly appeared far from prudent to take any step, which in the slightest degree tended to circumscribe the powers of the Senate as a legislative body. Setting that, however, aside, if he understood the Bill, its object was to organize a department, and not by any means to regulate a trade, and this he had learned, if he understood him rightly, from the Hon. Minister of Marine himself. This being the case the powers of the Senate could neither be doubted nor disputed. He thought nevertheless that the power sought for might have been put in a more distinct form than as it was now set forth in the Bill.

**The Speaker**—That is not a question of order. The objection taken is that the Bill provides for a charge upon the people, and that it affected a branch of trade and industry. As regards the question of trade originating in a department, and a Bill being introduced in this House to enable a department to deal with matters of industry—if it were a matter of trade with any foreign government, or even any special legislation with regard to any particular trade, the objections made by the hon. member (Mr. Christie) might hold good. This Bill, however, neither relates to money matters (which must originate in the Commons) nor to the operations of trade, general or particular, and therefore the question of order does not here actually arise.

**Hon. Mr. Steeves**—It did not appear to him that there was any objection made to the principle of the Bill, but merely to its details, and it therefore occurred to him that any discussion on the clauses of the Bill should be deferred until the Bill itself had been brought up in Committee of the Whole. On the second reading all discussion should have been confined to general principles—to a desire to ascertain whether the country either needed or wanted such a Bill at all. The power sought for was such as no government of any country in the world had ever had given to it. The

power which the bill proposed to give to the Government as shown by the schedule of classifying ships, was one of a most extraordinary nature, and deserving particular attention and the most serious consideration. He hoped that before any such power should be conferred the expediency as well as the necessity of doing so would be well weighed.

**Hon. Mr. Letellier de St. Just**—If on the second reading of a Bill explanations may not be given, it was somewhat odd that the Hon. Minister of Marine had been called on for explanations now. He believed, however, that the second reading of a bill presented the most opportune time for discussing not only the general principles of a bill, but some of its most striking details. A willingness to suffer a Bill to go into Committee of the Whole was yielding or conceding the principle of it, and, indeed, admitting the necessity for it so far as its general features are concerned. That principle in legislation he could not admit. Looking at this bill particularly, he considered it only as an Administration measure, setting forth that the Government may have certain powers and no more. It does not set forth how ships shall be classified, pilots regulated, or fees collected. It confers simply administrative power, assigning duties to a particular Minister, that Minister being bound to govern himself by existing laws, which cannot be interfered with without special legislation. Nevertheless the bill may go a little too far in conferring, as some allege it does, legislative powers upon the Governor in Council. The House must not incautiously, too readily as it were, yield up their own power in favor of Ministers. It might be well to be a little lenient in this matter, but he admired the prudence of an hon. member (Mr. McCully) in recommending that the exercise of the power proposed to be given to His Excellency in Council should be limited to the end of next Session.

**Hon. Mr. Wark**—The bill has simply a two-fold character, that of erecting a Department and that of defining the duties and powers of the officer at the head of it. Could it bear the construction alleged with regard to it of classifying ships, it would at least be necessary to examine very closely its details. One part of the 5th clause appeared to him as being possible of bearing a construction which possibly was not designed, that which stated that the Department shall have, exercise, and discharge such other duties as may from time to time be assigned to, or vested, in or conferred upon it by order of the Governor in Council, as the question might arise whether a Min-

ister by a mere Order in Council might not be required, not only to have, but to exercise certain duties, the exercise of which by him were not contemplated when the bill became law.

**Hon. Mr. Ryan** saw more than one new feature in the Bill. It was a new one, that of transferring to a Minister duties which hitherto had been discharged by public bodies. He may have interpreted the bill incorrectly, but he thought that the wording of the bill in this particular should be most distinct, and leave room for neither cavil nor doubt. A transfer of certain powers hitherto belonging to incorporated bodies was by this bill virtually made to the Government. The right of classifying ships, a function which does not belong to any Government in the world, claimed in the Bill for the Minister of Marine, seemed to him extraordinary. So far, the classifying of ships has rested with a Board of Merchants. It is well known that in London an institution has grown up called Lloyds, which gives character to ships, and which has its agents at every seaport of any note all the world over, and there is a French Lloyds and an American Lloyds, and the Government apparently design to interfere with this old and long recognized institution, and become classifiers themselves. He looked upon it as very unsafe to put such a power into the hands of the Government, as it was decidedly a bad principle to take out of the hands of the people the powers which they had exercised almost from time immemorial. At every port, he would repeat, Lloyds' agents were to be found superintending the building of and classifying ships, and he would respectfully ask whether it really came within the functions of a Minister of Marine to act as Lloyds' agent, classifying vessels in Saint John, N.B., Quebec, Halifax or Montreal; and if it were, would the certificates of the agents of the Hon. Minister of Marine stand so high in the commercial world as those of Lloyds' agents? He might further remark that certain Acts had been passed regulating Harbour Trusts, and he desired to know whether these Trusts are still to be administered under such Acts or ignored by the passing of this bill. It certainly did appear to him that if the Government had the control, regulation and management of harbours, and Harbour Trusts, the Harbour Commissioners could not do a single act without at least consulting the Government. Would it be prudent, he would ask, so to take away the powers of these Commissioners, as this Bill, if it becomes law, assuredly will do? The lan-

guage of the Bill involves a principle amounting to this, whether the people shall be permitted to manage their own commercial affairs, or the despotic principle of a Government managing such matters for them, be admitted.

**Hon. Mr. Sanborn** thought the second reading assuredly the proper time for discussing, not the principles only, but the details of a Bill. If in this case they had confined themselves to a discussion of the abstract principle of the bill, they would simply have affirmed that they approved of the creation of a Minister of Marine. He conceived that if the object of the bill was merely to aggregate the powers heretofore exercised by the several previously existing Governments, the duties being only thrown together and made to devolve upon one Minister, there could be no objection whatever to the present Bill. He looked upon it, however, as a vague statement of powers intended to be given to a particular Department. There was an indistinctness about details, and indeed nothing sufficiently clear. If reference were made to Public Works Act, all power was there most specifically set forth—the power and manner of exercise are clearly laid down, while here by this Act we are merely, it is alleged, required to declare the duties of a Minister of Marine, duties which had previously been exercised by other officers of the Government.

**Hon. Mr. Mitchell** said the discussion had elicited some valuable opinions, and he was much obliged to hon. members for the attention they had given to the subject. It was only by sifting such questions that anything approaching to perfection was reached. As for classification of vessels, he thought the policy advocated by some hon. members was wrong, but the hon. member for Saint John would have done better to have waited before he assumed that he (Mr. Mitchell) was going to undertake that business. All the bill intended was to obtain power to organize the mode of classification. He was procuring information on the subject, and he did not say whether or not it would be dealt with by the Government. The Government had not as yet determined the point, but if it did, the House would have full opportunity to discuss the subject. Now, notwithstanding the opinion of the hon. member for Montreal (Mr. Ryan) he (Mr. Mitchell) thought that this was a very proper subject for Parliament to deal with. The honourable member had said that neither England, France or the United States had dealt

with it, but even so it did not follow that the Government of the Dominion should not do so.

**Hon. Mr. Ryan**—If it were not the intention of the Government to deal with it now, why take the power in this bill?

**Hon. Mr. Mitchell** repeated that the bill did not give the Government, or his Department, power to classify vessels, but that the officers whose duty it was to do so, would come under the supervision of the Government.

**Hon. Mr. Allan**—Suppose the bill passes, will not the Department of Marine have the power to classify vessels?

**Hon. Mr. Mitchell** again begged distinctly to assert that the bill gave him no such power. The honourable member here read again the 5th Section, and claimed that its wording could not be so construed; all that it gave the Marine Department was supervision. It prescribed the particular class of duties to be performed, or which came properly under the provision of the Minister. If when it came into committee honourable members desired to submit any proposition to make the matter better understood he would be happy to receive it, and give it his best attention. The honourable member (Mr. Ryan) had said, that the Bill proposed to take matters out of the hands of the local Trusts, by which they had hitherto been administered, but this was an error; and in point of fact the very Trusts in question were now subject to the Government, and the sole object now was to bring them under a particular Department. Again referring to the classification of vessels, he said, that a country such as Canada now was, the 3rd or 4th Maritime power in the world, and with a large population, employed as it was to a large extent in ship building, it was too much to say that such a subject should not be regulated by its Parliament, and that because early in the history of England a co-operation had been formed for the classification of vessels, which had worked well, it followed that we, the germ of a future great nation, should not deal with the same subject, but must for all time to come defer to a body of men in London. The honourable member (Mr. Ryan,) had expressed a doubt whether we could mature a measure which would give character to our vessels. Did not the honourable member know that the French Lloyds, or "Bureau Veritas," as it was called was quite a modern concern, and that the rules of Lloyds (English) were considered by many persons versed in the subject as not quite what the

age demanded, and that in point of fact their defects had called the Veritas and other similar institutions into existence? Surely the honourable member (Hon. Mr. Ryan) will hardly assert that the fourth Maritime power in the world should leave one of its greatest interests to be controlled by Boards in New York, Paris, or London. So important did the Germans think it to be to protect their own shipping, that within a twelvemonth they had established an institution not of the exact character of Lloyds, but one which they deemed would answer the people.

**Hon. Mr. Ryan**—Was the German institution constituted under a Government Department, or was it not as Lloyds, a private enterprise?

**Hon. Mr. Mitchell** could not exactly say. He rather thought that it was a private enterprise, but under Government supervision, though of this he could not positively speak. Now, with regard to the bill now before this House, he thought it would be quite time to discuss the details when it came before the Committee. The real question was, however, whether or not it were desirable for the Dominion to protect its large floating property. He assumed that no one would take the ground that it should not, or that we should not attempt to give our vessels a classification and character. The hon. member for Sherbrooke had taken exception to the fifth clause, but he (Mr. Mitchell) thought that hon. members had failed to apprehend the object and purport of the whole bill. It was only descriptive of the class of duties which would come under the Department, and gave to it no power of legislation or control outside of the laws already in existence.

**Hon. Mr. Miller** begged to ask the hon. Minister of Marine whether he would be willing to amend the fifth section, by adding the words "under the existing laws of New Brunswick, Ontario, and Quebec."

**Hon. Mr. Mitchell** had not the slightest objection.

**Hon. Mr. Wilmot** thought there would be no doubt that as the bill now stood the Government would have power to legislate by Orders in Council. It was he thought quite desirable to establish some mode of classification among ourselves for Canadian vessels, and not to leave the matter to Lloyd's in London, or anywhere else. The marine interests of the Dominion were very large, and it was well known that the vessels built on the north bank of the St. Croix River in New

Brunswick, were superior to those built on the South or American side, yet they were classed with a difference of two or three years' inferiority. He trusted that proper attention would be given to this important subject, and that something effectual would be done. The Saint John built vessels had proved themselves in every respect of the highest character upon the longest voyages, and had made some of the finest passages from the East Indies. As to the fisheries he thought there could be no doubt that they should be placed under the control of the Central Government. Indeed there was a most urgent necessity that something should be done, for they had almost been destroyed for want of supervision, but as to the harbours he feared it would be a dangerous experiment to take them out of the hands of the local authorities. The control of the Harbour of Saint John, New Brunswick, was in the hands of the Mayor and corporation, and local dues were imposed to make the necessary improvements. It would be unfortunate that any change should be made there, but then the Hon. Minister of Marine said it was not intended, which was so far satisfactory.

**Hon. Mr. Locke** desired particularly to know if, as asserted no power was given to the Minister of Marine and Fisheries by the Bill, what the intention of Ministers was in introducing such a bill. It was surely important that they should know what power in relation to the exercise, management and control of marine affairs, Government really wanted. Assuredly if a Canadian Lloyds were established to be exclusively under the control of the Government, the effect would be most mischievous rather than in any degree beneficial. He admitted the desirability and usefulness of a Canadian Lloyds under proper management and control. It would be indisputably a most useful association, but it would be pernicious in the extreme, he would repeat, if Government had any control whatever over such an association. There would be a forced classification here in all probability and necessary classification in England as well. Merchants and shipbuilders would have to resort to two classifications to sell their vessels, the one arbitrary, the other on absolute necessity, if they would sell at all. The question of whether it is the intention by this bill to create a Canadian Lloyds for the purposes of rating and classifying ships, or not should, however, at once be settled, and he trusted it would be so.

**Hon. Mr. McCully**—The honourable gentleman surely does not suppose that anything

that may be done by Government will altogether supercede, interfere with, or prevent classification at Lloyds. If the Government of this country could be insane enough to enact that every vessel built in or belonging to the Dominion should be classed in their Lloyds, the object, said to be desired, would assuredly be altogether lost. A Canadian Lloyds—an association of men well acquainted with the qualities of Canadian woods and ship-building, and practically conversant with ship-building by means of their own agents and supervisors—could give a character to a vessel which would be respected in England, in France, and in the United States. The character given to be respected would depend much upon the character of the association which gave it—a character which no Government could arbitrarily impose. One great difficulty with which Canadian ship-builders had to contend was the difficulty of making people fully understand the qualities of wood. It was difficult for instance to persuade people in England that for the ship-building purposes, the wear and tear incident to oceanic navigation, hachmatac was nearly equal to the far-famed British oak. Yet there cannot be a doubt that we are as good judges in this as in any other country of shipping material. As the question was apparently to be discussed on the second reading he might as well mention with regard to Lloyd's agencies or superintendencies of shipbuilding in this country that that Association employed travelling agents to visit shipyards, and who actually classified vessels on the stocks as it were a secret. A merchant might be led to believe when his ship was completed that she was A 1 in point of excellence of material and workmanship, but find on going to London that his ship had not been classed at Lloyds, as he had had good reason to expect, and thus loss, for which he was quite unprepared, be suffered. A Canadian Lloyds will certainly do much to correct this rather serious drawback on ship-building, if it would do nothing else.

**Hon. Mr. Mitchell**—Before anything is done of such a nature, he might be permitted to assure the House that every detail would be submitted to Parliament; but it was not, in his opinion, the thing for a free people to submit to be at the mercy of any mere association of private individuals in remote countries.

**Hon. Mr. Macpherson**—If the Hon. Minister of Marine and Fisheries does not seek, or rather intend using, the power which the bill gives him, why is any such power mentioned in the bill?

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**Hon. Mr. Mitchell**—It will enable me to take all the steps preliminary to the formation of such an association, and to the framing of measures having a tendency to advance and protect our maritime and commercial interests.

**Hon. Mr. Macpherson** did not certainly perceive that it was necessary to give the Minister of Marine and Fisheries any such power as he claimed the right to possess. In time, no doubt, a Canadian Lloyds would spring up, but he did not believe that at any time under the close and immediate, he might say direct, supervision of the Canadian Government, such an institution would prosper. One thing certainly occurred to him, and that was that the bill should be freed from all ambiguities. Already there was an Act which had been introduced by the Hon. Postmaster-General, then Commissioner of Crown Lands, regulating the fisheries, and this bill, it appeared to him, attempted to do precisely the same thing, and in fact would override the Act now in existence.

**Hon. Mr. McCully**—Not at all. The Union Act keeps all those things intact.

**Hon. Mr. Mitchell** had no objection whatever to the fullest possible discussion of every detail, as well as of the general principle of the bill, which as a matter of course, would be afforded when the bill came into Committee of the Whole, and he should indeed be most happy to receive any suggestion from hon. members, and would gladly weigh any recommendations which should then be made for its amendment and improvement.

**Hon. Mr. Odell** thanked the honourable mover of the bill for the explanations which he had offered, though he regretted that his duty required him to set aside from his mind those explanations altogether, and merely look to the wording of the bill itself. The explanations, no doubt, might be considered by many as very satisfactory, but whether they were or were not so, they did not alter the wording of the Act, nor give to that wording any different sense or interpretation than the words employed must necessarily convey. It is with the bill which the House has to do, and in that bill the Minister of Marine is to have powers which must inevitably clash with those of the Local Legislatures under the Act of Union, and he was not disposed to consent that any powers such as those sought for by the bill should be given to any Government, and he hoped that the ability to confer such duties as were specified in

the bill, upon one of their own officers, would never be conferred upon the Government by the Senate—would never, indeed, be entertained. Extraordinary powers have frequently been given to Governments to meet extraordinary emergencies, to meet some particular case that might arise, but he could not consent to confer any such extraordinary powers upon a Government, when the existing laws are sufficient to meet the alleged object sought to be attained. He contended that Harbour Commissionerships and Harbour Masters was a power vested by the Act of Union in the Local Legislatures, and which the Hon. Minister of Marine admits to be strictly correct,

and what then does the bill mean by requiring that the whole control, management, and supervision of these matters, the classification of vessels, and direction of trade, should be in the hands of the Minister of Marine. He certainly objected to the conferring of a power which the Minister of Marine himself states he is not prepared to exercise.

After some further discussion as to the propriety of delay, in view of an outside expression of opinion, the bill was read a second time and ordered for consideration in Committee of the whole on Wednesday next, and the House adjourned.

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## THE SENATE

Tuesday, Dec. 3, 1867

The Speaker took the Chair at three o'clock.

After routine

**Hon. Mr. Skead** moved that Rule 62 be suspended in so far as it relates to the Bill to incorporate the Intercolonial Insurance Company.—Carried.

## POSTAL SERVICE REGULATION BILL

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

business was transferred to the care of the several Provinces; under certain conditions, however, as to the rates to be charged, which were to be the same in them all, and, also, as to the Imperial Packet Service. The Postal Service then formed the subject of legislation in the several Provinces, and in some particulars there had been a divergence between them in the legislation enacted. In certain respects he thought the results would prove that the system pursued by Canada, would commend itself as the most satisfactory. In all the colonies the Postmasters were Crown appointments. In Canada and New Brunswick the Postmasters-General had always been political officers, but it had not been so in Nova Scotia. In the cities of Canada, such as Quebec, Montreal, Ottawa, Kingston, Toronto, Hamilton, and London, the Postmasters were paid by salaries, but in all other places by commissions on the amount of their transactions. In the Lower Provinces the offices were divided into Post Offices and Way Offices, the Post Offices being paid by salaries, the others by commissions. This sufficiently described the system, so far as it related to the appointment and remuneration of the Postmasters. As to the rate of postage, it was fixed in 1857 at 5 cents for prepayment, and 7 cents when not prepaid. In Canada there was besides a system of drop letters, that is of letters posted in a locality to be delivered in the same, and for this service 2 cents per letter was charged, and be understood that in New Brunswick the same system had been extended to frontier towns, so that a letter dropped in a frontier town in that Province was delivered in an adjoining frontier town in Maine for 2 cents. In Nova Scotia it was carried still further, as a letter would be delivered in any part of the country in which it was mailed for the same sum. The 5 cent and the 7 cent rates were general throughout the British Provinces. Thus, for 5 cents prepaid a letter could be sent from any part of Ontario to any part of Nova Scotia. With reference to the postage of Great Britain, it was 12½ cents by the Allan line of steamers, which sailed from Montreal and Quebec in summer and from Portland in winter. In two of the Provinces which chiefly used the Cunard line the same rate was paid on mails by Halifax, but in Canada, if the correspondents availed themselves of the Cunard line, the rate was 17 cents or 12½ cents, and 2d sterling for United States transit rate, fixed by an agreement between the United States and Great Britain. In Nova Scotia correspondents using the Allan line

paid 5 cents extra to cover the postage to Portland. In Canada books and samples were brought by the ocean steamers for 3d sterling per 4 ounces.

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

**Hon. Mr. Campbell** must have been misinformed, but he thought he had learned it from official reports. In Nova Scotia letters from Halifax were sent by the Cunard steamers to Boston for 10 cents, and from the interior for 13½ cents. In all the colonies the postage on books and printed matter was paid to the frontiers of the United States, and the United States paid their own to the British frontiers in the same way. He now came to the important part of the measure, and one concerning which probably some difference of opinion would be found to exist in the minds of hon. members from the Lower Provinces—he alluded to the postage on newspapers. In the Lower Provinces this service was free. In New Brunswick, whether the papers were sent from the office of publication or were mailed by individuals, there was no charge for postage. In Nova Scotia British and Colonial papers, as well as religious periodicals, were carried without charge, the others paid one cent. In Canada papers sent from the publishing office were charged one half cent, and the amount was collected from the subscribers quarterly in advance, but, if the postage was only paid at the time the papers were delivered, the charge was one cent per paper. In all the Provinces exchanges were carried free of charge. The rate in Canada on periodicals was one cent per 4 ounces, in New Brunswick 2. In Nova Scotia, when sent from the office of publication, they were free, when sent otherwise, 2 cents. In Canada books were carried at 1 cent per ounce; in New Brunswick there was no mail book system, and, as far as he had ascertained, none in Nova Scotia.

**Hon. Mr. McCully**—Yes, we have that privilege.

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

**Hon. Mr. McCully**—Yes, a parcel post had lately been established in Nova Scotia.

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

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

**Hon. Mr. Campbell**—Then the registration system differed in the several Provinces. In Canada the registration fee was 2 cents, always prepaid; in New Brunswick 5 cents, when prepaid, and 10 cents when not; in Nova Scotia it was 10 cents, and must be always prepaid. With respect to dead letters, the systems were very much the same. They were kept three months, and, if not applied for, were opened to find the owners. Then the modes of entering into mail contracts were different. In Canada the Post Office Department was obliged to accept the lowest tenders, unless there were strong reasons for refusing, but those reasons had to be reported to Parliament. In the Lower Provinces there were no statutory provisions on that subject, and the arrangements were left to the decision of the Postmaster-General. These divergencies had all supervened since the transfer of the postal service to the several Provinces by the Imperial Government in 1851. The results would best be understood probably by exhibiting the receipts and expenditure of the Postal Departments in these Provinces for 5 or 6 years. He had not deemed it necessary to go so far back as 1851, as that would have entailed an unnecessary labour upon the officers, but he had commenced the comparison with the year 1860, and taken the revenues and expenses in the several Provinces. The results would probably appear somewhat favourable to Canada, and he thought the principal reason would be found in the collection of newspaper postage. The postal revenue in Canada in 1861 was \$683,034 and the expenditure \$719,056, showing a deficit of \$36,023 or 5½ percent on revenue. In New Brunswick for the same year the revenue was \$46,658 and the expenditure \$71,187, showing a deficit of \$24,529 or 52½ percent. In Nova Scotia for the same year the revenue was \$40,052 and the expenditure \$69,444, showing a deficit of \$29,392 or 73 percent. In 1862 in Canada, the revenue was



\$723,052 and the expenditure \$750,514, showing a deficit of \$27,462 or 4 per cent. In New Brunswick the revenue for the same year was \$46,489 and the expenditure \$69,625, showing a deficit of \$23,156 or 50 per cent. In Nova Scotia for the same year the revenue was \$45,100 and the expenditure \$68,305, showing a deficit of \$23,205 or 52 per cent. In Canada in 1863 the revenue was \$759,475 and the expenditure \$753,057, showing a surplus of \$6,318 or nearly one per cent. In New Brunswick for the same year the revenue was \$46,146 and the expenditure \$67,384, showing a deficit of \$21,241 or 46 per cent. In Nova Scotia for the same year the revenue was \$48,174 and the expenditure \$70,389, showing a deficit of \$22,215 or 46 per cent. In Canada for the year 1864, the revenue was \$829,805 and the expenditure \$803,962 showing a surplus of \$25,843 or 3 per cent. In New Brunswick for the same year the revenue was \$51,184 and the expenditure \$71,974, showing a deficit of \$20,790 or 30 per cent. In Nova Scotia for the same year the revenue was \$56,207 and the expenditure \$73,163, showing a deficit of \$16,956 or 30 per cent. In Canada for the year 1865 the revenue was \$834,096 and the expenditure \$851,870, showing a deficit of \$17,773 or about 2½ per cent. In New Brunswick for the same year the revenue was \$51,278 and the expenditure \$71,906, showing a deficit of \$20,627 or 40 per cent. In Nova Scotia for the same year the revenue was \$62,371 and the expenditure \$80,947, showing a deficit of \$18,576, or 30 per cent. In Canada for the year 1866 the revenue was \$878,413 and the expenditure \$894,561, showing a deficit of \$16,147 or nearly 2 per cent. In New Brunswick the revenue for the same year was \$56,509 and the expenditure \$72,546, showing a deficit of \$16,036 or 30 per cent. In Nova Scotia for the same year the revenue was \$69,010 and the expenditure \$86,127, showing a deficit of \$17,116 or 25 per cent. In Canada for the year 1867 the revenue was \$914,783 and the expenditure \$924,319, showing a deficit of \$9,536, or 1 per cent. The results for the Lower Provinces for last year could not be stated, as no returns had yet reached the Department. It was also proper to state that the expenditure of Canada embraced a sum of \$60,000 charged to the Department as part contribution to the subsidy paid by the Government for the ocean mail steamers.

**Hon. Mr. Ferrier**—This was not the whole subsidy.

**Hon. Mr. Campbell**—No, only part of it. Anterior to 1861 several contracts were made for the ocean mail service. The first was with

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

**Hon. Mr. McCully**—No; but the Imperial Government receives the whole of the Ocean Mail Postage, to and from those Provinces, whereas Canada receives the postage on the mail matter carried by its steamers.

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

**Hon. Mr. McCully** could speak for Nova Scotia, and happened to know that in that Province the railways were paid at a certain rate per mile for carrying the mails. The Railway Commissioners debited the post office and the Government recredited the Department.

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

**Hon. Mr. Boiesford**—Were these claims over and above the sums stated for the service?

**Hon. Mr. Campbell**—No; but they had formed large accumulations over what the Government had deemed themselves bound to pay. The difficulties were arranged by an arbitration composed of Mr. Chancellor Blake, Hon. Judge Day and Mr. Wicksteed. The claims were adjusted and the awards paid, and, on the recommendations of the arbitrators, certain rates of remuneration for the future were adopted. The Grand Trunk was paid \$150 per mile, per annum, which last year amounted to \$150,275; the Great Western \$124 per mile, per annum, being less of an artery than the Grand Trunk, and the gross sum paid the company last year was \$44,237. Other and smaller railways serving as collateral lines were paid 8 cents per train, per mile on passenger trains, on mixed trains with a post office car 6 cents and on ordinary trains 2 cents. Now he was under the impression that there were no equivalent payments for Postal Service in the Lower Provinces, but, as the honourable member (Mr. McCully) had stated there were in Nova Scotia, at least it must, of course, be so. The Honourable Minister of Marine had just informed him that there were no railway mail charges made in New Brunswick. Now, taking these facts into consideration, he thought he was entitled to say that, after the statements he had produced the results of the postal system in Canada were very strongly marked in its favour.

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

**Hon. Mr. Mitchell** said he held in his hand the accounts, and no such charge appeared in them.

**Hon. Mr. Campbell**—Well, the results were doubtless strongly shown by the larger revenues in Canada. As to the extent of the services rendered by the postal system of Canada, he begged to state a few figures. The number of post offices in Canada in 1866 were 2,333, the number of miles of mail travel 6,500,000; the number of letters 14,000,000 and newspapers 14,200,000. In New Brunswick the same year, there were 46 post offices and 392 way offices, the number of miles of mail travel 779,000, and letters carried 1,738,000. In Nova Scotia in 1865 there were 81 post offices and 513 way offices; the number of miles of mail travel 1,005,000, and of letters carried

1,725,000. He had seen no official record of the number of newspapers carried in either of the Lower Provinces, but from a newspaper article copied into the Ottawa *Times* he learned that in New Brunswick in 1865, they amounted to 3,729,000, exclusive of those brought by the Ocean Steamships which might make 50,000 more. As to postage stamps sold in Canada in 1866, they amounted to \$480,000, in New Brunswick to \$38,000, and in Nova Scotia in 1865 to \$54,000. The next item was the money order business. In Canada in 1866, the issues were \$1,720,000; in New Brunswick \$280,000, and in Nova Scotia in 1865, \$378,000. The charges upon the money orders were the same in all the Provinces. For sterling orders drawn on Great Britain, the commissions were for £2 and under, 25 cents; for £5 and under, 50 cents; for £7 and under, 75 cents; and for £10 and under, \$1. The Local Orders were issued at  $\frac{1}{2}$  per cent on the amount. In Canada they were graduated by steps of \$20 and in the Lower Provinces by \$10, the Departments having the benefit of the fractional differences of commission between the smaller and larger sums. Here the hon. Postmaster-General repeated his conviction that the results were in favor of the Canadian system, and that on the whole it might be considered as highly satisfactory.

**Hon. Mr. Wilmot** said he did not see in the Canada Postal Accounts the charge of \$60,000 for Ocean Mail Service.

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

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

**Hon. Mr. Campbell**—Was all the sea postage on such letters in the Lower Provinces paid to the Imperial Government?

**Hon. Mr. Anderson**—It was all paid into the Commissariat for the Imperial Post Office.

**Hon. Mr. McCully**—The arrangement, he thought, operated against the Lower Provinces, for, while Canada might collect more

than the \$60,000, it paid for the service, the Imperial Government received all that was collected in those Provinces for the same kind of service, except a very small fraction.

**Hon. Mr. Campbell**—Well, the facts mentioned by the hon. member, subject to correction, no doubt modified in some degree the conclusions he had drawn as to the comparative results of the Postal systems in the several Provinces. Now it was with reference to the Postal service and Postage charges in these Provinces, in the stage which he had described, that the present bill was prepared and submitted. The main changes proposed to be made by the measure, related to charge on local letters, to newspaper postage, to the time for payment of the latter, and to the establishment of Savings Banks. He was somewhat embarrassed as to which subject he should treat of first. He did not suppose, however, that any objection would be made to the reduction on the rate of letter postage. Everybody seemed disposed to pronounce this at least a good measure, though some newspapers had said the bill did not go far enough, and that the rate should have been reduced to two cents. They saw some charm in the figure 2 which they did not see in the figure 3, but he himself could not discover it. In Great Britain, to be sure, the rate was 2 cents, but it was only after a long time that it had succeeded. When the rate was reduced to that charge the Postal revenue showed a surplus of a million and a half of pounds sterling, but it was only within two or three years that the Department had reached the position as to surplus revenue it had twenty years ago. Then England was a very different country from Canada. Here we had long distances to carry the mails, and through a sparse population, whereas there the reverse was the case. The analogy was greater in respect to the United States, and yet even there the advantages were greater than in this country, and there the rate was 3 cents. Yet after much careful consideration and counsel with the Deputy Postmaster-General, who, he had no hesitation to say, was one of the most valuable officers this or any other country ever had, he had resolved to recommend a prepaid letter rate of 3 cents in future, and this he thought was as low as it was possible to go. In doing so the country would have to meet a considerable deficiency, but it was done under circumstances which made him sanguine that in a short time it would be overcome, and a surplus be again attained. In his opinion it was desirable that the Postal service should be expected to yield a revenue. The service

should be performed as low as possible, and if it paid its way, that was all that should be desired. But, judging by the experience of the past and the prospect of increased correspondence, he did not think it would be more than two years before the income and expenses were equalized. The calculations he had made would probably enable the House to see whether his expectations were well founded. The revenue for the whole Dominion in 1867 was estimated at \$1,050,000. From this gross sum there were to be deducted certain items which would not be influenced by the change proposed. The ocean postage, the parcel postage, the newspaper postage, and the United States postage fell within its category, and, deducting these, the sum of \$600,000 derived from the 5 cent rate only would be affected by the reduction. On this sum a reduction of two-fifths, or \$240,000, would take place. But, assuming that, in consequence of the change, there should be an increase of 25 per cent in the correspondence (as was the case in the United States when in 1851 they reduced the rates 22 per cent, and increased the correspondence by 30), a considerable part of the deficit would already be made up. Then, supposing the newspaper postage was agreed to—a proposition which he knew did not meet with favour on the part of the Lower Province members—and applied to the whole Dominion, and, moreover, that the exemptions in favour of religious, educational and temperance publications were abolished, there would be other considerable offsets to the deficiency. These items, he thought, would yield an increase of \$40,000, and the dead letters \$10,000 more. Altogether, the increase, the newspaper postage, the withdrawal of exemptions, and the dead letters, were expected to give \$140,000, which, put against the estimated deficit of \$240,000 would leave only \$100,000 to be provided for at the end of the first year. Now, if his expectations were realized, he hoped that in two years the Department would again be self-sustaining. He was persuaded that the more hon. members reflected upon the subject the more they would be satisfied that it would be injudicious to reduce the letter rate below three cents. Then, as to the charge on newspapers, he must take it for granted that, whatever course was pursued, all parts of the Dominion in this respect must be placed upon terms of equality. It could not be supposed that any difference should be made in favour of any one or two Provinces. If all parts of the Dominion were to be placed upon terms of equality in all respects, and the Lower Provinces must be exempted from the payment of

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

**Hon. Mr. Wilmot** — Supposing a newspaper from Canada had a stamp, could it not be carried through New Brunswick free?

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

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

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

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

who pay their fair share of taxation otherwise.

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

5th. That the carrying of newspaper imposed very little expense on the Post Office Department in addition to what is incurred by the carrying of letters; all other legitimate means of raising a revenue should for this and other reasons already stated be exhausted before this mode of doing so should be adopted.

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

Well, as to the tax on knowledge, he must confess he did not see much force in the argument. A tax was an impost levied for the benefit of the State.

**Hon. Mr. McCully** here referred to some of the statements of the Postmaster-General with reference to the mail matter in Nova Scotia, and read from the Journals of the Parliament of that Province some items which seemed to conflict with them.

**Hon. Mr. Wier**—These statements only refer to the City of Halifax.

**Hon. Mr. Campbell**, resuming, said the argument of a tax on knowledge could not be sustained. It was not a tax, but a charge for a service rendered. Surely it could not be said with truth that the agent who carried an article at the very lowest possible cost imposed a tax upon it. The reverse was rather the case, and, instead of the Post Office hindering the circulation of papers, it facilitated it in an extraordinary degree. All that was asked in return was the bare cost of the service. And what after all was the meaning of the objection? Why that the wares of certain persons should be exempted from the cost of carriage while everybody else paid. They did not ask to be put upon an equal footing with their neighbours, but upon a better one. If the Post Office must carry newspapers free, why might

not other merchandize be carried on the same terms, and moreover delivered at the expense of the Department? If newspapers must be carried free, why should not the types and forms, and implements of the printers be carried free too? If the argument was good in respect of the newspapers, it was, he maintained, equally good in regard of all the printers belongings. This he conceived would be a most exceptional kind of legislation—class legislation in fact. It was neither more nor less than saying that this order of men were not willing to pay for an important service rendered them. In the Lower Provinces they had apparently succeeded, and so they had in the United States, where the press had an undue influence, but he could not help thinking that too much deference had been paid to their demands, and that the exemption was unfair to a large part of the community. Why should the man who does not read and does not want a newspaper be required to pay for the man who does, and why should newspaper publishers, above all the classes engaged in business, claim such a privilege? The other arguments of the New Brunswick press were less open to reprobation, yet he would ask whether these newspapers—the educational and scientific—were established from motives of patriotism or philanthropy? Were they not, on the contrary mere business enterprises, with the view to gain like all other industrial concerns? It was his desire to abolish the exemptions, and he believed that many, if not all, of the ordinary newspapers, were found to inculcate as effectually lessons of morality and virtue as those which claimed to pass free on educational, religious, or temperance grounds. If a man invested \$10,000 in an agricultural or temperance publication, he did it because he hoped it would pay, and he could not understand why he should be entitled to greater consideration or indulgence than other publishers. The resolutions also assumed that it cost the Post Office nothing to carry newspapers, but the argument would do quite as well in respect of letters. The newspaper man says, "You have to send the mail with letters whether or no, and you may as well take my paper along," but the man wishing to have letters carried could turn round and allege that, as the Post Office had to send papers along, it might just as well take his letters for nothing. The argument was of equal force in both cases. Large sums were paid for the transport, for servants and appliances, and the whole receipts were expended in the service. What more can be asked? The next resolution did not contain the vestige of an argument. The

difficulties alluded to had been overcome in Canada, and could no doubt be elsewhere. Now, as to the prepayment of the charge, he admitted that here there might be some room for difference of opinion. If prepayment is exacted, it will have a tendency to make the newspaper business more compact, and the publishers will be more careful to send them only to persons who they will have good reason to believe will pay. The allegation that prepayment would absorb too much capital, and that it would enhance the losses already too frequent, seemed to be particularly relied upon, and there were other reasons urged besides. Well, he had been informed that publishers often sent papers when they had no expectation of payment, in fact distributed a great many gratis, but that they did this with the view of increasing their advertising patronage, and that they found their account in it. If this was true, might he not ask which should pay the postage, the party who indirectly got back his money by means of advertisements, or the public who received no advantage whatever from the transactions? Now, in favour of prepayment, he would say that, for the purpose of collecting the \$40,000 which accrued to the Department from the newspapers sent from the publishing offices for regular subscribers, the Department had to open accounts at every Post Office in the country. Some of the large papers went to over one thousand offices, and accounts had to be kept for the ten, twenty, thirty, or forty subscribers at each place, and the Postmasters were thus forced to act as agents for the printers. He had now an ordinary quarterly account before him, taken up casually, just because it happened to be on his table. He might have got others that would have served his purpose much better. It was that of the Postmaster of St. Hyacinthe, a town east of Montreal, containing a few thousand inhabitants, and he found that the office had to collect the postage upon forty different newspapers, and three hundred and forty-two persons, while the whole sum received amounted to \$11.17½, and this was a sample of the labour entailed upon over two thousand postmasters, by the present system, all of which would be avoided by prepayment. Why should the Postmasters have this trouble? But it was said that the postage being in broken sums, it would be exceedingly difficult to remit them. Well, he thought that, instead of the seventeen cents, which would be the postage for a year on a weekly paper, the publishers could easily substitute 25 cents and add that to the subscription price; and so on for other

classes of papers. The system of prepayment would induce the adoption of the cash system more extensively, which he was persuaded would be an advantage to all parties. It might possibly diminish the subscription lists a little, but this would be counterbalanced by great advantages. He had however, already admitted that this particular point left room for argument, and he would therefore leave it for the present. He had now touched upon all the postal changes proposed, and came to the essentially new feature of the bill—the creation of Post Office Savings Banks. These institutions had now been established in Great Britain for some years, and had been attended with the most satisfactory results. It had been thought of late years in Canada that it was proper to invest the savings of the working classes with greater security than they actually possessed. He rather thought that, on the whole, the Savings Banks of the Lower Provinces had been better in this respect than those of Canada. It was true that there had been but few disasters in connection with these institutions even in this country, yet many hon. members would recall some painful instances of this kind, and, if the system could be successfully grafted in Canada, it would be a great boon to the people. The provisions embodied in the bill were taken *verbatim* from those of the Imperial Act. The Hon. Postmaster-General then quoted the clauses, and said it was proposed to open such offices in sixty or seventy of the principal cities and towns, and, as the system became established, the number could be increased: Any one depositing would receive a pass-book, in which the sum lodged would be entered by the Postmaster, to which he would sign his name and affix the stamp of the office. He would then advise the receipt of the amount to the Department by means of a printed letter for the purpose, and, on receipt of it, the Postmaster-General would write back acknowledging the receipt of the money. The entry in the book would be good for ten days, and, if within that period the receipt had not reached the depositor, an application for it would give further validity to the transaction for ten days more. The account would not be kept at the Post Office receiving the money, but, at the Head Office in this city. Then, if the depositor wanted to draw out his money, or any part of it, by the production of his pass-book, and the acknowledgment of the Postmaster-General in his hands, he could do so at any Post Office empowered to do this kind of business. He would apply to the Postmaster, and his application would be im-

mediately sent to the Postmaster-General, who by the next mail would transmit the necessary authority to pay. This was the English system, and as it would be seen, it afforded perfect checks and entire safety. It was proposed to limit the minimum deposits to one dollar, upon which, when three dollars had been lodged, interest at the rate of four per cent would be allowed. This would be equal to one cent a month, and the matter would be so simple that the depositor, however uneducated, could keep the account himself. The figure 3 and its multiple was adopted because of the convenience it afforded in the calculation of interest. The management of the business would cost between one and two per cent. so that the money would cost the Government about six, which was as much as they should pay. The money order office required about the same amount of labor to carry it on, and the charges come to about the same thing. The matter had been carefully calculated in England, and similar results arrived at, viz.: between one and two for management. Where sums of more than \$100 were deposited by the same person, power was taken by the bill to give a receipt bearing five per cent, subject, however, as in the case of interest deposits in banks, to a certain notice before withdrawal. When cash deposits reached \$500,000 the Minister of Finance would be authorized to invest such excess in Provincial debentures. The object of this was two-fold. As interest would have to be paid, the money should be so employed as to earn it, but the investments should be of a character which, in case of sudden calls, could be realized. The Minister of Finance would, of course, buy the debentures at the market value, and, if at a discount, it would be so much profit. He (Mr. Campbell) had, however, thought, after the bill was printed, that authority might be given to the Minister of Finance to substitute new debentures in the event of his requiring to realize, instead of selling any he might have in his hands, with only short times to run, as the latter would not be so likely to command good prices as those of longer periods. This amendment could be made in Committee of the Whole. There were the provisions for the establishment of the Savings Banks. The bill contained other clauses, but they had respect to matters of detail, which could be gone into in Committee. He would just say in conclusion, that the bill, instead of conferring upon the Governor in Council, as in the old Act, conferred them directly upon the Postmaster-General. This had been done, not to give a

greater influence to that Minister, but for the sake of convenience. The hon. member then moved, seconded by Hon. Mr. Blair, that the bill be now read a second time.

**Hon. Mr. Bourinot** would not hesitate to say that he approved of the general principles of the bill now before the House. There was only one feature in it to which he had an insuperable objection, the purpose of placing a tax on newspapers, and he hoped sincerely that when the bill was in Committee of the Whole, it should be so amended as completely to remove so objectionable a feature. Notwithstanding the ingenious reasoning of the Hon. Postmaster-General with the purpose of showing that the newspaper business was carried on much in the same way, and with precisely the same view, as persons usually carry on business of whatever nature, and that the newspaper proprietor ought not to be entitled to greater advantages through the medium of the mails, than all other persons who used the post in connection with their business had, he could not help expressing his belief that the imposition of a postage rate on the newspapers would be extremely ill received in Nova Scotia, where no such rate had hitherto existed. When in Halifax, he had frequent opportunities of ascertaining the feeling with regard to this matter. Whenever, indeed, it had been attempted to place a tax upon newspapers, the attempt had invariably been resisted. A postage rate on newspapers was looked upon as a tax upon knowledge, and in his judgment not incorrectly so. The newspaper was a great and sometimes an only means of disseminating information. Many who never read books read the newspaper. Its cheapness, its popularity, the diversity of the matters upon which it treats, and especially the news which it necessarily contains, making it a welcome messenger to the backwoodsman. Often where no book is seen, a newspaper is to be found. To the poorer classes especially as means of information the newspaper is invaluable. He knew of nothing which could create more dissatisfaction gener-

ally than would the imposition of a newspaper postage, which certainly would be regarded in the light of a tax; but in Nova Scotia particularly the imposition of such a duty upon newspapers, for it could be regarded in no other light, would make Confederation most unpopular. It will raise a feeling which it will be difficult to allay; and assuredly he hoped and believed that every gentleman in that House from the Lower Provinces would oppose the impost. The Hon. Postmaster-General also proposed a tax up on periodicals, such as the London Quarterly, the Edinburgh, Blackwood, and such serials as Temple Bar, London Society, etc., which, in his opinion, was much too heavy. He hoped that when the bill was brought up in committee, these matters would be attended to, and he would only further remark that in the coming changes which the new order of things must bring about, that the interests and long services of the gentleman at the head of the Postal Services in Nova Scotia, a gentleman greatly esteemed, and whose services had been most valuable, would not be overlooked. He trusted that in the carrying out of the proposed changes that gentleman would be provided for if displaced, and he would ask the Postmaster-General.

**Hon. Mr. Campbell** hoped that he would not be required to displace any one, but with regard to the future disposition of officers of the Department, it would be extremely inconvenient to give an answer now, and he trusted the hon. member would not insist upon one.

**Hon. Mr. Bourinot** having drawn attention to the special requirements of Cape Breton, expressed himself as being sorry for having detained the House so long, the more especially as opportunity for further discussion would be afforded him, and sat down.

The bill was then read a second time, and referred to a Committee of the Whole on Thursday next.

The Senate then adjourned.

## THE SENATE

Wednesday, Dec. 4, 1867

The Speaker took the Chair at three o'clock.

After routine

### FINANCIAL CRISIS

**Hon. Mr. Macpherson**, pursuant to notice, moved that a Select Committee be appointed to inquire and report upon the causes of the recent financial crisis in the Province of Ontario, with power to send for persons and papers.

The hon. member said that if the recent financial crisis in the province of Ontario had been like others which had happened in this and other countries, he would not have deemed it necessary to propose such an inquiry. In 1846, there was a severe crisis caused by the repeal of the corn laws, and the consequent depreciation of our wheat and other agricultural products, and ten years later another had occurred caused by over speculation and aggravated by bad harvests which had followed, but the panic of six weeks ago could be traced to no such circumstances. The country had reaped a bountiful harvest, and the cereal products and other products of the farm, together with all other articles of native growth, commanded large prices and could secure ready markets. Indeed, the country might be said to be at the time in a condition of great prosperity, and yet in the midst of all this, all of a sudden, the Province of Ontario became involved in a severe monetary crisis. The first cause of alarm arose from the suspension of the Commercial Bank; this disaster was not, however, sufficient of itself to account for the great commercial derangements which subsequently followed. This crisis arrested the sale of our staples, and depressed their value, wheat for instance declined 15 or 20 cents per bushel in a week, and became almost unsaleable. Other articles of trade were similarly affected. As he had already said, there was no apparent reason for this very serious condition of things. There had been no spirit of reckless speculation at work, nothing in fact, of which he was aware, which could account for the trouble, and it was because of the absence of such reasons that he had deemed it proper to suggest the appointment of a committee to inquire into the matter. This Hon. House, (from the calmness and absence of ardent party spirit in its members) was, as he thought, peculiarly adapted to institute such an investigation, and the large busi-

ness experience of many of the gentlemen who composed it, would enable them to render such inquiry in the highest degree useful. It was well known that at the period to which he referred the banking accommodation necessary to enable commercial men to transact their affairs satisfactorily, had been suddenly and greatly contracted, and that in fact, this was still the case to a large extent. Now, he feared the country had not yet realized all the disastrous effects of this pecuniary stringency. In Ontario there was a long winter to be faced, and he apprehended that it would be attended by great distress to many persons, who but for this crisis would not have been exposed thereto. He did not anticipate any opposition to the motion, for the duties which would devolve upon the committee were of a nature harmonizing with the character of the House, and he thought that even the Government should be glad to have reliable information upon so important a subject. He begged to disclaim being actuated by any desire to make a covert attack upon any banking institution, but as he conceived, there were radical defects in the prevailing system of banking, the committee would as he hoped be able to point them out. If the real causes of the evil to which he had adverted could be discovered, then a suitable remedy might be devised.

**Hon. Mr. Wilmot** said that as the speech of His Excellency at the opening of Parliament foreshadowed the introduction of a measure on banking, it might be questioned whether such an inquiry as the hon. member proposed would be expedient. But if it were expedient, there was already in existence a Standing Committee on Commerce, Banking, and Railways, to whom the subject might very properly be referred. He had his own opinion on matters of this kind, and fully agreed that the circumstances to which the hon. member had called attention, needed investigation. One of the consequences which people in the Lower Provinces expected to flow from the Union was, the transfer thither of Canadian capital, but he very much feared, from the present aspect of things, that such expectations would not be realized. He did not object to the motion before the House, on the contrary he regarded the inquiry as of urgent necessity, but rather thought it should be entrusted to the Standing Committee.

**Hon. Mr. Macpherson** said that his first intention had been to propose to confine this Committee altogether to members from Ontario, as being most interested, but as other



Provinces might be concerned, he had decided upon naming gentlemen from them all, and if the motion were adopted he would do so. With regard to the suggestion of the hon. member (Mr. Wilmot), he thought that the Standing Committee on Commerce and Banking was already sufficiently occupied, and he would therefore adhere to his purpose of referring the investigation to a Select Committee.

**Hon. Mr. Wier** did not rise to oppose the motion, but he had failed to see what purpose such an investigation would serve. He presumed the hon. member referred especially to the failure of the Commercial Bank, but supposing the Committee did ascertain the precise cause of that disaster, and who was to blame, what remedy could they bring to it? Already a committee had been appointed in the other branch, with an analogous object in view. It was no doubt a great misfortune that the Commercial Bank had failed, but such misfortunes would happen to banks, as they did to private business concerns, and he doubted whether any means could be taken to prevent their recurrence.

**Hon. Mr. McCully** doubted the power of the House to compel the attendance of persons or the production of papers before one of its committees, in fact the House had no such power at present. He mentioned the fact at this early stage of the session, so that a proper remedy might be applied as soon as possible, and the sooner the better. As to the object the hon. mover had in view, it was no doubt a good one, and if the inquiry proposed resulted in procuring information which would serve as a basis for legislation, with the view of preventing the recurrence of such commercial derangements and disasters, the committee would have served a most useful purpose.

**Hon. Mr. Allan** called attention to the 1st resolution relating to the Committee on Standing Orders and Private Bills, by which power was given to that committee to send for persons, etc.

**Hon. Mr. Boisford** said the House should have the power to compel attendance, but at present all the committee could do would be to request the witnesses to attend. Until a law was passed defining the rights and powers of the House, that course would have to be pursued. The measure referred to as foreshadowed in the Speech from the Throne would not be interfered with by the proposed committee, and, indeed, he thought the evidence it would elicit could not but be very advantageous to the Government. If, therefore, the hon. mover and other hon. members, were disposed

to take the trouble to institute such an investigation, he thought they should be encouraged rather than dissuaded.

**Hon. Mr. Campbell** said the observations of the hon. member (Mr. McCully) were correct, but he presumed it was not the intention of the proposed committee to try and compel the attendance of the persons they might desire to see. There would, however, be no difficulty in procuring such attendance. With respect to the Act conferring the necessary power upon the House, it had not yet been presented, but in the course of the session these necessary powers would be created. Now with regard to the motion before the House, he (Mr. Campbell) must say he concurred to some extent with the hon. member (Mr. Wier), who had expressed doubts as to the practical utility of the proposed investigation. The committee might perhaps be able to elucidate the causes of the temporary stringency in the money market, and their report might be of some use, but he did not believe it would be attended with any very great advantages. He would, however, be glad to see the report when it was ready. He did not, however, agree with his hon. friend (Mr. Macpherson) that there had been any considerable financial crisis. A great financial crisis implied the tumbling and crashing of numerous commercial houses, a general loss of confidence, and in fact a condition of things which affected to whole community, such a condition of things as had been experienced in 1847 and 1857 in Great Britain, the United States, and to some extent in Canada. But to call the temporary derangement of monetary affairs which had recently taken place in Ontario, a crisis, was to use by far too serious and comprehensive a term; more serious than the facts warranted. The hon. member would not contend that before the failure of the Commercial Bank there had been any crisis. It was true that immediately following that event there had been a contraction of discounts, and that it had become difficult to move our agricultural produce, but there had as certainly been no general calamity. The results had been exactly such as might be looked for after a considerable bank failure, and a good deal of anxiety had been experienced, but he repeated his opinion that there had been no general financial crisis. Having guarded the matter in this way, he had no objection to the passage of the motion, and he hoped the labours of the committee would be attended with greater and better results than he had ventured to anticipate.

The motion was then put and carried.

**Hon. Mr. Macpherson** then moved that the following members do compose the said committee, viz: Hon. Messrs. Allan, Anderson, Christie, Hamilton (of Inkerman), Robertson, Seymour, Simpson, Tessier, and the mover.

The Speaker announced a Message from the House of Commons with a

Bill to authorize the apprehension and detention of persons suspected of acts of hostility, or of conspiring against Her Majesty's person and Government.

On motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Blair**, the said Bill, after having been read a first time, was ordered for a second reading to-morrow. Also

Bill respecting the Statutes of Canada which was likewise read and ordered for a second reading to-morrow.

#### PRINTING.

**Hon. Mr. Simpson** brought up the 4th report of the Joint Committee on Printing, and expressed the hope that it would receive the best attention of hon. members. Consideration ordered for Monday next.

#### MARINE AND FISHERY DEPARTMENT.

Pursuant to order the House resolved itself into Committee of the Whole on the Bill to organize the Department of Marine and Fisheries, Hon. Mr. Hamilton (of Kingston) in the Chair.

First clause read and carried.

Second clause read.

**Hon. Mr. Robertson** begged to inquire of the hon. Minister of Marine and Fisheries, whether he intended to appoint one Secretary (Deputy) or one in each of the Provinces.

**Hon. Mr. Mitchell** replied that if the hon. member turned to the 4th Clause he would see that one Deputy only was intended.

The Second, Third, and Fourth Clauses were then read and carried without debate.

Fifth Clause.

**Hon. Mr. Mitchell** said that he had adopted the suggestion of the hon. member for Montreal (Mr. Ryan), and in order to avoid misapprehension he would now move that the following words be added after the word "Supervision" in the 5th Clause, and the words after "Supervision" expunged. The Clause would then read thus:

"The duties, powers, and functions of the said Department shall extend and apply to the

subjects and boards, and other public bodies, officers and other persons, services, and properties of the Crown, enumerated in the schedule to the Act, of which the Department shall have the control, regulation, management, and supervision, so far as the same may be, or might be, or have been had or exercised by any Public Department under and in accordance with the provisions of Acts of the Parliament of the United Kingdom, or of any Provincial Parliament or Legislature now in force in Canada, in relation to such subjects, boards, and other public bodies, officers, and other persons, services and properties of the Crown, or any of them, or without violating the provisions of any such Act or Acts, save and except such as may vest any such control, regulation, management, or supervision in any other Public Department."

**Hon. Mr. Dickey** said he confessed to a difficulty of catching the exact purport of the amendment, but as he (Mr. Dickey) was the member who initiated the discussion, he desired to say a few words. He had been prevented from doing this when the bill was up for a second reading, from a wish not to break the rule which precluded members from speaking more than once on the same question, though he observed the practice of doing so was growing common. He admitted that the Minister of Marine had received his suggestion most courteously, but nevertheless had thought his objections of no particular force, yet he (the Minister) had discovered that some such provision as that now proposed would have to be made before the bill could pass. He had been told that the bill conferred no legislative, but merely an administrative, power, which he (Mr. Dickey) admitted, but then the bill itself legislated upon important subjects. He had been told that the bill was only to organize, but having referred to the 129th clause of the Union Act, where it was declared that all the laws in existence would continue in force, he found that the same clause gave power to amend and repeal, and the bill gave the same powers. Take the 5th section and connect with it any of the matters mentioned in the schedule and it would read—"Said Department shall have the control, regulation, management and supervision of Harbours, Ports, Piers, and Wharves &c." In his remarks upon the former occasion he had referred to Nova Scotia, and said that the Courts of Sessions had the care of Harbours and the appointment of Harbour Masters, not the Commissioners of Pilots, as stated in the report of the debate. Now there was cogency in the argument of the hon. member

from Montreal (Mr. Ryan) that the Bill gave power to the Department to interfere with Boards which had the supervision in Canada and in Nova Scotia with the Sessions. Surely these were good reasons why the attention of the Minister of Marine should be called to the subject. He had no doubt that the intention of the Minister of Marine was not to assume such powers, but only to organize and to vest in the Department such authority as belonged of right to the Government, or which hereafter might be assigned to it. An hon. member (Mr. Miller) had suggested that words to the effect "that only such powers as were possessed by the Government under existing law" should be added by way of amendment to the 5th clause. He (Mr. Dickey) had stated two objections, first, that the bill took away existing rights from various bodies by whatever names known, and secondly, conferred upon the Department of Marine powers, usually set forth in a special bill, and gave the Minister the management and control of them. He must now express a doubt whether the amendment proposed by the Hon. Minister would meet the requirement, and he would be glad to hear him explain it. The Hon. Minister knew that he (Mr. Dickey) would be the last man to object to the present Minister being entrusted with them, for as respected his ability and his good intentions, he had his fullest confidence, and no doubt that hon. gentleman would make such amendments to the measure as will best convey to his Department the powers at present exercised by the Executive, or which might hereafter be confided to them.

**Hon. Mr. McCully** certainly thought the amendment might be put more concisely.

**Hon. Mr. Mitchell** said he must admit he had failed to see the force of the objections raised to the bill, but as several hon. members had thought they discovered some, he had deemed it more judicious to give way. He had then gone to the hon. member opposite (Mr. Miller), and had taken the words of the amendment he had proposed, afterward adding a few of his own. But when he had shown the alterations to the hon. member from Montreal (Mr. Ryan), he was not quite satisfied, and another amendment had been prepared, which, however, he must say he did not think more explicit, still in order to make the matter satisfactory, he had consented to accept that, and let it enter in and form part of the bill. No doubt the objections of the hon. member (Mr. McCully), would be got satisfactorily over. The object he had in view was

simply to make the Department effective, and not to obtain powers which properly ought not to belong to it.

**Hon. Mr. Cauchon**—The chief dissatisfaction was, he conceived, with the wording of the bill rather than in any principle involved. All appointments were made through the Governor in Council, and Boards of every kind, other than simple Boards of Trade, really affecting commercial or maritime affairs, were not now exempt from such influence and control. The only difference in the way of supervision proposed, was that such control should come through another channel—the Marine and Fisheries Department. Certain work must be done by the Government, and must be executed by somebody, and in this case he supposed by the Minister of Marine. There was no question of law involved, and he would merely suggest that such control over certain public institutions and bodies as had previously been exercised by any other Department of the Government, or by any other authority emanating from Government, should now be vested in the Minister of Marine. He thought such an amendment would obviate all difficulty.

**Hon. Mr. Miller** had stated on the second reading of the bill that he differed from some hon. members of the House, as to the interpretation which one of the clauses of the bill was susceptible of, and had offered an amendment, looking on the bill only as a means of organizing a Department, and not as giving any legislative powers whatever to the Minister of Marine. Another hon. gentleman had substituted other words which he thought were still more comprehensive than those which he himself had proposed to insert, and, as he understood the alterations were made with the concurrence of the Hon. Minister of Marine, and would better answer the purpose than the alteration he had proposed, with the permission of the Senate he would withdraw his amendment.

**Hon. Mr. Ryan**—This amendment covers all the objections which have been made with regard to Harbour Masters, Commissions, Trusts, and Boards, and is most comprehensive. It had been proposed and written in language which, except in a legal point of view, might seem rather intricate, and it would be, perhaps, difficult for members by the mere hearing of it read, to comprehend it, and that the meaning of it might be fully understood, he would suggest, and, perhaps, the Hon. Minister of Marine would consent to

have it printed before the third reading of the bill came up, and it might be so adapted as to apply and extend to the officers enumerated in the schedule to this Act of which the Minister of Marine shall have control, management, and supervision. He might mention that the Minister of Marine had consented to leave out the words, "and the said Department shall have exercise, and discharge such other duties, powers, and functions as may from time to time be assigned to, or vested in, or conferred upon it by order of the Governor in Council." The supervision was to be the same as is exercised by any head of any public Department, and so preserving the laws which circumscribe the powers of all public Departments soever. All that was necessary to be had by the Act was a transfer of the power of supervision over existing bodies or institutions, and with that view the Minister of Marine had now confined himself in the schedule of Acts made or to be hereafter made for the extension of his authority as the head of a Department; and as the sense of the country with regard to the classification of ships by a Canadian Board of Control could now easily be had, the Minister of Marine not intending to do anything in that matter this session, he should accept the Bill as amended.

**Hon. Mr. Mitchell** consented to the printing of the 5th clause, embracing Mr. Ryan's amendment, previous to the third reading of the bill.

**Hon. Mr. Robertson** thought that if several words in the amendment were thrown out, the same effect as was intended would be provided.

**Hon. Mr. Dickey** consented to the amendment, but thought something more simple might have been written to express the same idea.

**Hon. Mr. McCully** said that a more limited phraseology might be desirable, such as the supervision of the duties, powers, and functions of so and so shall extend and apply to the bodies, boards, and other public offices mentioned in this Act. He did not intend even to take credit for this suggestion, inasmuch as it belonged to his hon. friend the Speaker.

**Hon. Mr. Botsford** thought the Department of Marine & Fisheries ought to have the supervision of all Harbour Trusts, of which there were many of a peculiar kind in the Lower Provinces, and see that the officers perform their duties. It was hardly to be expected that the Minister of Marine, however

able he might be as an administrative officer, could personally direct and govern all the Trusts, Boards, and public bodies now existing, nor would it be well to put it in his power to do so. He thought the suggestion of His Honour the Speaker met the whole case, which was virtually that the Minister of Marine, as the chief of a particular Department, should see that persons, who had certain trusts reposed in them and duties to perform, did their duty faithfully and well, and if it should afterwards be found that notwithstanding this kind of supervision, the local or resident authorities did not properly discharge their duties the matter might be easily remedied by an Act of the Dominion Parliament, formed with a view to make them do so. Then would be the time to give the Minister of Marine power to take the direct management of these public bodies out of incompetent hands.

(Here **Mr. Speaker** assumed the Chair and the Mace was laid upon the table, a message being announced from the House of Commons; and the Hon. Sir John A. Macdonald, accompanied by the Hon. Mr. Langevin and Mr. Morris, stood at the Bar, when Mr. Speaker went to receive them. Sir John delivered his message, and having returned to the Chair and the messengers having withdrawn,

**Mr. Speaker** announced the receipt of a message from the House of Commons, stating that a Select Committee to assist Mr. Speaker, so far as the interests of the House of Commons were concerned; to consist of Messrs. Cartier, J. S. Macdonald, McDougall, Dorion, Fisher, Smith, Tupper, Morris, Blanchet, Chamberlin, Mills, and the mover, had been appointed to assist Mr. Speaker in the direction of the Library of Parliament, and again left the chair.)

**Hon. Mr. Mitchell** thought the proposed amendment to which he had assented might be cleared of much ambiguity which might be avoided, he believed, by not repeating twice words to the same effect, but nevertheless he considered it clear enough, and perhaps it would be better that it should remain just as it was written. An hon. friend seemed to be desirous of taking from Government the preparation of this bill; but he thought it better, on the whole, to adopt the suggested amendment of his hon. friend from Montreal, and retain the bill otherwise, as it was.

**Hon. Mr. Sanborn** would move an amendment to the amendment.

**Hon. Mr. Steeves**—When people do not themselves understand the meaning of what they write, and when hon. members do not understand the true meaning of their own motions, it seemed unfair to ask mere plain, common sense, legally unskilled members of the House to find out the true meaning and purport of such amendments, and ask simple-minded members of the House like himself to agree to amendments, the meaning of which hon. gentlemen learned in the laws were divided in opinion about.

**Hon. Mr. Sanborn**—It had been suggested that the object of the amendment should be stated in general terms, and he was not adverse to the suggestion. All that he designed to say now was, that in his opinion the word "administration" might be substituted for "supervision," as being more explicit and comprehensive in its import.

**Hon. Mr. Speaker** said, that in Quebec the administration of the laws rested with the judges, and if they exercised administrative power the Government could not also do so.

**Hon. Mr. Sanborn** meant Departmental, not judicial, administration, and thought the objection to the word supervision held good.

**Hon. Mr. Bossé** feared that incorporated pilots might be injured if the Minister of Marine had the power of supervising them.

**Hon. Mr. Sanborn** withdrew his amendment; and **Hon. Mr. McCully** having stated that the time had not been ill-spent in discussing so important a measure; and **Hon. Mr. Cauchon** having stated that the Quebec Pilots Incorporation Act, which only concerned pilots themselves, personally and pecuniarily, would not be at all affected by the bill; and **Hon. Mr. Mitchell** having stated that there would be no clashing between his Department and the Department of Public Works, the committee rose and reported, and the **Speaker** taking the chair,

The third reading of the bill was fixed for to-morrow.

The last annual Report of the Commissioner of Crown Lands of the late Province of Canada was laid on the table.

The Senate then adjourned.

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## THE SENATE

Thursday, Dec. 5, 1867.

The Speaker took the Chair at three o'clock.

After routine

### THE JUDICIARY.

**Hon. Mr. McCully** 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 statement showing the total expenses of the Judiciary of the Dominion of Canada, so far as the same are chargeable on the Consolidated Revenue Fund for the quarter next commencing on the 1st July, 1867.

What proportion chargeable to Ontario, Quebec, Nova Scotia, and New Brunswick respectively.

To whom paid, when, in what capacity, for what services, and in what courts respectively, distinguishing salaries from travelling or other charges.

What amount for pensions, date of commencement of the same, names of recipients, where resident, and for what services?

What amount for criminal prosecution in each of the Provinces, names of recipients as prosecuting officers, nature of the offences prosecuted, distinguishing those for which convictions were obtained with the punishments awarded.—Carried.

### MARINE AND FISHERIES DEPARTMENT.

**Hon. Mr. Mitchell** moved that the Bill relating to the organization of the Marine and Fisheries Department, be now read a third time.—Carried, passed, and ordered to be sent to the House of Commons.

### POSTAL BILL (IN COMMITTEE).

Pursuant to order the House resolved itself into a Committee of the Whole to consider the Bill for the regulation of the postal service.

**Hon. Mr. Campbell** moved the first clause.

**Hon. Mr. Odell** said that before proceeding further he desired to make a few observations in reply to some of the statements the Hon. Postmaster-General had made in the course of his speech on the occasion of the second reading of the bill, with reference to the postal service in the Province of New Brunswick. His first remarks would relate to payment to

the railways. The honorable gentleman had stated that there was no payment made in New Brunswick for service of this kind, and the Hon. Minister of Marine had corroborated the statement saying at the same time that he held the accounts in his hands, and that no charge of this kind appeared in them. At so great a distance from the place, it was difficult to get all the data that were required, but he (Mr. Odell) had found the Journals of New Brunswick in the Library, and he could now say with certainty that in this respect at least the hon. gentlemen were both mistaken. In his own (Mr. Odell's) report for the year 1865, when he had the honor to be Postmaster-General in New Brunswick, and at page 29, he found this item, "paid to European and N. A. Railway for mail service between St. John and Shediac, \$3,240 for six trips per week during the year, the distance being 108 miles and the miles travelled 67,392. Besides this, there was \$500 paid to D. W. Turner, for conveying and taking charge of the mails between St. John and Shediac Post Offices per E. and N. A. Railway" for the same year. Further there was paid to Expresses from "the Bend" to St. John, per E. and N. A. Railway, \$480; total paid for railway service in New Brunswick in 1865, \$4,220. These items would be found at pages 29 and 30 of the Postmaster-General's Report for that year. He hoped these data would be considered sufficient and tend to rectify the error into which the Hon. Postmaster-General had, no doubt unintentionally, fallen. The next point to which he desired to refer was the "drop letters". The Hon. Postmaster-General had stated that in Canada, the charge upon such letters was 2 cents and the same in New Brunswick, but that in New Brunswick the system extended to the American frontier towns, that is to say that a letter dropped into the post office of a frontier town in New Brunswick was delivered in an adjoining frontier town in the United States for two cents. This was also a misapprehension. The "drop letter" system in New Brunswick was precisely the same as in Canada, and confined as in Canada to posting and delivery at the same post office. It was true that an informal and unauthorized practice had sprung up at Woodstock in New Brunswick, of receiving letters for two cents and delivering them in the adjoining American town of Holton, and that it had lasted for a short time, but in all other parts of New Brunswick the "drop letter" system had always been confined to the office at which the letters were posted. It happened that a former Postmaster-General

in New Brunswick resided in a certain town, and that some of his friends, constituents, having business relations with an adjoining American frontier town it had been found convenient to allow of the delivery of "drop letters" in the latter for two cents. (Hear, hear.) But the practice did not exist anywhere else, and in his opinion was not in accordance with the regulations. He would take occasion here to say that the remarks he had made and any others he might feel it his duty to offer, were presented in the best spirit, and with no desire to censure the Postmaster-General for any statements he had made, assured as he was that that hon. gentleman had spoken only what he deemed to be correct. But he (Mr. Odell) owed it to the position he had occupied in New Brunswick to correct the unintentional errors into which he had fallen. That Hon. Minister had also said that in New Brunswick there was no book post system, and so far as he had been able to ascertain none in Nova Scotia. This was also a misapprehension, for they had had a book post for many years in that Province, the terms being under two ounces free, over two ounces one cent per ounce. By reference to the Revised Statutes of New Brunswick, consolidated in 1854, it would be found that the book post system was then in existence, and that since that period other regulations had been made on the subjects. The hon. member here read the enactment. He would now come to the parcel post, which the Hon. Postmaster-General had said did not exist in New Brunswick, but this also was erroneous, for such a post had been in operation for a long period, and in 1865 its operations had been extended to both Nova Scotia and Canada. Indeed this arrangement was effected by himself in 1865, after correspondence with the Departments of both those Provinces, and the rate charged was 25 cents per lb., limited to 3 lbs.

**Hon. Mr. Campbell** said he had stated a sample and pattern post.

**Hon. Mr. Odell**—In the report of the Postmaster-General's speech, it was stated no parcel post existed. He did not say there was a separate arrangement in New Brunswick for sample post, but at any rate there was a parcel post. He had deemed it proper to make these corrections, not wishing it to go abroad without contradiction, that New Brunswick was so far behind the age. Then as to the comparative statement of revenue and expenditure, showing so large a difference in favor of Canada as compared with New Brunswick,

he had also a few words to say. It was true that in the light presented by the Hon. Postmaster-General, the comparison seemed to be largely in favour of Canada, but the matter was susceptible of being exhibited in different aspects, and with the help of a friend who had assisted him in making the calculation, he was now prepared to say that the mail travel in New Brunswick was nearly one half mile more per head of the population than in Canada, while at the same time Canada paid nearly 20 percent more for conveyance. Then again the larger revenue in Canada arose, as was admitted by the Postmaster-General, in great part from the collection of a tax which was not imposed in either New Brunswick or Nova Scotia, that is on newspapers, which in New Brunswick passed free whether they came from any of the British possessions, the United States, or any other place. Now it could not be doubted that the conveyance of newspapers added largely to the expense of the post office, for newspapers were both bulky and weighty, and when contracts were regulated in a great degree by the weight of mail matter to be carried, as in New Brunswick, the cost was considerably increased. Again, Canada had much greater railway facilities for mail transmission than New Brunswick, and that was an additional item in favour for its postal revenue. Another cause why the revenue of New Brunswick compared unfavorably was its geographical position. Since 1857 when arrangements had been made between the three Provinces for an exchange of letters, New Brunswick had occupied an exceptional and unfavourable position. A letter might be mailed at the extreme west of Canada, say at Sarnia, for the extreme point in Nova Scotia, Cape Sable or Cape Breton, and it passed all the way for 5 cents, prepayment being optional; if not prepaid the rate was 7 cents, but people had in consequence of the fine got into the habit of prepaying, each Province receiving the prepayment and pocketing it. Thus a letter from Canada to Nova Scotia and *vice versa* yielded no revenue to New Brunswick, being carried by its conveyances through the whole length of its extent free, New Brunswick being a sort of pack-horse for the two other Provinces. (Hear, hear.) He would now offer a few remarks upon the changes and new arrangements proposed by the bill, first, as to the reduction on the letter postage, this he highly approved of, though he feared it was too great—a reduction to 2 cents within a Province might first be tried; at the same time he did

not object to it, and if the Hon. Postmaster-General felt himself justified in undertaking it he hoped it would prove successful. The next point regarded the tax on newspapers. This he was also in favour of. He himself when in office had been in favour of imposing a tax of this kind, as would be seen by referring to his Report which he had already quoted from. (The hon. member here read three paragraphs from that Report, the first remarked upon the improper distinction made by the law in favor of requiring papers from the United Kingdom to be stamped, in other words paid, while all other newspapers passed free. The second referred to the large number of newspapers, amounting in the gross to 4,000,000, which were carried free in New Brunswick, but which added greatly to the expenditure of the Department. The third suggested the propriety of imposing a small tax which would at the lowest computation realize \$10,000, without being at all felt by the public. That paragraph concluded by remarking upon the injustice of making the parties who did not take the newspapers pay for those who did.) Some of his predecessors had entertained the same views, but none of them had ventured to bring them before Parliament in the shape of a recommendation, for with the press the measure was of course an unpopular one, and being all members of the popular branch of the Legislature, they had probably dreaded the influence of that powerful agent. (Hear, hear.) The case was different with him, he was in the Legislative Council, like his hon. friend the Postmaster-General, and hence the recommendation he had offered. But the loss to the revenue from the absence of a direct tax on newspapers was not the only loss in connection with that service. The number of papers issued by the publishers did not afford the means of making a fair estimate of the number carried, for they were afterwards mailed and re-mailed, and went from friend to friend constantly. This was not by any means even the worst feature of the system, for newspapers were constantly and extensively used as the vehicles of taxable matter. Hon. gentlemen would easily understand that with the large mass of newspapers which passed through the post offices, it was utterly impossible to subject each one, or any considerable part, to such an examination as would detect taxable contents. It was when any newspaper exhibited a peculiar appearance, suggestive of possible fraud, that it was closely examined, and the consequence was that specimens of ladies needle work, circulars,

catalogues, and private information, were constantly passing under these convenient covers. Why, at the very time the Hon. Postmaster-General was making his excellent speech, he (Mr. Odell) had received a Canadian agricultural paper, which by the regulations was entitled to pass free, but he found cleverly fitted in the inside another paper, which by the rules was subject to postage.

**Hon. Mr. Letellier**, and you *received* it free (laughter).

**Hon. Mr. Odell**—He now came to the proposed transfer of power from the Governor-General to the Postmaster-General. He would here take occasion to say that if the present esteemed incumbent could remain permanently in office, he (Mr. Odell) would be glad to extend such powers to him, but Governments were liable to change, and besides life was uncertain, and the office might come into the hands of parties whom it would be dangerous to clothe with such extensive authority. Instances were not wanting in New Brunswick, where the checks provided by the law had been found necessary, and it was possible that other circumstances of an analogous nature and requiring control, had arisen in other Provinces. Another point was allowing public carriers to transport letters. He questioned the propriety of this.

**Hon. Mr. Campbell**—The Postal Bill did not permit this.

**Hon. Mr. Odell**—Yes, if the letters accompanied merchandize. The hon. member had read an extract from his report for 1865, while Postmaster-General, in which the practice in question was represented as affording opportunities for extensive frauds on the revenue, and suggesting an amendment of the law for the purpose of checking them. The last point to which he would advert was the projected Savings Banks. He would not offer any positive opinions on the subject, but would be glad to hear further explanations from the hon. Postmaster-General, showing what were the advantages he expected to derive from the institution. He could not very well see how the people could be expected to deposit their savings in a Bank which only paid 4 per cent. interest, while in New Brunswick they could lodge them at 5 per cent. in another, under Government supervision, and which offered equal safety. He did not know if there was any intention of superseding the other Bank, and would simply propose the question.



**Hon. Mr. McCrea**—It will be better to do so when we get to that section.

**Hon. Mr. Odell** again repeated that his only object in speaking was to make explanations which had appeared to him necessary, and for the purpose of correcting some misapprehensions under which the Hon. Postmaster-General was labouring, and would defer his remarks upon the sections until they came under consideration.

**Hon. Mr. Dickey** said he desired to draw the attention of the Hon. Postmaster-General to the 2nd clause. His hon. friend (Mr. Odell) had remarked upon the frauds perpetrated by public carriers, and he (Mr. Dickey) would just observe that these were but further reasons in support of the proposed reduction of the letter rate, as it would certainly tend to lessen the inducements for such illegal proceedings. The same hon. member had also referred to the frauds upon the postal revenue by means of newspapers, but would they be obviated by the imposition of a tax? The 2nd clause repealed all the existing postal laws, and brought up an important question. He had listened the other day to the extremely lucid speech of the Hon. Postmaster-General, in the course of which he had made certain statements of the bases of the measure proposed. He had then contrasted the results of the postal system of Canada with those of Nova Scotia and New Brunswick, and expatiated at considerable length upon these results as evincing superiority in the Canadian system. The hon. gentleman had said the number of letters mailed in Canada in 1865 was 12,000,000, and had assumed 14,000,000 for the present year. Well, in Nova Scotia the number of letters which had passed through the post office in the year 1860 was 1,426,878, while in 1866 they amounted to 4,863,845, showing an increase of over 300 per cent in six years. The number passing through the Halifax post office alone in that year was 3,816,511, and those passing through the country offices 1,047,334, together as already stated 4,863,845.

**Hon. Mr. Campbell**—Was it not possible that many of them may have been counted twice, first in the country offices, and then when received at the Halifax office?

**Hon. Mr. Dickey**—Well, even supposing that to be the case the number would still be twice as large as that stated by the hon. gentleman.

**Hon. Mr. Mitchell**—Supposing that 1000 letters were posted at Amherst, where the hon.

member lived, and that 500 of them went to Halifax, would the 1000 be counted in Amherst and the 500 in Halifax.

**Hon. Mr. Dickey**—Only a small proportion of the country letters came to Halifax.

**Hon. Mr. Mitchell**—And if this mode of computation applied to all the towns, would not most of the letters be counted twice?

**Hon. Mr. Dickey**—Well, he would give the hon. members a large margin, and yet in Halifax alone there would be twice as many as the Hon. Postmaster had stated for the whole Province. Then as respected the post offices the Hon. Postmaster had given them as 81, and the way offices as 513, whereas they were 84 and 555, in all 639.

**Hon. Mr. Campbell**—That was in 1866, but he (Mr. Campbell) had named 1865, which showed an increase of 3 post offices and 42 way offices for the year.

**Hon. Mr. Dickey**—There was an increase too of 50 per cent in 6 years, because in 1860 the Province had only 416 offices. In Canada in 1855 there were 2,197 post offices, and Nova Scotia, with one-eighth of the population of Canada, showed one-fourth as many. Now as to the newspapers carried in 1860, the number was 2,080,520; while in 1866 they amounted to 5,390,155, showing an increase of 3,309,635 in 6 years. Regarding the income of the Nova Scotia Postal Department it had been stated that it received no benefit from the postage on letters to the United Kingdom, but this was too unconditional an assertion. It reserved a small, but only a small part, about 1½ d. sterling of the 6d. charged, for which small portion the letters were conveyed at the expense of the Department to and from their destination in any part of the Province. It was also correct as an hon. member had stated that the railways in that Province were paid for the mail services they rendered. He would only remark at present upon another feature of the Hon. Postmaster-General's speech, and he would have been glad if the hon. gentleman had been more explicit concerning it. He had laid considerable stress upon the payment to the ocean mail steamers of \$60,000 as part of the subsidy by the Post Office, but he had not told the House that the Department derived a revenue of \$73,000 from the ocean postage by the Canadian steamers.

**Hon. Mr. Campbell**—The exact amount was not ascertained, but it was estimated by the Deputy Postmaster-General at \$60,000.

**Hon. Mr. Dickey**—If the Hon. Minister would refer to the sessional papers of 1866, he would find the amount as just stated by himself, then there was another sum of \$74,479 received from the United States for the same service in steamers sailing from their ports.

**Hon. Mr. Aikins**—The hon. member should bear in mind that Canada paid a subsidy of \$218,000 annually to those steamers.

**Hon. Mr. Dickey**—That was another question altogether. The \$60,000 was regarded as the postal part of the subsidy, and so stated by the Postmaster-General. [Some further conversational discussion of this kind followed, the hon. member (Mr. Dickey) closing his remarks by saying that his only object had been to set Nova Scotia right in regard of some of the statements of the Hon. Postmaster-General, in his speech on the 2nd reading of the bill, which he (Mr. Dickey) thought needed correction.] Because the minister had founded his entire argument for the changes in his bill upon the contrast drawn behind the results of the Post Office system in Canada proper and the Maritime Provinces, and as our interests were now all bound up together, he thought it might be interesting to show the immense progress made under the comparatively economical administration of affairs in Nova Scotia, without resorting to the objectionable tax on newspapers.

**Hon. Mr. Odell**—The Postmaster-General by the 3rd sub clause of the 9th clause under the head "Organization and General Provisions" may enter into and enforce all contracts relating to the conveyance of the mails, and in connection with this power to be given to the Postmaster-General, he (Mr. Odell) would draw the attention of the Senate to the 2nd clause of the 43rd section, in which it is stated that "every ferryman shall upon request and without delay, convey over his ferry any courier or other persons travelling with the mail, and the carriage and horse, or horses employed in carrying the same, and the sum be paid for such service, shall be fixed by contract, or if any ferryman demands more than the Post Office authorities or the contractor for carrying the mail are willing to pay, the amount to be paid shall be fixed by arbitrators, each party naming an arbitrator, and the two arbitrators naming a third, the decision of any two arbitrators to be binding; but as respects payment, this does not apply to cases in the Province of New Brunswick, where mails are carried under existing contracts over ferries without charge. As under the bill in all such cases the right to such

ferry without charge shall continue in force until the expiration of said contracts." At the expiration of these contracts this privilege, it is true, would cease, but if the contract were a good one for the Department, the Postmaster-General has power to continue it for four years from time to time, and it would bear hard upon New Brunswick ferrymen if they should be compelled to continue ferrying mails free, while this service was paid for in other parts of the Dominion.

**Hon. Mr. Campbell**—The clause in question confers a power on the Postmaster-General of the Dominion with regard to contracts, to which he perceived the late Postmaster-General for New Brunswick was likely to take exception. Before offering an explanation on this matter, he might again remark that all the powers asked for the Postmaster-General in this bill had ever been practically exercised by the Postmaster-General, and in omitting the words Governor-General in Council, he had no idea of increasing the power of the Postmaster-General. The power of establishing and closing post offices, and post routes, has always practically rested with the Postmaster-General, and establishment or removal of an office is usually done on the recommendation of a member of Parliament who gives his reasons, when the Inspector of the Division in which the office is situated is directed to inquire and report, and on his report the Postmaster-General acts. To occupy the time of the Governor in Council with such matters would be extremely inconvenient, and practically, from usage and habit, the establishment or closing of a post office rests entirely with the Postmaster-General. In the matter of appointments, when the Postmaster-General has one to make, he sends the appointment to the Governor in Council, who sends it back to him with his initials upon it, and under our system of responsible Government all goes on harmoniously and must do so. If he differed in opinion with his colleagues even in the matter of an appointment, he must either change his course or resign. The Government were responsible for whatever he did in his official capacity, and practically, the power of appointing to office has been always exercised by the Postmaster-General.

**Hon. Mr. Letellier de St. Just**—In the matter of a large railway contract for instance, would it be proper for the Postmaster-General to arrange it without reference to the Governor-General in Council?

**Hon. Mr. Campbell**—Of course the Postmaster-General would exercise his discretion

as to bringing the subject before the Governor-General in Council if the contract were a large one.

**Hon. Mr. Letellier de St. Just** was afraid of giving too much power to a single individual, who might run the country into debt, or allow contractors to impose upon the country. He did not suppose for a moment that the present Postmaster-General would abuse any power given to him, but a successor might.

**Hon. Mr. Campbell**—The hon. member speaks as if the Government would not be responsible for the acts of the Postmaster-General. However, he cared very little about the matter. If desired as a safeguard, it might be stated in the Act that contracts above a certain sum, \$2,000, \$5,000, or \$10,000, would require to receive the sanction of the Governor-General in Council, although, practically, no greater security would be given to the public than at present, but if the House desired it he had no objection.

**Hon. Mr. Cauchon** thought that most of those things specified in the Bill ought to be in the hands of the Postmaster-General. Were it otherwise, as in the case of small contracts, there would be no end to the references to the Governor in Council. But he was nevertheless afraid to place too much power in one person's hands. It was all very well to say the Postmaster-General would be responsible for his acts to his colleagues and his country, but there is such a thing as divided authority. The Postmaster-General would not abuse his power, but it must nevertheless be admitted that the tendency of humanity is towards despotism, and if an abuse were committed the ready answer would always be, it is the law. If a Postmaster-General should perpetrate some glaring act of injustice, of course he would be dismissed, but how many injustices would be done before reparation was made. The downfall of such a Minister would be the downfall of the Ministry of which he was a member, and the very knowledge of that fact would long keep him in a position which he might have abused. And the plea for all this power being vested in one man is the fear that the Governor-General might have too much trouble in signing his name. On the whole the bill was an exceedingly good one, but this is a new idea and a new principle which he did not like to see introduced.

**Hon. Mr. Wilmot** had objected to the same principle in the power given to the Minister of Marine.

**Hon. Mr. Campbell** attached no importance to the matter whether appointments were to rest with Governor-General in Council or not.

**Hon. Mr. Wark** thought it was safer to have the power of appointment and removal in the hands of the Governor-General in Council. The very best officer, being uncontrolled, might do a thing hastily which he would afterwards repent of.

**Hon. Mr. Dickey** did not think it advisable that the Postmaster-General should divest himself of responsibility by sharing it with his colleagues.

**Hon. Mr. Campbell** did not think the matter worth discussing.

**Hon. Mr. Tessier** was clearly of opinion that practically it was of very little consequence whether the Postmaster-General had directly or indirectly certain powers. So long as he had the confidence of his colleagues, his recommendations would be acted on.

The clauses having reference to "Organization and General Provisions" were then adopted, the **Hon. Mr. Bossé**, however, objecting to sub-clause No. 16, imposing a penalty of £200 against offenders, "whether they be or be not officers of the Post Office."

#### RATES OF POSTAGE.

**Hon. Mr. Dickey**—All must unhesitatingly consent to the principle implied in the reduction of letter postage, but the grace of the boon is much diminished by the intention expressed elsewhere of an additional charge of 2 cents per letter, when letters are delivered by carriers. In prepayment there was a simplicity and obvious economy which strongly recommended it in favour theoretically, but in practice it might be purchased at too great expense, if made compulsory. Indeed, in every country where the experiment of compulsory prepayment had been tried, it had signally failed. It had failed in England, and in France, and had been, he believed, abandoned in the United States, although the mode of prepayment might be said to be very generally practised in these countries. Prepayment should be optional, especially in a country so sparsely populated as this is. In England where there were facilities for the sale and purchase of postage stamps that existed in no other country, good roads, rapid communication from place to place, dense population and stamps sold everywhere, compulsory payment had to be abandoned. In this country with a scattered population, it might in many situations

be extremely difficult to get stamps or send money, and if not pre-paid, a letter instead of being sent to its destination would go to the dead-letter office, and much loss, annoyance, and even suffering, might result.

**Hon. Mr. Campbell**—An individual unable to get a stamp, may pay the money.

**Hon. Mr. Wier**—With the exception of the clause now under consideration, the bill met his entire approbation. The compulsory system had been in operation in the United States, but had been found to work so badly, that it had been abandoned. There are many situations in which it would be difficult to obtain stamps. A traveller away from home on Sunday; farmers well enough off, but who might not have cents enough at home to despatch with a letter, and the inconvenience to arise from letters inadvertently dropped into a letter box without payment. He was decidedly of opinion that every letter posted should be sent to its destination whether paid or not. He would ask what would be the saving in clerks' salaries by the proposed method of charging postage?

**Hon. Mr. Campbell**—There will be a saving of \$10,000, but no estimate has been made as to saving in clerk's salaries.

**Hon. Mr. Odell** was in favour of prepayment as a principle, but looked upon it that letters were received by the Post Office Department under contract, and that the Department were bound to carry them to the address, whether prepaid or not. He objected particularly to the manner in which a letter is to be dealt with in the event of its not being prepaid. By the second subsection letters are to be sent to the Dead Letter Office, if not prepaid, and there opened and returned to the writer. The argument in favour of compulsory prepayment, was that time and trouble in keeping accounts and arranging balances would be avoided by the principle of prepayment, and to a great extent it would, but nevertheless in his opinion a letter once posted should go to the party to whom it was addressed. If he refused to take it subject to the penalties imposed, it might then very properly be sent to the dead letter office but not otherwise. A letter might be posted unpaid by some oversight, the impossibility of obtaining a stamp at the time, or the accidental removal of the stamp. The person to whom it was addressed, knowing the hand

writing, or expecting a letter, would cheerfully pay the penalties imposed, and thus secure his letter, which might be one of the greatest importance. Whereas under the proposed arrangement it would be sent to the Dead Letter Office, and after long delay returned to the writer, thus putting the public, for whose accommodation the Post Office Department is created, to serious loss and inconvenience, and imposing upon the Department much additional trouble, without any way of better securing the prepayment.

**Hon. Mr. Dickey**—The inconveniences of compulsory prepayment are great. Letters with bills in them ought to be sent back. Unstamped letters coming from all quarters of the world, instead of finding their way to the persons addressed, would be stopped at the frontier, as was the case in Nova Scotia, where he was assured by a member of its Government the practice had to be abandoned after a short trial. Besides the duties of the Dead Letter Office would be materially increased, and he would like to ask why? As a mere matter of common sense a letter ought to go to the party to whom it is addressed, and the five cents collected from him instead of returning it to the writer, and collecting the five cents from him. The adhesive properties of stamps are sometimes sorely tried, and the consequences may be inferred if one is rubbed off during transmission. Then if the money or stamp be lost on the way to the office, a mail might be lost and irreparable injury ensue.

**Hon. Mr. Tessier** stated that the system of prepayment was universally practiced in France, but was not compulsory. Out of 259,000,000 letters posted in 1859, 90 percent had been prepaid, and then if letters were not prepaid they were charged a double postage.

**Hon. Mr. Sanborn** said that not one in a hundred of persons to whom returned letters were sent would pay the postage, and as the law forced them to pay, the attention of the Postmaster-General would be greatly diverted from what he believed to be his proper duties, by his necessarily constant appearance in courts of justice for the recovery of letter postage. He advocated optional prepayment in preference to the compulsory payment of postage in all cases.

At six o'clock the House adjourned until to-morrow afternoon at three o'clock.

## THE SENATE

Friday, Dec. 6, 1867.

The Speaker took the Chair at three o'clock.

After routine,

**Hon. Mr. Ryan** moved that an humble address be presented to His Excellency the Governor-General, praying that the correspondence of the Hon. Minister of Marine and Fisheries since 1st July last, with the Boards of Trade, the Trinity Houses and the Harbour Commissioners of Quebec and Montreal, be laid before the House.

As a reason for making this motion the hon. member said, he expected this correspondence would afford valuable information in relation to an important subject, which had recently occupied the attention of the House.—Carried.

### MEMBER'S INDEMNITY BILL.

Pursuant to order, the House resolved itself into Committee of the Whole on the Bill to provide an Indemnity to the members of both Houses.

**Hon. Mr. Wark** in the Chair.

**Hon. Mr. Wilmot** gave it as his opinion that the travelling allowances provided by the bill were hardly sufficient, giving his own experience of such expense. However, he hoped that the economy which it was proposed to apply to this service would be impartially carried out in all other Departments of the public service.

**Hon. Mr. Blair** said it was useless to discuss the subject, as the House had no power to amend the measure, but must take it as it was or reject it altogether.

**Hon. Mr. Robertson** intimated some doubt of the correctness of this doctrine.

The bill was then reported, read a third time, passed and ordered to be sent to the House of Commons.

### SPEAKER OF THE COMMONS.

The House again in committee of the whole, **Hon. Mr. Steeves** in the chair.

The committee rose and reported the bill without amendment, after which it was read a 3rd time, and like the previous one, passed and ordered to be sent to the Commons.

### HABEAS CORPUS SUSPENSION ACT.

**Hon. Mr. Campbell** moved the second reading of the Bill to continue until 1st Dec., 1868 the act now in force to authorize the arrest and detention of persons suspected of acts of hostility, or of conspiring against the person or the Government of Her Majesty the Queen.

The hon. member said this was only an extension of the Bill suspending the *Habeas Corpus* Act, passed in June 1866, during the Fenian troubles, and which had already been renewed.

The bill was then read a second time, and ordered to be brought up in Committee of the Whole on Monday next.

### STATUTES OF CANADA.

**Hon. Mr. Campbell** moved the second reading of the Bill concerning the Statutes of Canada.

Read and ordered for a second reading on Monday.

### PRINTING.

**Hon. Mr. Simpson** moved the consideration of the third Report of the Joint Committee on Printing.

The hon. member said the report was long, and when first brought up he had expressed the hope that hon. members would give it their best attention. Some of the Lower members on the committee had questioned the propriety of bringing the accounts referred to for audit before a committee of this Parliament, on the ground that they referred to transactions under the old order of things, but the majority had decided otherwise. The hon. member went into the details as specified in the report, and concluded by expressing the entire approbation of the committee with the manner in which the contractors had performed the service. The work had been done to the satisfaction of the committee, and they had never found occasion to deduct one shilling from their charges.

**Hon. Mr. Steeves** explained the reasons why he had doubted the propriety of having the accounts audited by the committee. He thought they had no authority to go into such investigations, or to confirm the accounts, and he wished it to be distinctly understood that it was done, not as a matter of right, but as a matter of favour. With that understanding he would not object to the adoption of the report.

A conversational discussion then ensued in regard to the distribution of the documents, and **Hon. Mr. Simpson** said the committee

would be happy to add to the list any colleges, public bodies or official personages in any of the Provinces or foreign countries, to whom they might deem it useful to send them.

Several members then indicated institutions and high officials, to whom they thought it expedient to send the documents.

The report was then adopted.

#### POSTAL BILL.

Pursuant to order the House went again into Committee of the Whole on the Bill for the regulation of the Postal Service.

**Hon. Mr. Campbell** said he was glad to have the opportunity of acknowledging some unintentional errors into which he had fallen, in the course of the remarks he had made when the bill was before the House for a second reading. He had said then that there were no payments for railway mail service in the Lower Provinces, but he had since found that he was wrong, for in one of them the charge was the small payment of \$20 per mile, and in the other, he believed about \$24. The reason of his misapprehension was probably that the payments in question were not charged very distinctly, but with other items, to sundry parties. But it had been alleged that the Department was in the receipt of a large sum from the ocean mail postage, which exceeded what he had stated, viz.: \$60,000, and the public accounts had been referred to in proof. Now, the statement he had made was substantially correct, and the sum named in the public accounts was only an estimate, for the receipts from that source had never been kept separate, and it was therefore impossible to say with exact precision what it was, but as nearly as could be ascertained, it was the sum he had named. Then it had further been alleged that the Department received a large sum, something like \$70,000 or \$80,000 from the American Government for the letters carried by the Canadian ocean mail steamers. Well, this was not correct; the Department did not receive that money, whatever it might be, but it was paid over to the general revenue of the Province. An hon. member had also taken exception to the number of letters he (Mr. Campbell) had said passed through the Nova Scotia mails, 1,725,000 he believed, and had placed the amount at 4½ millions, or something like that. It had struck him while that hon. member was speaking that there must be some great mistake somewhere in that calculation, for if the 4½ millions of letters paid 5 cents apiece, which was about the average

rate, the amount of postage collected would hence have been from that source alone \$225,000, whereas it was only about \$50,000. But allowing the average rate to be as low as 3 cents it would have yielded \$135,000, and at 1 cent \$15,000. No letter he believed passed for less than 2 cents, which was equal upon 4½ millions to \$20,000, or nearly twice the revenue collected, so there must have been of necessity some error in the hon. member's calculations. Now as to the principle of compulsory prepayment, proposed by the bill, it would, no doubt, have its inconveniences, but the same objection could be raised against any scheme which might be projected. The relative advantages should be considered. Now, this system would be marked by simplicity, certainty of payment, facility and quick despatch. Even where it is not legally enforced, as in France, it was almost complete, for 90 per cent. of the letters were prepaid, and in England the proportion was yet larger. In England it had become as it were a matter of honor to prepay, and it came to be regarded as shabby to cause the recipient, by neglecting it, to pay double the rate, but in this country that feeling had not yet been developed. It might perhaps be created in course of time. In the correspondence with cities as between Quebec and Montreal the unpaid letters were only from 8 to 10 per cent, but on other lines, say some 30 miles inland, they increased to 32 or 34 per cent. Now, if the number of unpaid letters was large, the consequent expense was likewise largely increased, and the results were almost as bad as if there were no prepayment at all. In England the fine which doubled the rate had evidently operated to cause almost universal prepayment, but it not yet had that effect in this country, and hence there was increased labor and delay. The fact was that the system of fines from non-prepayment seemed in itself unjust, for the penalty fell upon the party who was not to blame, instead of upon the negligent writers. The experience of Canada was largely in favor of prepayment, for immense numbers of unpaid letters were poured into the Dead Letter Office, the postage upon which was an absolute loss. After being opened there, if found to contain any value, they were sent back to the writers, but of course the number of such letters was small. If all the dead letters were sent back, no doubt most of them would be refused. The estimate of a gentleman in the Department, conversant with the question, was that compulsory prepayment would be attended with a saving of between \$10,000 and \$15,000. In the United States the

system suggested by some hon. members of 3 cents prepaid and 5 cents unpaid had been tried from 1851 to 1854, and was found unsatisfactory. It was then changed to the present prevailing practice, that was to a three cent compulsory rate, and was found to work well. Now, the condition of society in that country, and the character of its business, were more analogous to our own than England's and in this respect afforded us some guidance. Some hon. member, however, had expressed doubts as to the state of the law in this respect in the United States, but he believed there was no room for such doubts. He held in his hand a semi-official organ of the Post Office Department of that country, the *United States Mail*, in which the law requiring prepayment by stamps or stamped envelopes was recapitulated. (Here the hon. Postmaster General read the clauses relating to the matter.) This he hoped would remove all doubts. He believed that if introduced into Canada after a little while the system would work well. At first there might be inconveniences, but inconveniences would attend almost any change of practice, however beneficial. With respect to its operation in the United States he thought he had a right to assume that it met general approval. If it did not he would soon hear of it, but hon. members with himself were in the constant habit of reading American newspapers where, if the system were unpopular, it would be sure to find expression, (for in that country popular discontent was not long in coming to the surface,) and they knew that there were no complaints about it. The results would soon be the same here if it were adopted.

**Hon. Mr. Odell:** How was prepayment enforced?

**Hon. Mr. Campbell** supposed, the letters were not sent forward.

**Hon. Mr. Macpherson** said he was in the United States some time ago, and had occasion to write some letters, which he mailed inadvertently without prepayment, and shortly afterwards they were returned to him through the Dead Letter Office.

**Hon. Mr. Campbell**—Dead Letter Offices might be established in the cities and large towns in Canada.

**Hon. Mr. Robertson**—Would it not be desirable that the Post Offices at which the letters were posted unpaid should have power to open them, and return them to the writers?

**Hon. Mr. Campbell** could hardly tell how that would work, but it was only a gradation of the principle. All this, however, could be done under this Act by regulations.

**Hon. Mr. Locke**—How about letters that came by ships not prepaid, would they be sent to the Dead Letter Office?

**Hon. Mr. Campbell**—The Act gives the Postmaster-General powers in respect of foreign letters, so he could make arrangements to meet such cases.

**Hon. Mr. Price**—What provision was there for poor settlers in the back settlements who have neither money nor stamps, and live thirty miles away from a Post Office?

**Hon. Mr. Campbell**—Why, the letters could not go by the mails until first brought to a Post Office, and there they could get stamps.

**Hon. Mr. Price**—But if they have no money?

**Hon. Mr. Campbell** said he could not meet the case of the man who had not three cents to pay for the carriage of his letter.

**Hon. Mr. Flint**—If the Crown Land Department did not prepay its letters, how would people get acknowledgments of the sums they had sent there? Yet it was now the case that that Department refused to pay the postage on its receipts, and people had to send their money to agents in Toronto, and pay for the simple service, in order to get receipts back. When the Hon. Postmaster-General was Commissioner of Crown Lands, he always sent their receipts forward, but since the Department had been turned over to the Local Governments, this piece of economy had been introduced, and it caused great inconvenience.

**Hon. Mr. Campbell**—The Department would find it could not carry on its business without prepaying its letters. In the United States it was always done.

**Hon. Mr. Skead** craved the indulgence of the House for a short time to say that the prepayment being insisted upon would certainly cause inconvenience to 12,000 or 15,000 persons annually employed in the backwoods lumbering. It would be a great grievance to the friends of these people to send letters 240 miles into the backwoods, and have them returned with a fine upon them. There was generally plenty of money among the shantymen, but a great difficulty of getting change, and sometimes when a messenger was despatched with letters he got drunk upon the

money, and if letters could not go to their destination without prepayment, under such circumstances, the shantymen would be considerable sufferers. He looked upon the bill as a good one, if the objectionable feature of compulsory prepayment were removed.

**Hon. Mr. Sanborn** did not think the House ought to pass the mere skeleton of a bill. The 19th clause contained the whole gist and principle of the matter, and he thought if adopted it would be exceedingly inconvenient. Why should not a local postmaster at once state to a party sending a letter that it must be prepaid, and if not prepaid hand it back to him instead of suffering it quietly to be forwarded and returned with costs through the medium of the Dead Letter Office? Of course letters dropped into the box would be an exception—the postmaster would then have no means of informing the sender of a letter of the inconveniences to result from not prepaying it. There were hundreds of people who would not know anything about the change in the law, and who would be yet subjected to all the inconveniences of such change. Under present arrangements there were only 161,000 unpaid letters received in the Dead Letter Offices, out of an annual average of 14,000,000 letters mailed. In his mind it was exceedingly questionable whether the P.O.D. should be self-sustaining. The Post Office was less a means of revenue than of public convenience; and it was a question, moreover, whether the postage on letters ought to be reduced at all or not. He would rather see newspapers sent free of postage through the mails, and the postal rate on letters remain as it is. The revenue from newspapers, under any circumstances, would be comparatively small, and the proposed postal rate on them, would without any doubt throw an obstacle in the way of disseminating knowledge. It was true that the city papers exercised a great weight in influencing public opinion; but there were opinions which country papers influenced, and the right of continuing the exercise of such opinions should not be hastily trampled upon. There was something invidious, too, in selecting certain newspapers for exceptional treatment in the way of postage. He was decidedly favourable to prepayment on both letters and newspapers being made optional.

**Hon. Mr. Dickey** stated he was obliged to the Postmaster-General for challenging the correctness of his (Mr. Dickey's) figures, as it gave him the opportunity of showing he was correct. He had referred him to the authorities

for his statement when he made it, and regretted he (the Postmaster-General) had not taken the trouble to examine them. In the Sessional papers of 1866, No. 3, (Postmaster-General Howland's Report) he (Mr. Dickey) read as follows: "The amount of postage due to Canada for the sea conveyance of mails between the United States and Europe was for the year to 30th June, 1865, \$74,479.31. The gross amount of sea postage derived from the Canadian Steam Packets was, it is estimated, \$73,000; the total gross postage earnings of the Canadian Mail Packets were, therefore, \$147,479.31". With reference to the letters passing through the Post Office in Nova Scotia, he read in the Journals of the Assembly of that Province as follows: "Number of letters taken at the Halifax Post Office of all kinds for the year ending 30th of September, 1866: the Halifax delivery was 848,484. Posted at Halifax, and there received from other places, and sent forward, 2,968,027, making a total of 3,816,511. The average number of letters which passed through the country Post Offices during the same period was 1,047,334, giving a grand total of 4,863,845. Of these a large proportion were delivered in the country at 2 cents, and a still larger number were free, from the Public Departments, Members of the Legislature, etc. The gross amount of postage collected in Nova Scotia was \$77,673, instead of \$50,000, as given by the Hon. Postmaster-General.

**Hon. Mr. Campbell** said, that the Government had through him presented to the House a scheme of postal service, which had seemed to them most advantageous to the country, and he doubted much whether it would be possible for the Department to reduce the postage on letters as contemplated without exacting prepayment, but as the House was evidently opposed to that part of the scheme he was bound to yield to their opinion for the present, and he would therefore prepare a clause which would give expression to their views. In that form the bill would pass through the Senate, but whilst deferring to the opinion of hon. members who would only consent to a fine for nonprepayment, he was unable to say how far the projected reduction of the letter rate could be carried out in the absence of the collateral advantages connecting themselves with the measure as originally prepared.



**Hon. Mr. Wark** expressed his dissatisfaction with the abandonment of the principle of compulsory prepayment, and after a few words from Hon. Mr. Wilmot,

**Hon. Mr. Bureau** objected to the discussion of the bill, clause by clause, Mr. Campbell having stated that it might be better to discuss the merits of a certain measure when in due course it turned up, and insisted upon his right to speak on the general principles of the bill.

**Hon. Mr. Campbell** admitted the right, but suggested the expediency of another course.

**Hon. Mr. Bureau** submitted, and sat down.

**Hon. Mr. Mitchell**—It is so rarely that my hon. friend speaks that I think he ought to be permitted to go on.

**Hon. Mr. Bureau** declined saying anything further.

**Hon. Mr. McClelan** said, he could not agree with the assumption of some hon. members, that, because, those few who had spoken so frequently on this question opposed the prepayment system, it was the general wish of the Committee to amend this clause. Several hon. members, who had not yet claimed the attention of the committee were favourable to the adoption of the compulsory prepayment, and he regretted that the Postmaster-General had so hastily yielded on this point. He considered it one of the best features of the bill, and with the present vast extension of postal facilities throughout the country, and with general notice given of its intended operation, the practical difficulties in the way of its successful enforcement were not to be compared with those attendant on the present optional system of payment. The explanations of the Hon. Postmaster-General had satisfied him on this point, and in his judgment the people of New Brunswick would be generally satisfied to accept this provision, particularly if the rate be reduced to three cents. The Postmaster-General of New Brunswick, in his report of 1866, strongly urged both the reduction and the prepayment, and showed that under the present system 80 per cent. of all letters were prepaid in that year, thereby indicating pretty conclusively that such a change could then be effected without difficulty or dissatisfaction. In fact, he believed, such would have been adopted there if the co-operation of Nova Scotia could have been secured, but an experiment of the kind there, seemed to work badly, because at that time the

public were not prepared to receive it, and sufficient notice had not been given. The reduction of three cents the people would of course accept as a boon, provided the state of the finances, not yet shown, justified it, and no new imposts were levied to make up for the deficiency of revenue, for in this sparsely settled country, where the income and expenditure of the poorer classes were not calculated with the same precision as in some older countries, there would undoubtedly be much revenue lost on account of this reduction. He (Mr. McC.) was quite willing to assume that the Government felt warranted in thus reducing the postal revenue, on account of the excellent financial position not yet explained. He hoped this clause would be retained, and with the additional restrictions, as to the power of the Head of the Department, as proposed. The bill would so far as proceeded with meet his approval. The other subsequent claims he would consider as they would be presented.

The 19th clause was then passed over, and **Hon. Mr. Reesor** objecting on same grounds to 20th clause, and **Hon. Mr. Bureau** to 22nd clause, these clauses were also allowed to stand over.

The subsequent clauses passed, *nemine contradicente*, when

**Hon. Mr. Dickey** took exception to 35th clause having reference to letter carriers, and contended that letters throughout the cities of the Dominion, ought to be carried free, as they were in Halifax, Nova Scotia and in England.

**Hon. Mr. Miller** could not help stating that whatever the measure now before the House might be considered in Canada proper, it would be looked upon as anything but a boon to Nova Scotia. The people there had been led to believe that Confederation would increase their taxes, and this first legislation of the Dominion Parliament would have the effect of realizing their worst fears on that score. He repeated that the reduction from five to three cents was no boon to Nova Scotia, and could not be where a postal rate of only 2 cents between county and county already existed, the five cent rate applying only generally. The boon consisted in a general tax of 3 cents, with a tax of 2 cents for delivery, instead of the legislatures by means of salaried, letter carriers, providing for free delivery. But the worst feature of all was the tax on newspapers. To have that tax reimposed after years of struggling to have it removed, would in Nova Scotia be considered a great grievance.

and would have the effect of throwing the whole press of that country against the Government.

It being now 6 o'clock, the Senate adjourned till 8.

#### EVENING SITTING

**Hon. Mr. Campbell** proposed to substitute the following for clause 19:

On all letters transmitted by post for any distance within the Dominion of Canada, except in cases herein otherwise specially provided for, there shall be charged and paid one uniform rate of *three cents* per half ounce in weight, any fraction of a half ounce being chargeable as a half ounce, provided that such three cent postage rate be prepaid by postage stamp, or in current coin, at the time of posting such letters, and when such letters are posted without prepayment being made thereon, then and in such case it shall be lawful to charge upon letters so posted unpaid, a rate of *five cents* per half ounce.—Carried.

Objections were made by **Hon. Mr. Anderson** and **Hon. Mr. Steeves** to the carriers' charge of two cents, and the former member thought it inconsistent that when a letter was carried one thousand miles for three cents, two cents should be charged for carrying it half a mile, more or less, in a city or town.

**Hon. Mr. Macpherson** begged to remind hon. members that the measure had a financial side, as well as one of public convenience. The Department was not expected to yield a revenue, nor was it desirable, but it should, if possible, be self sustaining. The Hon. Postmaster-General had already made great concessions, and he should not be asked to forego everything, and he did not understand him to intend forcing the reception of letters everywhere from the hands of carriers. The reduction of the letter rate to three cents would entail a large loss, and in the present state of the finances of the country, hon. members should beware of throwing too heavy burdens upon the general revenue.

**Hon. Mr. Campbell** proposed to add a subsection to clause 38, which would appear as No. 7, in the following words:

Petitions and addresses might be sent to each of the Legislatures of Ontario, Quebec, New Brunswick, and Nova Scotia, during each session free of postage, under such regulations as the Postmaster-General might prescribe.

On the 42nd clause—**Hon. Mr. Tessier** said that it gave power to the Postmaster-General,

or to persons appointed by him, to open letters supposed to contain dutiable goods, &c. Now this was a very proper authority to give the Department, but it should be guarded, for in times of party excitement or for other reasons a Postmaster might pretend to have suspicions and proceed to the opening of letters. He thought that in cases of this kind the letters should be opened before a Justice of the Peace, or that the Postmaster should be required at least to make an affidavit, setting forth his reasons for such a course.

**Hon. Mr. Campbell** said the power would be exercised with the greatest care and under the regulations of the Department.

On the 43rd clause relating to Ferries—

**Hon. Mr. Cauchon** said that it might happen as it did at Quebec, that in obeying the injunctions of the department the mail carrier would expose himself to prosecution under some municipal regulation. One such carrier had been sued before the Recorder for passing in a canoe and breaking the newly formed ice on the river. The Recorder had dismissed the action, holding the man bound to obey the commands of the Postmaster-General, but that decision might have been questioned.

**Hon. Mr. Campbell** said a regulation might be made to meet that particular ferry.

On the 46th clause precluding Postmasters in cities from voting for members of Parliament.

**Hon. Mr. Christie**—Why city Postmasters more than other postmasters? Why not extend the prohibition to all?

**Hon. Mr. Campbell**—The city Postmasters were paid by salaries.

**Hon. Mr. Bourinot**—In Nova Scotia all Postmasters were salaried men.

**Hon. Mr. Christie**—The point was not so much that they were salaried, as that they were officers of the Government.

**Hon. Mr. Campbell**—To be strictly consistent they might all be classed together, but in a great many places in the country the office of Postmaster yielded hardly any emolument, and if this rule were followed the most eligible men as Postmaster would be lost to the service.

**Hon. Mr. Aikins** said he was satisfied that in his part of the country, if such a disqualification existed, they would be left without Postmasters.

**Hon. Mr. Leitiellier de St. Just**—Was it not the case that the sureties of Postmasters were disqualified from becoming candidates for Parliament, as being under bonds or obligations to the State? And how were they to be treated?

**Hon. Mr. Campbell**—They could withdraw their suretyship in such a case.

The House then proceeded to the consideration of the Savings Bank clauses.

**Hon. Mr. Dickey** considered the scheme as only a new way of borrowing money, and asked if it were intended that the Post Office Department should be always in debt.

**Hon. Mr. Campbell** ran over the chief features of the Bill as it related to the Savings Bank, in explanation, after which

**Hon. Mr. Tessier** expressed his belief that the Post Office Savings Bank would have the effect of swallowing up all the other savings banks in the Dominion.

**Hon. Mr. Ferrier** thought it the best feature of the whole bill. It was an institution that would exist in reference to our property in the people themselves, who would be lenders to the Government, voluntarily, of such sums as they had to spare on the best of all possible securities, the faith of their own Government. The interest would be paid to our own people, as the money would be lent by our own people. On a smaller scale it would resemble the debt of England, which was all owing to Englishmen, and created no inconvenience, but obviated the necessity for loans of foreign capital. As regards the \$500,000 consols he looked upon the laying past of that sum as absolutely necessary, because if a run were made upon the bank, the bank ought to be in a position to pay.

The Savings Bank clauses were then carried, as were all the subsequent clauses affecting post office government, the Hon. Postmaster General having remarked that the postal law had been made to assimilate with the existing laws of New Brunswick and Nova Scotia, and that the punishment for stealing a mailed letter had been ameliorated from a life imprisonment to a penalty of not less than five years' imprisonment for such offence.

The clauses relating to postage on newspapers, which had been reserved, were then taken up.

**Hon. Mr. Locke** said, the newspapers had been so long free in the Lower Provinces that he was sure the re-imposition of a tax would

be regarded by the people there as almost unbearable. He thought newspapers should be carried free in every country.

**Hon. Mr. Ferrier** objected to calling the postage a tax, it was payment, and small payment, for an important service. The fact was the mails were carried at a less price over the railways than merchandize, and when the present contracts had expired he doubted whether they would be renewed except at a large advance. (Hear, hear.)

**Hon. Mr. Wark** said that on the subject of newspaper postage, he sympathized fully with the remarks of the hon. member from Nova Scotia (Mr. Miller), and believed it was at the present time most impolitic to impose such a tax. In New Brunswick, printing presses and printing material, were admitted free of duty, and for a long period, no postage had been demanded on newspapers. It had been the policy to encourage in every possible way the dissemination of newspaper literature, and in no way could the Government more cheaply or advantageously promote the educational advancement of the people. The weekly newspaper was a most welcome visitor to many a poor family, throughout the Dominion, and the imposing of such a tax, though considered insignificant by hon. senators, was considerable for such people to pay, and might have the effect of depriving some of this profitable luxury altogether. The fact of the prepayment being made optional, did not materially affect the question. The Hon. Postmaster-General has alluded to the resolutions of editors at St. John, but he had evidently failed to answer their arguments very satisfactorily. The amount proposed to be raised from this source was not very considerable, and he would inform the Government how an equal amount could be saved in a way far more satisfactorily to the people. By referring to the public accounts of 1866, he noticed that when the late Legislative Council of Canada was composed of 64 members, whose sessional pay, besides contingencies, amounted to \$38,400, there were employed 56 subordinate officers and servants, including 4 pages, 9 females, 4 watchmen, house-keeper and assistant, costing over \$42,000, or about \$4,000 more than the members' pay at \$600 each. For similar services subordinate to the Legislative Assembly, the sum of \$104,397 was paid. The duties of this Parliament were now considerably restricted, yet he believed the same system of unjustifiable extravagance prevailed, and perhaps to a more aggravated extent.

**Hon. Mr. Allan**—I rise to enquire if the subject of contingencies is now under discussion.

**Hon. Mr. Wark** said that he was endeavoring to show the Hon. Postmaster-General how he could raise the required revenue, or rather how he could *save* it, because "A penny saved is as good as a penny earned;" and how by adopting at the opportune period a system of economy and retrenchment in the expenditure of this Parliament, more money will be retained than will accrue by placing postage on newspapers. He (Mr. Wark) was opposed to the amendment already made, but he would support the present one.

**Hon. Mr. Campbell** was quite willing that the present law with regard to postage upon newspapers as it existed in Canada, proper, should be applied to the Dominion, the prepayment of the rate being left optional. There was a necessity for postage on newspapers, more pressing even than on letters, for a reduction of the postage on letters would have the effect of increasing the number of letters written, and so, as it were, reproduce itself; any present loss would be compensated for in time, while the bulk of newspapers to be carried would yearly become greater, while contributing nothing whatever to the revenue. The different Provinces of the Confederation, in the matter of newspaper postage, must be placed upon a footing of equality.

**Hon. Mr. Bourinot** grieved for the bad effect likely to be produced by the imposition of a tax on newspapers in Nova Scotia. He did not look upon the tax so much as a matter of dollars, but as interfering with a privilege which the people of Nova Scotia had long had, and valued.

He would move in amendment, that all newspapers throughout the Dominion of Canada should pass through the mails free of postage.

**Hon. Mr. Dickey** seconded the motion. The Postmaster-General insisted that the tax upon newspapers was absolutely necessary, while he contended it was very far from being the case, unless it was designed to effect an equilibrium merely in making the revenue of the Post Office Department fully meet the expenditure. Yet the whole newspaper postage was

only a tenth of the whole assets—in Canada \$90,000—in Nova Scotia and New Brunswick \$40,000—equal to \$130,000. He put the question distinctly to the House, if the proposed postage on newspapers was desirable? With a peculiarly Post Office view of the matter, the Postmaster-General calls the circulation of newspapers free of postage, one of the evils of disseminating knowledge. If a revenue was the only thing wanted, why not keep the present rate on letters, no one having asked for a change. He thought a judicious economy in salaries, and in railway charges, would obviate all necessity of the proposed tax on newspapers.

**Hon. Mr. Anderson** did not agree with his hon. friend. He thought the reduction of \$60,000, which the reduced letter rate would afford to the people of Nova Scotia, was a boon, and ought to compensate for the imposition of a newspaper postage.

**Hon. Mr. Wier** did not agree with the amendment. The Hon. Postmaster-General had shown good feeling in the discussion of the details of this bill, and had very gracefully yielded some points which he might not have yielded if he chose. For his part he thought barrels of flour would be more acceptable in the backwoods than newspapers, and the same argument might be applied for the transmission of flour through the mails free, for newspapers to be so carried. There was such a thing as newspaper license.

The amendment was then put and declared lost.

On the 11th subsection to the 9th clause, **Hon. Mr. Aikins** asked why the maximum rate of registration was not stated, and after some conversation it was fixed at six cents.

With regard to the power proposed to be conferred upon the Postmaster-General to compel the registration of letters containing money or other valuables,

**Hon. Mr. Flint** asked how a Postmaster could know the contents of said letters, so as to be justified in registering them, whether the sender desired it or not.

**Hon. Mr. Campbell**—The handling of the letters would in most cases be a sufficient guide, but if subsequently proved not to have

been letters containing valuables, the fee would be returned.

This did not satisfy the objectors, and the clause was modified in such a manner as to withdraw the power.

**Hon. Mr. Reesor** begged to ask why the certificates of deposits were not transferable?

**Hon. Mr. Campbell** said that the subject had been carefully considered by the Financial or Treasury Board, composed of Ministers most experienced in such questions, and they had decided that it would be inexpedient.

The Committee then rose and reported the Bill as amended. The amendments were con-

curred in, and it was ordered for a third reading on Monday.

#### COMMERCIAL BANK

**Hon. Mr. Campbell** moved the second reading of the Bill to amend the Charter of the Commercial Bank of Canada, and stated the particular objects it contemplated.

The Bill was then read a second time and referred to the Standing Committee on Banking, Commerce and Railways.

The House then adjourned, at 11 o'clock.

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## THE SENATE

Monday, Dec. 9, 1867.

Several petitions were presented in favor of Major Robinson's route for the line of the Intercolonial Railway.

### COMMERCIAL BANK.

**Hon. Mr. Hamilton (Kingston)** from the Standing Committee on Banking and Commerce, reported the Bill to amend the charter of the Commercial Bank, without amendment. Report adopted.

**Hon. Mr. Campbell** moved that the Bill be now read a third time.—Carried.

The Bill was then passed and ordered to be sent to the House of Commons.

### POSTAL BILL.

**Hon. Mr. Campbell** moved that all the words now found in brackets be expunged.

**Hon. Mr. McCully** begged to call the attention of the Hon. Postmaster-General to the fact that there existed some difference in the several Provinces in the value of the currency, and that in effect 3 cents in Canada was not the same as 3 cents in Nova Scotia or New Brunswick, and to ask whether payment would be taken for postage in the present currency of the Provinces until a measure to settle the currency was passed. He begged also to ask if the postage stamps issued since the 1st of July, quantities of which were, no doubt, in the hands of the merchants—for they bought them by \$10 or \$20 worth at a time—would be taken. He took the liberty to make these enquiries because the bill was to come into operation on 1st April next. He might here say, too, that his remarks would equally apply to the payment of *ad valorem* duties, but of course that was another subject.

**Hon. Mr. Campbell** said that with regard to the postage it would be accepted in the currency of the Provinces until a new currency was established.

**Hon. Mr. Allan**, referring to clause 65, said, as he understood the policy of the Government in the establishment of the Savings Bank, they proposed to establish institutions which would afford to the poor and working people the opportunity of safely investigating their savings, but not to provide the wealthier classes with a new mode of investment. If this were the object contemplated he thought the

maximum sum to be received from any individual should be limited in the Act. He thought, also, that the exemption of such deposits from attachment by legal process was objectionable. There was no such clause in the Savings Bank Imperial Act, and he did not see why it should form part of the bill. He knew such an exemption had been made in respect of life insurances, but that was a very different matter. With this exemption parties might find the means of lodging money in different names to accumulate large sums in the proposed Savings Bank, and then defy their creditors.

**Hon. Mr. Campbell** said that as the bill would have to come again before the House, he thought it would be better to send it to the other Branch as it was, and if it were not there amended in the sense desired, this House could deal with it again.

**Hon. Mr. Allan** thought it would be more inconvenient then than at the present moment. If the Government would say that they would make the proposed alteration in the other House, he would not further object. It was certainly not desirable to have a Savings Bank, in which parties could lodge large sums beyond the reach of seizure.

**Hon. Mr. McCully** said that the removal of the exemption would not give creditors in Nova Scotia any advantage, as they could not levy upon any funded debt.

**Hon. Mr. Campbell**—The debtor can now put his money in his pocket, and nobody can touch it.

**Hon. Mr. McCully**—If the Sheriff could get at actual bank notes, the property of a debtor, he could seize them in Nova Scotia, but he could not seize a note of hand. The creditor might put the debtor in jail, and keep him there until he made an assignment and gave up all his property.

**Hon. Mr. McCrea**—We had a garnishee law in Upper Canada, by which money might be stopped in other hands.

**Hon. Mr. Sanborn**—So have we in Lower Canada.

**Hon. Mr. Wilmot** said he did not see why the amount should be limited, while the interest was not. The House was legislating in this matter for the public, not for a bank, and he entirely differed from hon. members, who wished to limit the deposits, for, if the Government could get money by this means, at 4 per cent., instead of 7 or 8, they should avail

themselves of it. But then, he thought, they should have a longer notice than three months for repayment, it should be twelve months.

**Hon. Mr. Bureau**, (in French), maintained that it would be exceedingly dangerous to allow moneys to be lodged not liable to seizure. In Lower Canada the names of depositors were concealed as much as possible, but still they were not beyond the reach of the law. In Nova Scotia they had a more violent remedy than in Canada, since the debtors were put in prison until they had made a disclosure of their effects. He repeated his objection to render the moneys unattachable, as it would open the way to innumerable frauds. He would, however, be willing to allow the clause to remain, if the sum was limited to \$200. There was, however, a remedy in Lower Canada when fraud was suspected, for the debtor could be brought up on a writ of *capias ad respondendum*.

**Hon. Mr. Macpherson** said that as understood the spirit of the bill in so far as it referred to the Savings Bank proposed to be established, it was to afford to the working people a safe means of placing their savings, and for this purpose it provided that sums of \$1 would be received. That object should be kept in view. He was aware that the Government contemplated the introduction of another measure, under which the wealthier classes would have the opportunity of investing larger sums, but as this bill was designed for the labouring orders he thought that the limit of \$200 was quite high enough. As to the provision which exempted the deposits from seizure, he feared it was a dangerous one, unless the amount so protected were restricted to \$100. At any rate the measure should not be open to the construction of leaving room for dishonest practices.

**Hon. Mr. Campbell** repeated that any change desired might be discussed when the bill came back from the Commons.

**Hon. Mr. Letellier de St. Just** thought it would be better and more dignified for the Senate to send the bill as perfect as possible to the Commons, than to re-commence and amend their own work when it came back.

**Hon. Mr. Campbell** said that the amount of the single deposits should be limited by Orders in Council. All such things would come under the cognizance of the Treasury Board, and such regulations would be made from time to time as might appear expedient.

**Hon. Mr. Sanborn** said it was objectionable that any sum should not be liable to seizure for the honest debts of the depositor. Failures sometimes happened of a fraudulent character, and parties disposed to attempt them could under the Bill lock up their moneys in the Savings Bank and then set their creditors at defiance. Nothing would be easier for such a person than to lodge several sums of \$200 in different names, and so place all his means beyond the reach of the law. It was true that people might invest money in Life Assurances which would be exempt from seizure, but the propriety of this had been questioned, for there was no maxim of law clearer than that all a man had was the property of his creditors. It was in this that the main objection lay.

**Hon. Mr. McCully**—If a man were to deposit the money in his wife's or son's name, what then?

**Hon. Mr. Sanborn**—It was none the less a dangerous policy to exempt the deposits from seizure.

**Hon. Mr. Dickey**—It had been assumed that the limit of \$200 was to prevent large sums from being lodged, but might it not be the policy of the Government to get as much money as possible by means of the projected institution. He had been happy to hear the new Minister of Finance, who was an ornament to the Ministry, referring in terms of commendation to the Savings Banks of Nova Scotia as examples which the Dominion might profitably follow, but he was sorry that the Hon. Postmaster-General had not been able to take any example from the Post Office system of that Province, by adhering to the rates of postage which prevailed there, viz.: 5 cents and 2 cents in the counties, for letters, leaving the newspapers free. He was also sorry that he (the Postmaster-General) had not considered the state of public feeling there, and he (Mr. Dickey) was persuaded if things had been left as they were, a larger revenue would have been derived than would be collected under the present Bill. Referring to the difficulties in connection with the currency, he thought it would be desirable to postpone the commencement of operations under the bill until first of January, 1869. Before its provisions could be known to all newspaper publishers in Nova Scotia, their arrangements for next year would have been made, and they would be placed under considerable disadvantages should the law become operative, as was proposed, on 1st April next.

**Hon. Mr. Robertson** said the difference in the value of the currency in the Provinces was very small as between Canada and New Brunswick, but between Canada and Nova Scotia it was about  $2\frac{1}{2}$  or a little more—not quite 3 per cent., and Nova Scotia would have no room to complain, as the difference was in its favour. As to the limit on the deposits to be made in the Savings Banks, he thought it should be left to the Government, and that it was unnecessary to alter the bill.

**Hon. Mr. Wark** thought it would be of little use to fix a limit to the deposits, for means would be found to lodge large sums if the depositors desired. Money was often placed in other names than that of the proprietors, and he himself had been applied to give a discharge for sums lodged in his name, of which he knew nothing. The institution as he understood was not for the poor only, but for the purpose of aiding the Government, and if they could deal with the floating debt of the Dominion by borrowing at 4 per cent., the more they got the better. The rate on the certificates was not binding at 5 per cent., but might be  $4\frac{1}{2}$  per cent., if the Government thought fit. The same might be said with regard to the notice of withdrawal, it might be longer or shorter, and the Government might give  $\frac{1}{2}$  per cent., more for longer terms.

**Hon. Mr. Miller** said that he had intended to have made a few additional remarks when the bill was before the House for the second reading, but the hour of 6 having arrived, the speaker left the Chair. He had particularly intended to refer to the proposed newspaper postage at greater length. He had been represented, however, as saying that the proposition was no boon to Nova Scotia, but that was not precisely what he had said. What he did say, was, that while on the whole the bill might be an advantage to Canada, it would not be so to Nova Scotia. He did not mean to assert that it would be disadvantageous to that Province, for it would not be much the worse off. (The idea in the hon. member's mind seemed to be that the reduction contemplated by the measure, would, so far as Nova Scotia was concerned, be neutralized by the imposition of a postage rate on newspapers.) The opposition to Confederation in Nova Scotia rested a good deal upon the anticipated results. It was confidently predicted that a tax would be laid upon newspapers, and that stamp duties would also be imposed. And now if the newspapers were made liable to post-

age, the parties who had urged these objections would point to their realization in justification of their course.

**Hon. Mr. Wier** begged also to remark he had not stated prepayment in the United States was tried and abandoned. It was in England.

**Hon. Mr. Sanborn** said he desired to bring up another feature of the bill, in order to ascertain the views of the House upon it. He referred to the exemption from postage of newspapers and periodicals devoted to Education, Religion, Temperance and Agriculture when addressed to subscribers from the office of publication. These papers and periodicals were now sent free, but under the bill, this provision was to be changed, and all papers alike would be subjected to a prepaid rate of one third of a cent. Now, while there was a general unanimity in the secular press in favour of having their papers carried free, they often indulged in a fling at the exemptions. The question to be considered was whether this distinction in favour of the Religious, Educational, Temperance and Agricultural papers, and periodicals, was a well grounded one. He thought it was, and that it was susceptible of proof. It was not correct to say that these publications were got up for gain, for the means were more frequently provided by associations of philanthropic men, who had no other object in view than the dissemination of useful and improving information. If other hon. members proposed to let all the newspapers go free, he would support the proposition, but if not, he would maintain that the former exemptions just referred to, should be maintained and the circulation of such publications encouraged. If the revenue were thereby diminished, it would only be an application of it to the encouragement of morality and education. The hon. member here traced the effects of these newspapers and periodicals in their influence upon the masses, and asserted they exerted a powerful effect in elevating them and educating them to a proper sense of the duties they owed to themselves and to society. In this way, though indirectly, the Government derived large advantages, and he conceived the House ought to get the seal of its approbation upon such efforts. (Hear, hear.) If the House went with him, he would move to recommit the bill.

**Hon. Mr. McCully** said that having been in the chair of the committee, he had not had the opportunity of stating his opinions upon the bill, but he most strongly approved of all that had now fallen from the hon. member



(Mr. Sanborn). There was a wide distinction between the secular press and the publications to which that hon. member had referred. The one class were published for profit, the other from benevolent motives, and he believed that a proposition to maintain these exemptions would receive the approbation of a large majority of members. The measure ought not to pass out of the House without the expression of its opinion that this literature should circulate to the remotest settlements of the country free of postage. Another argument in favour of abolishing the newspaper postage altogether was that this postage was almost exclusively paid by country people. The inhabitants of the cities and towns got their papers free, but the far away people who were the least able to pay the tax, were made to bear it. It might be said that the service was done for them, and that it must somehow be paid for. But as the mail service had to be performed, it would not add materially to its cost to carry the papers free.

**Hon. Mr. Christie**, after describing what constituted a newspaper, and what a periodical, said he hoped the Hon. Postmaster-General would concede the point respecting exemptions. He (Mr. Christie) was absent when that feature of the bill came under consideration, else he would have advocated the continuance of such exemptions. As had been very truly remarked, these publications were chiefly supported by associations, and they accomplished a large amount of good in various ways. By improving the morals of the people they diminished crime, and in this way contributed to lessen the expense of government. But with special regard to the agricultural periodicals, they unquestionably should pass free. The *Lower Canada Agricultural Journal* was published by the Board of Agriculture, not for profit surely, but for the sole purpose of disseminating valuable information where it was very much wanted. And was such a publication to be taxed? Would it conduce to the public interest to make that journal pay postage? The *Journal* was published at a very reduced rate, and a part of the grant allowed to the Board was expended upon it, it being allowed to be retained for that special purpose. He contended that this periodical, sustaining, as it did, one of the most important interests of the country, had a good claim to pass free, and the people had a right to say whether it should or not. Passing on to Nova Scotia, he had received from the hon. member who had just spoken, a valuable publication of the Board of Agriculture for

that Province, and he would ask whether that too was to pay postage. He did not know whether there was a similar periodical in New Brunswick, but if there was, he might put the same question in relation to it. In Upper Canada a journal had been published by the Board of Agriculture there, but it had been found to be unremunerative, and had been abandoned. The matter had, however, been taken up by a private concern, which published the *Upper Canada Farmer*, and it was aided by the County Agricultural Societies, which subscribed for large numbers, and circulated them throughout the country. This was the only agricultural publication he knew of, got up by private enterprise, and he thought he had said enough to show that it too ought to pass free. He hoped his hon. friend would press the point, and be sustained by the House.

**Hon. Mr. Campbell** said he did not wish to discuss the subject, but would again suggest whether it would not be better to let it stand until the bill came back from the other Branch. If not amended there the point could be brought up in this House and discussed, and the sense of the House taken upon it.

**Hon. Mr. Christie** said he had great objections to such a course.

**Hon. Mr. Botsford** said he could not concur in the course suggested by the Hon. Postmaster-General, for although the clauses in brackets were expunged the other Branch should know the opinion of the Senate in relation to them. If the House was disposed to amend the clauses in question there could be no better time to do it than the present, and it was a fallacy to argue for any other course. He (Mr. Botsford) felt the full force of the arguments in favour of the exemption of Educational, Religious, Scientific, and Sunday School publications, and would support the motion. He had not troubled the House with any remarks while the bill was under debate, as so many other hon. members appeared anxious to speak, but he must say he regretted that at this short part of the Session the Government had meddled at all with the question of imposing postage on newspapers. So far as he had been able to collect opinions there was no desire for a change in the letter postage. Everybody was willing enough to pay 5 cents, and when the arguments were sifted it would be found, that, what with the book and parcel posts and other items of revenue, the Department would have been within a few dollars of being self sustaining without the newspaper

postage. He was sorry the Hon. Postmaster-General had moved at all in the matter. He (Mr. Botsford) felt bound to say on strict principle that the newspapers should pay postage, as well as other mail matter, but at the inauguration of the Dominion there were prejudices to be conciliated, and, perhaps, a good deal of ignorance to be put up with. Under the circumstances he thought it would have been wise to have some consideration for the feelings and wishes of those who were opposed to the new state of things. He was aware that there was a deep seated feeling in both Nova Scotia and New Brunswick against newspaper postage, and if it should be pressed it would add great weight to the objections urged against the Union. It had been predicted that one of the first acts of the Government would be to impose this newspaper taxation, and if imposed the consequences could not but be injurious. Respecting Confederation itself, some parties were very enthusiastic, and it was fondly imagined that the moment it was accomplished great advantages would result, but if Parliament commenced by imposing new taxes before there was time to discern the benefits of the Union the effect must be very prejudicial. As to the education and other formerly exempted papers he considered the demand for their continued freedom from postage entirely reasonable. There were but few of these publications in the Dominion, and science had not been brought to bear upon the labours of the farm in these countries as in Europe, but it was now generally admitted that information upon this particular subject was most urgently needed. Great advantages had already resulted from the circulation of the *Canada Farmer* in New Brunswick, where it was already pretty extensively known, and he had no hesitation in saying that in his opinion the exemption in its favour, as provided in the existing law, should be maintained and embodied in the Bill before the House. He confessed he would prefer to see the bill withdrawn altogether for the present at least, and left over to be dealt with at the ensuing part of the Session. In conclusion the hon. member said that at first the legislation of the Confederated Parliament should be of such a character as to interfere as little as possible with the prejudices and prepossessions of the people of the Lower Provinces.

**Hon. Mr. Bourinot** considered that free postage should be extended to all the newspaper press. It was impossible to altogether prevent the expression of political opinions

even in journals not professing to be political, but where perfect freedom in the expression of opinion was allowed, they counteracted each other, and were as a bane and antidote. Of course a religious paper contained something else besides religion, and a temperance paper something else than essays upon the good to result to mankind from the drinking of cold water; but he, nevertheless, was strongly of opinion that temperance papers especially should be sent free by post.

**Hon. Mr. Dickey** heartily agreed with the hon. gentleman who had last spoken, and regretted that he (Mr. Bourinot) had not spoken similarly when the bill was in Committee of the Whole. He looked upon the time for discussion, however, as now passed, and was not now before the House at all.

(The Speaker read Hon. Mr. Campbell's motion, that all the paragraphs within brackets should be struck out.)

**Hon. Mr. McCully**—With the view of obtaining a recorded expression of the opinions of the gentlemen from the Maritime Provinces, which could not be obtained when the House was in Committee, would move in amendment,

"That the bill be recommitted, that a rate of 5 cents on letters be substituted for the 3 cents proposed in the bill, and that newspapers pass free."

**Hon. Mr. Campbell** objected to the amendment at this stage of the proceedings. It would be time enough when the third reading of the bill came up. All that was proposed was to strike out the money clauses between brackets, and which, constitutionally, this House could not debate.

**Hon. Mr. Speaker** was seemingly about to rule the amendment out of order on the plea that no money rate could be inserted in it, when

**Hon. Mr. Campbell** stated that the amendment was not an amendment at all, inasmuch as it did not refer to the motion before the House, which was simply to the effect that certain clauses within brackets should be struck out preparatory to the bill being read a third time.

**Hon. Mr. Sanborn** (apparently in reply to Mr. Speaker) the House can initiate anything which took burdens off the people; if they could not put burthens on the people.

**Hon. Mr. McCully** considered that the proposed amendment would be an intimation to the other Branch of the Legislature of the Senate's opinion. The Union Bill went down from the House of Lords to the Commons, with the clauses which had been in brackets, printed in red ink.

**Hon. Mr. Campbell**—The hon. gentleman is mistaken. The bill went down to the Commons with such clauses in blank, and the Commons had them afterwards printed in red ink for their own information and guidance. He suggested the propriety of letting the present bill go to the Commons in blank, but was quite prepared to go into the discussion of the propriety or impropriety of suffering Religious, Temperance, and other such papers to pass free by post, and with that view it seemed to him the most convenient course would be for the House to resolve itself into Committee now, when such matters might legitimately be discussed.

**Hon. Mr. Christie** looked upon the proposed mode of dealing with the Agricultural newspaper question as "round about." He looked upon it as a bill originating in the House, and he deemed it inconsistent with what was due to themselves to send it down to the Commons, reserving their opinions until the Lower House had sent it back to them again. Why all this round about way?

**Hon. Mr. Wark** considered that if the bill was to be altered now was the proper time.

**Hon. Mr. Sanborn**, seconded by **Hon. Mr. Letellier de St. Just**, moved that the bill be recommitted so as to exempt from postage papers devoted to Agriculture, Religion, Temperance, Arts, and Manufactures.

**Hon. Mr. Campbell**—It must be obvious that this motion cannot be in order, not being germane to the question, and suggested that his motion (relative to striking out clauses in brackets) should first be carried, when the bill might be recommitted.

**Hon. Mr. Tessier** contended that the motion in amendment was altogether out of order, and stated that he would raise the question, when the time arrived for putting it as a motion.

**Hon. Mr. Campbell's** motion was then carried.

**Hon. Mr. Campbell** submitted a list of words, omitted to have been placed in brackets, when the Bill was printed, which ought to

have been so placed, and moved that they should be struck out of the Bill, which was carried; and then moved that the Bill be now read a third time.

**Hon. Mr. Sanborn** moved in amendment that the Bill be not now read a third time, but that it be recommitted so as to exempt from postage papers devoted to Agriculture, Science, Religion, Temperance, Arts, and Manufactures.

**Hon. Mr. Tessier** rose to order. It was important that they should proceed in accordance with the rules of the House and consistently with long established usage. The amendment proposed by the hon. gentleman was an infringement on the privileges of the Commons; but there was a still stronger objection to the latter part of the amendment intended to amend something that was not in the bill at all, now that the bracket clauses had been struck out. It was only in Committee that wrong clauses could be discussed in the Senate at all, because then no minutes of amendments are made. The House, however, it was clear, could not receive a motion in amendment to a non-existent clause. (The hon. gentleman read an extract from proceedings of Lords to show the practice there with such bills.) He contended that in the House of Lords all such bills went down with blanks for the money clauses to the Commons, and were afterwards printed in red ink, merely to show the opinion of the Upper House, with a note that they were to be inserted in Committee.

**Hon. Mr. Sanborn** was really surprised at the position taken by his honorable friend on this question, and inquired if the highest legislative body in the country should place itself in a position by which it would be unable to express an opinion; and that too, when the Postmaster-General had admitted that so soon as his (the P. M. G.'s) motion passed, his (Mr. S.'s) motion would be in order. The motion stated what he had a right to state on every bill brought up for a reading, that this bill be not now read a third time, and that there should be exemptions on a certain class of newspapers. If the House had not the right of expressing its views on subjects, it ought to be abolished altogether. All that is asked is that the bill be sent back into Committee, and that that Committee should have power to do a certain thing on a certain class of newspapers. If they had not the opportunity of expressing their views, they ought to be abolished as a legislative

body altogether. It only asks that the bill be sent back into Committee, with power to do a certain thing.

**Hon. Mr. Dickey** could not help admiring the ingenuity of his friend to the left, who first objects to the amendment because it was not germane to the motion then under consideration, and next to an amendment being made to a clause which had no legal existence. His hon. friend had voted for the second reading with all the clauses in it, and put difficulties in the way of doing precisely the same thing now.

**Hon. Mr. Blair** believed that it had never been held in Canada that the Upper Chamber could legislate on such matters. It was meddling with a subject in which they had no power to meddle. He believed the House would be glad to have the opinion of the Speaker on the matter.

**Hon. Mr. Botsford** contended that the motion was perfectly in order, and perfectly constitutional. As soon as they had reported their opinion, the clause, as amended by them, could be struck out. Why was it in brackets at all, unless to suffer an expression of opinion to the motion upon it?

**Hon. Mr. Mitchell** recommended that the House should govern themselves by such rules as prevailed in England, and that it might be well to accept the suggestion of his colleague the Postmaster-General. The motion to go into Committee was fatal, inasmuch as it set forth several specific objects to be discussed. Of course, he was responsible for the bill with his colleagues, and if it should go into committee was quite prepared to discuss the details of the bill again—if for no other reason than to gratify hon. gentlemen, who were not in their places when the bill was in committee. He did not believe that the country would sustain the position which hon. gentlemen had assumed in drawing distinctions between one class of newspapers and another.

**Hon. Mr. McCully** read an extract from the proceedings of the House of Lords, to show when and how a bill may be recommitted, which was as often as "the House thinks fit."

**Hon. Mr. Campbell**—That is not the question here.

**Hon. Mr. McCully**—When his hon. friend the Postmaster-General proposed to strike out the clauses, then in his opinion, was the proper time to move for a recommittal. So

that the opinion of the House, on certain clauses, to be placed by the Commons in red ink, might be ascertained. He hoped, however, that the House would not be prevented by any mere forms from expressing an opinion, or in other words, stultifying itself, as it was proposed to do. If his hon. friend (from Quebec) who had got them into this difficulty, would only fall upon a way to enable them to express an opinion, without infringing upon the rules of the House, he should be very glad.

**Hon. Mr. Tessier** said it was far from his intention to prevent any expression of opinion in the House, but already their opinion on this very matter, the expediency of suffering Religious or Temperance papers to go free, had gone forth, and these gentlemen might then, if they had chosen, have moved amendment after amendment; but the present motion was especially to take a course which they had no right to take in a matter in which the expenditure of money was concerned. It is really decided by this motion, if carried, that \$4,000 or \$5,000 will be taken from the public chest to carry those religious papers free through the mail.

**Hon. Mr. Christie** pointed out that the Fisheries Bill created a new office, involving a money expenditure, but his hon. friend (Mr. Tessier) gave it as his opinion that there was then no breach of order whatever in making such a motion, but now he does so.

**Hon. Mr. Campbell** thought it would be as well for the House to dispose of the point of order, and he would suggest, if it were out of order, how it might be made in order.

**Hon. Mr. Sanborn** conceived that if his motion were out of order, the Government had stultified themselves in bringing forward the motion for striking out the clauses within brackets.

**Hon. Mr. Campbell** explained that the bill, now that the clauses in brackets had been struck out, could not very easily be amended, and at the same time denied that the House could at any time insert a clause having money in it. The bill, however, could be simply sent back to a Committee of the Whole House.

**Hon. Mr. Sanborn** withdrew his motion, and adopted the suggestion of the Hon. Postmaster General, and it was resolved that the bill be recommitted, and the House adjourned until to-morrow.

## THE SENATE

Tuesday, Dec. 10, 1867

The Speaker took the Chair at 3.00 p.m.

After routine,

### POSTAL BILL.

The order for recommitting the bill being called,

**Hon. Mr. Campbell** expressed the intention of moving to discharge the Order, and was going on to give his reason when

**Hon. Mr. Christie** said he thought the proceeding unfair, as it was understood last evening that the bill would be returned to the Committee of the Whole.

**Hon. Mr. Campbell** said he thought every hon. member who chose to give his opinions on the measure had had abundance of time to do so, and as the proposition was to send the bill to the Committee to amend a clause which did not exist, he deemed it altogether a useless proceeding. He would now move that the order for going into Committee be discharged, and that the bill be read a third time.

**Hon. Mr. Christie** said the House was taken by surprise, and in effect the Hon. Postmaster-General himself had consented to go into Committee, and it had been so ordered.

**Hon. Mr. McCully** said the Hon. Postmaster-General himself had unconsciously misled the House. His (Mr. McCully's) object was by means of the forms of the House, to place upon the journals the opinion of the Lower Provinces with respect to the proposed newspaper postage. This could have been done when the Committee had risen, but the clause in question having been removed it was impossible to make such a motion. But hon. members had fully expressed their views which had become perfectly well known, and now as he thought any further action would only embarrass the House.

**Hon. Mr. Botsford:** It was clear that divisions in Committee were not matters of record in the journals, though in some of the Colonies the Chairman was instructed to report them. Now as the hon. member who made the motion to recommit was not present, he for one was not prepared to oppose the further progress of the measure. He was an unsolicited supporter of the Government, and had

given his aid in carrying Confederation, and he proposed to give it a full and fair trial. He would now ask the Government if it were not possible to make an arrangement with the Local Legislatures in regard to their postages? But perhaps the inquiry ought to be put in the other House.

**Hon. Mr. Letellier de St. Just** (in French) said that the Lower Province members had professed a desire to put on record in the journals of the House their opinion regarding the clause in the bill, which imposed a duty upon newspapers, but that the action of the Hon. Postmaster General, in changing the proceedings by moving to discharge the order for going into Committee, had prevented their doing so. Now if the course proposed by the Hon. Postmaster-General were really disagreeable to those hon. members they would prove their sincerity by not yielding to the motion to discharge the order, but insisting that the bill should be recommitted. It was quite optional with them to prove that they were not disposed to set aside what they considered as the interest of their Provinces, even for the purpose of pleasing the Government. If they gave up their objections for the mere purpose of supporting the Government he could not see the consistency of their course. Now in his opinion the Government should have considered the position of those Provinces in regard to the particular point in question. When the order for going into Committee was called the House had a right to expect that the Speaker should have vacated the Chair, and placed some hon. member in that of the Committee, but the Lower Province members, who of all others, should have insisted upon this, had made no objections. It appeared as if the Government had forbidden them to follow their convictions, and they had given way. Either they had sincere intentions, or they had not, and if they had, they ought to have held out for recommitting the bill, since their alleged object was to propose a change favourable to the Provinces they represented. Again, if they were sincere, they should now vote against the motion for the third reading of the bill. And here he would urge upon the Hon. Postmaster-General not to persist in the course he was taking. If the reduced rate of three cents upon letters was not enough to provide a revenue for the Post Office Department, it was quite easy for him to take four, and if he did, he could make all the newspapers of the Dominion free, and have a surplus besides. If this course had been followed, it would have soothed the feelings of

the people in the Lower Provinces, and would have produced \$140,000, whereas the one third of a cent upon the 14,200,000 could only produce one-third of that sum. Let the bill be again placed in Committee, and let the House hear the arguments of the Postmaster-General, and if they were satisfactory, they would no doubt prevail. Such a course would serve the members from the Lower Provinces, and in fact would save their position. By their course the Government were injuring the working of Confederation, but let the Postmaster-General yield even to the extent of going into Committee, and the members from the Lower Provinces would be able to say, that at least, they had done all they could. He would not say that the present strange conjuncture had been brought about by mismanagement, but it was certainly by a misconception, and the Government should not take advantage of it. He hoped his view of the proper course to be taken would be sustained by the House.

**Hon. Mr. Wilmot** said that if the motion to go into Committee were for the purpose of amending the clause respecting postage on newspapers, he would support it, but if not, he would oppose it. He had objected to the reduction of the letter postage, and if the matter were to be reconsidered, he would do so still. The present discussion had arisen upon a suggestion of the hon. member from Toronto, respecting the Savings Banks of which he approved, believing that the Government would thereby obtain a large amount of money at 4 per cent., instead of paying 7 per cent. or more. As to the imposition of newspaper postage, he was quite sure it would not be satisfactory to the Lower Provinces, and he had already fully and emphatically stated his opinion.

**Hon. Mr. Bourinot**—The hon. member for Grandville (Hon. Mr. Letellier) had said that if the members from the Lower Provinces were really desirous of testing the question of newspaper postage, they should have insisted upon the Order for going into Committee, but that the moment the Hon. Postmaster-General had opposed it they had submitted to his dictation thereby showing they were not sincere. Now, he would remind the hon. member that he (Mr. Bourinot) had moved an amendment on the occasion of the second reading of the bill to exempt all newspapers from postage, and what support had he then received from the hon. member? (Hear, hear.) The hon. member had then voted against the motion, and so had other hon. members, who yester-

day wished to make exemptions of Religious, Educational, Temperance, and Agricultural periodicals. Surely if these hon. members wished the newspapers to be free, they should then have sustained his (Mr. Bourinot's) motion. The reason why the Lower Province members had not moved to recommit the bill, was that it was contrary to the rules, and they had no desire to obstruct the business of the House, but rather to facilitate it. But he (Mr. Bourinot) thought the hon. member had no ground for impugning the sincerity of the members from the Lower Provinces. (Hear, hear.)

**Hon. Mr. Letellier** said he had not intended to do so. The hon. member had originated a motion in amendment, to make all newspapers free, which was lost, and he (Mr. Letellier) was consequently amazed yesterday when on another motion to exempt certain classes of publications, he found the hon. member opposing it. The hon. member would not take less than a whole loaf, hence his refusal of the half. But surely the motion of yesterday was the same in principle as the one he himself had proposed, and an approach to the end he professed to desire. The position of the hon. member was very far from being as good in this matter as he himself seemed to imagine, and his remarks were not such as he (Mr. Letellier) had thought he had reason to expect.

**Hon. Mr. Bourinot** said that his reason for objecting to the exemptions was that he did not wish to favor one class of publications, merely because they professed certain principles. It was easy to put a Religious or other such title page to a periodical, and then to fill the inside with matter of quite a secular character.

**Hon. Mr. Mitchell** said that the hon. member (Mr. Letellier) was hardly just towards the Government, for the Bill had been before the House a week, and he felt sure every hon. member who chose to speak had had full opportunity. Besides, his hon. colleague the Postmaster-General had with the utmost courtesy offered to consider any suggestion which might be offered for the purpose of making the measure as perfect as possible, and now it was proposed to recommit it, and possibly to re-open the whole subject, and go again into long debates. With only a few days of the session remaining, and several important matters pressing for consideration, this course he thought was not a reasonable one. The hon. member went on at some length, and

in concluding remarked in terms of disapprobation upon what he regarded as an attempt on the part of the hon. member (Mr. Letellier) to arouse the feelings of the members from the Lower Provinces and make them feel uncomfortable. He hardly thought that the hon. member who had stoutly opposed Confederation should assume to direct the course of hon. members as he had.

**Hon. Mr. Christie** said, he had thought, and had said, it was unfair of the Hon. Postmaster-General to move the discharge of the order to go into Committee, especially as it was at his suggestion it had been made, but perhaps he might have used a milder term. So far as he was concerned he had no disposition whatever to embarrass the Government or retard the business of the House. All he wanted was to expunge if possible an obnoxious feature of the bill, and otherwise he wished to aid the Postmaster-General in making it as perfect as possible. The Senate after all had plenty of time, and there existed no good reason why the subject should not have further consideration if the House thought it desirable.

**Hon. Mr. McCully** thanked the hon. member (Mr. Letellier), for his kindness in wishing to guard the members from the Lower Provinces from putting themselves in a false position, but gave that hon. member to understand in very plain, though very pleasant terms, that they were quite capable of taking care of themselves. That hon. member would find that the Lower Provinces had sent here a set of men who would yield to no influences when principle was at stake. They were prepared when need be to stand up for right as they understood it, but they did not deem it necessary to waste their ammunition upon useless objects.

**Hon. Mr. Bureau** said he had been fourteen years in Parliament, and had never known a bill to be in the position of that now before the House. It was, however, competent for any member to propose a rider after the third reading, and he had one ready for the purpose.

**Hon. Mr. Letellier de St. Just** begged to inquire of the Speaker if a motion to recommit were in order, in amendment to the motion for the third reading of a bill.

**The Speaker** said it was, if the motion did not interfere with the privileges of the other branch.

The bill was then read a third time.

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**Hon. Mr. Bureau** said he was about to propose an amendment that the amount to be exempt from seizure should not exceed two hundred dollars.

**The Speaker** said the only amendment that could now be put was that the bill be not now passed.

**Hon. Mr. Bureau** took his seat.

The motion that the bill do now pass was put and carried.

#### PRINTING.

The order of the day for the consideration of the fourth report of the Joint Committee of the Senate and House of Commons, on the printing of the Debates in Parliament, was then read.

**Hon. Mr. Simpson** stated that as it was desirable that the action of the House of Commons, on the report, which would soon be taken, should be ascertained, so as to guide them in their deliberations, he would move that the consideration of the report in the Senate should be postponed till Friday next.

**Hon. Mr. McCully** scarcely approved of so long a delay. Already one member of the Senate, whose advice in such a matter he would have highly estimated, had left for home (Mr. Sanborn), and other hon. gentlemen, living at a distance, would certainly leave by the end of the week, and an earlier day for the consideration of the report would, in his opinion, be judicious.

**Hon. Mr. Simpson** consented to Thursday next as the day for the consideration of the report, which, after some conversation between both sides of the House, was agreed to.

**Hon. Mr. Allan** moved the consideration of the report of the Committee on Private Bills and Standing Orders relative to the Bill intituled "An Act to incorporate the Intercolonial Insurance Company."

**Hon. Mr. Blair** doubted very much whether anything but the name of this bill could entitle it to be legislated upon by the Dominion Parliament, and moved the postponement of the consideration of the report, as the action taken by the Senate would afford a precedent for future legislation, to Thursday next, which was agreed to.

The House then went into Committee of the Whole on the Bill intituled "An Act to authorize the apprehension and detention of such

persons as shall be suspected of committing acts of hostility, or conspiring against Her Majesty's person and Government," which was adopted without amendment, reported upon, read a third time, and passed, and the Clerk directed to acquaint the House of Commons that the Senate had so passed the Bill.

The House then went into committee on the Bill intituled, "Act respecting the Statutes of Canada," and the

**Hon. Mr. Botsford** being called to the chair,

**Hon. Mr. Dickey** took exception to the interpretation of the word "holiday" given in the Act. In the Maritime Provinces the extension of such holidays might seriously interfere with business in the matter of banking, promissory notes, &c.

**Hon. Mr. Campbell** explained that, while in the Lower Provinces, as in Ontario, the bulk of the people were Protestant, in Quebec there was a mixed Protestant and Roman Catholic population, and the feelings of the latter had in the matter of religious facts or feasts (*fêtes d'obligation*) to be taken into account; and that such "holidays" need not, and did not now, apply to the whole of the Dominion, but only to one section of it, and added that as the interpretation given had no reference to anything presently to be done, but to future legislation, it would be time enough to discuss

the application of holidays and their consequent legal significance when such future legislation should render it necessary.

The Bill was read a third time and passed without amendment, and the Clerk ordered to inform the House of Commons thereof.

The Select Committee's Report on Rules of Order was referred back to the Committee.

**Hon. Mr. Campbell** presented to the House a Bill intituled "An Act to prevent the unlawful training of persons to the use of arms, and to practice military evolutions or exercises, and to authorize Justices of the Peace to seize and detain arms collected, or kept, for purposes dangerous to the public peace," which was read a first time, and ordered for a second reading on Friday next.

A message having been brought from the House of Commons with a Bill intituled "An Act to amend the Grand Trunk Arrangements Act of 1862, and for other purposes," to which concurrence was desired, the bill was read a first time, and ordered to be read a second time to-morrow.

**Hon. Mr. Campbell** submitted a Bill intituled "An Act to protect the inhabitants of this Dominion from lawless aggressions, from countries at peace with Her Majesty," which was read a first time, and ordered for a second reading to-morrow.

The House then adjourned.

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## THE SENATE

Wednesday, Dec. 11, 1867.

The Speaker took the Chair at three o'clock.  
After routine,

### COMMITTEE ON CONTINGENT ACCOUNTS.

**Hon. Mr. Seymour** brought up the 3rd report of the Committee on the Contingencies of the House, and said that the retrenchments recommended would amount to \$13,000.

The report was read by the Clerk.

**Hon. Mr. Mitchell** begged to enquire what proportion of officers from the Lower Provinces the arrangements would make room for.

**Hon. Mr. Seymour** replied there were blanks left for a clerk at \$1,000 and for two other places. He then moved that the report be taken under consideration to-morrow.

**Hon. Mr. Letellier de St. Just** said that according to the report just read, it would appear that as the country increased in extent and wealth, the old officials who had served it well and faithfully for a considerable number of years were to be turned adrift. He sincerely regretted the committee should have come to such a conclusion, and very specially that one of the principal officers (the next in rank, in fact, after the Clerk) should have been lowered in respect of salary to the level of a messenger. If this was to be the kind of reform he could not help saying that the House would not be discharging its functions with becoming dignity. Was it not enough that the committee should have turned over to that gentleman the duties of another office—that of Sergeant-at-Arms—without proceeding to reduce his emoluments? If the recommendations regarding this were adopted the House would, he felt sure, do itself no honour in the public mind. If it desired to be respected it must respect the claims of its employees. Then he could not but say it was extremely painful to him to see a number of other old servants, against whose discharge of duty nothing was, or could be, alleged, discharged in this summary manner, and singularly enough the parties marked for this excision were out of proportion French Canadians. Concerning one of them particularly there seemed to be strange coincidences. He was the grandson of an Acadian, who had been driven from his home in the Lower Provinces, departed to the

United States, and who subsequently established himself in Canada; but no sooner had the representatives of Acadia assembled in the Confederated Parliament at Ottawa, than he was chased out of an employment in which his services had been in the highest degree useful. Was it not enough that the number of French Canadian servants in the Senate was much under the proper proportion, but it must be further thinned by dismissals? Had they less right to consideration than persons of other extraction? One thing was well known about them, and it was that whether they were spoken to in French or English, they fully understood what was said, and were ready to meet the requirements of hon. members, but the same could not be said of the other employees. Under the pretext of economy, and, no doubt for the purpose of gaining popularity, the members from the Lower Provinces had promoted this contemplated retrenchment. But was this the course upon which those gentlemen ought to rely? He doubted much whether they should thereby secure the respect of thoughtful and humane men, and if they desired to build up a good political reputation, they would have to adopt other means; for, however much temporary approbation this kind of action might gain them, they would find it was not of a very solid or enduring character. If they had even come to the House and expressed their repugnance to deal in this way with the old servants, unless some kind of adequate provision were made for them, there would have been at least the appearance of kindness in the proceeding. For his part he did not think a subordinate charge in the public service a thing to be coveted, for in that service, there was no future to attract the regard of any young man of talent; but it was particularly distressing to find that men of ability, who by some means had found their way into it, and honourably discharged their obligations, were to be sent away at a moment's warning to make room for newcomers. He could not but believe that in this matter the Contingent Committee had been influenced by considerations for what might be deemed the rights of the Lower Provinces, but even with all due deference to those rights (which he was fully prepared to admit,) he conceived that a very different conclusion might have been arrived at. He had been informed that in some of the Public Departments quite a number of persons from the Lower Provinces had already been appointed, and that in the Department of Marine alone some seven or eight, or more, had obtained employment. In a little while

room would have been found for the full number. Those Provinces had a right to place, and surely the committee might have thought of this, and not taken the extreme course of turning in the streets, with no provision for their afterlife, a number of men of approved fidelity. Was it ever heard that such a course was pursued in commercial establishments? On the contrary the longer a clerk remained in such a service, approving himself by his intelligence and zeal to the confidence of his employers, the better his circumstances became and the more secure his position. Not so, however, in the Senate, for length of service was to be followed by a diminution of emolument or summary dismissal. The course pursued in the House of Lords was very different. When the law respecting divorce was changed, and that illustrious Chamber ceased to be the Court where divorce suits were tried, a considerable number of lawyers, who had devoted themselves to this speciality were all at once bereft of their means of subsistence, and though not officers of the House, and without claims for indemnity. Parliament declared they ought not to suffer because of a change in a practice which they had reasonably regarded as settled in perpetuity. The argument was held good and they were provided for. It was almost unnecessary to remind hon. members that after men had been long accustomed to certain duties it became exceedingly difficult for them to turn their attention to other employments. In both England and France, if ever it became necessary to part with deserving officials commensurate indemnities or pensions were awarded them. Now it certainly was not the fault of the officers or servants of this House that a great political change had supervened, but if there was fault, which he did not say, it was with those who had brought that change about. But he would venture to assume that the gentlemen who had been foremost and most instrumental in accomplishing this constitutional revolution had never for a moment entertained the intention of destituting any deserving public servant. And here he would take occasion to say that in his opinion these leading men ought to join hands for the purpose of protecting the officials. Let the House give itself time to reflect upon the subject and not proceed hastily to the adoption of the recommendation of the report. No great damage could by possibility attend such deliberation. He was free to admit that the staff might be somewhat large under the altered circumstances, but time would soon remedy this. As he had already said several

new Departments were being organized, and would afford room for persons from the Lower Provinces, but the Government needed time to make the necessary arrangements. If the report were suddenly adopted a number of fathers with families dependent upon them would be deprived of the means of subsistence. Then as to the reductions in the salaries he observed they fell particularly on the French Canadian officers. If we had become a larger nation, let us have the courage to deal justly with our employees and pay them the salaries they received before. It was a well understood maxim that if you wanted good service you must pay good wages, and that in the long run this was true economy. He would indeed be happy to find the members of the Government using their influence to postpone the adoption of the report, at least until the next part of the Session. At present the officers and servants were prey to the greatest anxieties, but he trusted the action of the House would relieve them for the present at least. It was said, and with propriety, that the Local Governments of Quebec and Ontario should have provided situations for all the employees whose services at Ottawa would have to be dispensed with, and he admitted most frankly that the Lower Provinces had a right to a certain proportion of the officers in the Confederate Parliament and Government. This he would have been quite willing to declare by formal Resolution, and would have been willing that the places to be created should be given to them, and the vacancies as they occurred filled up by their nominees. If this were proposed he was sure no single French Canadian member would object, for they felt it was perfectly equitable. The only difficulty was in making immediate provision for the whole number of the persons those Provinces had a right to put in the offices. Confederation, however, was not for a day, at least its advocates counted upon a long and successful future for it, and accepting the fact he thought some little patience might be exercised. (Hear, hear.)

**Hon. Mr. Campbell** suggested that as the report was to be brought regularly under the consideration of the House tomorrow, by which time it would appear in the printed minutes of today, it would be better to postpone the debate until then.

**Hon. Mr. Tessier** would just say that he had differed throughout with the majority of the Contingent Committee in its proposed recommendations, and when the report came up, he would be prepared to assign his reasons.

**Hon. Mr. McCully** said he thought it was quite unusual to go into a debate on the mere presentation of a Report of Committee, and he was quite willing to adopt the suggestion of the Hon. Postmaster-General to wait until tomorrow. Meanwhile he would say, he thought he would then be able to satisfy the House, that the recommendations of the committee were proper, and that there was an anxious desire on the part of its members to do full justice to the officers and servants.

**Hon. Mr. Letellier** had not charged injustice upon the committee.

**Hon. Mr. Wilmot** said that before proceeding the members should have a list of the employees and their present emoluments.

Several members answered that the list might be found in the Public Accounts and other places.

The Motion was then put and carried.

#### PRIVATE BILLS.

**Hon. Mr. Campbell** moved that the time for receiving petitions regarding Private Bills be extended until Monday next.—Carried.

#### 62ND RULE.

**Hon. Mr. Campbell** said that with the view of expediting business, the other Branch had

resolved upon holding two sittings a day. He hardly thought this course would be necessary in the Senate, but as according to the 62nd rule, notices of Bills must be posted in the lobby twenty-four hours before the bills could be proceeded with in committee, he would move that for the rest of the session the said rule be suspended.—Carried.

#### GRAND TRUNK RAILWAY.

**Hon. Mr. Ferrier** moved that the Bill to amend the Grand Trunk Railway Company's Arrangements Act be now read a second time.

The hon. member explained that the object of the bill was to enable the Company to raise a sum of £500,000 for the purpose of better equipping the road, and enabling it more efficiently to do the business of the country. As the bill would be sent to the Standing Committee on Banking, Commerce and Railways, he did not deem it necessary to go into further explanations.—Carried.

#### BANKING COMMITTEE.

**Hon. Mr. Aikens** moved that the name of the Hon. Mr. McMaster be added to the Committee on Banking, Commerce and Railways.—Carried.

The Senate then adjourned.

## THE SENATE

Thursday, Dec. 12, 1867.

The Speaker took the Chair at three o'clock.

Petitions of some of the officers and servants of the House whose services were proposed to be dispensed with by the Contingent Committee were presented.

### GRAND TRUNK RAILWAY.

**Hon. Mr. Hamilton (Kingston)** from the Committee on Banking, Railways and Commerce, reported the Bill to amend the Grand Trunk Railway Arrangements Act without amendment.

The bill was then read a third time and passed.

The Speaker announced a Message from the Commons with the Bill to amend and consolidate the several Acts of the Canadian Inland Steam Company, and to change its name to the Canadian Navigation Company.

Read and ordered for a second reading tomorrow.

### RESOLUTIONS ON THE NORTHWEST COUNTRY.

**Hon. Mr. Blair** moved to defer the consideration of these resolutions until tomorrow. They had not yet quite passed the other Branch and as he wanted them to be exactly like those passed there he thought it better to wait.

### INTERCOLONIAL INSURANCE COMPANY.

**Hon. Mr. Allan** stated that the Committee were not agreed in opinion as to whether the bill could be entertained by the Parliament of the Dominion, and it had been decided to refer the matter to the House itself for decision. He himself was, however, of opinion that it might properly be legislated upon here. In the Union Act he found that the regulation of Banking and Commerce was confided to the Parliament of the Dominion, and he therefore thought that unless it could be shown that this power was restricted, the bill before the House was a proper subject of legislation. If a measure was submitted setting forth that the business which was proposed to be done under it was to be transacted in the several parts of the Dominion, he could not see under what pretext this House could reject it. It was true that in many respects the Parliament of the

Dominion and the Local Legislatures had coordinate powers, but he thought that bills of this kind were likely to be treated in that of the Dominion with more impartiality than in the Local Legislatures, for in the latter, local jealousies might have undue influence. In the petition the objects of the measure were plainly set forth, and the House clearly understood what it proposed.

**Hon. Mr. Blair** said a few words, which were very imperfectly heard, but was understood to mean that the Parliament of the Dominion was the proper Legislature to deal with such subjects.

**Hon. Mr. McCully** said that this was a question of considerable importance and which very properly challenged investigation. The Hon. President of the Council (Mr. Blair) had said that the Courts were not to judge of the authority of Parliament to pass such measures, and that their business was simply to administer the law. But supposing a Company should obtain an Act from both the Parliament of the Dominion and a Local Legislature, and these Acts were found afterwards to conflict how was the Court to proceed in such a case? Would not the Judge immediately refer to the Union Act to see which of the Legislatures in question had right to pass such a law. The hon. member went on at considerable length, and without positively affirming that the power in question resided in either the Federal Parliament or the Local Legislatures was disposed to conclude, from considering the spirit of the Union Act, that the intention was to lodge the authority with the Local Legislatures.

**Hon. Mr. Tessier** was also of opinion that it was exceedingly important at the very outset to determine the rights of the Federal and Local Legislatures. In the United States all the power not conceded by the constitution to the Federal Legislature remained with Legislatures of the individual States, but the exact reverse was the case in Canada. The Imperial Act had defined the power of our Local Legislatures, and those not delegated to them belong to the Confederate Parliament. Perhaps he would have preferred that it should have been otherwise, but we were to be governed not by our wishes, but by the constitution.

**Hon. Mr. Bossé**, who was also very imperfectly heard, seemed to take a different view from the last speaker, and to hold that Local Legislatures, and they alone, possessed the requisite authority in matters of this kind.

**Hon. Mr. Dickey** spoke at considerable length; and, though like other speakers, not disposed to dogmatize or make very positive assertions as to the true merits of the case, leaned to the opinion that the Confederate Parliament and not the Local Legislatures had power to legislate upon such measures.

**Hon. Mr. Campbell** said it was very desirable to have a full expression of opinion on this subject and, moreover, thought that both Branches of this Parliament should try to come to an agreement on the subject. It had been decided that a commercial company holding its charter from a Local Legislature could not exercise its corporate powers beyond the limits of the Province over which that Legislature had jurisdiction. For instance, they could not forfeit the shares of parties who neglected to pay the calls nor could they enforce the calls by legal process. An important case of this kind had been tried in Upper Canada before its union with Lower Canada. The Montreal Bank had brought an action in the Upper Canada Courts on a promissory note, and three of the most eminent jurists Upper Canada ever had, viz: late Chief Justice Robinson with Judges Macaulay and Sherwood had tried the action. The lawyers who conducted the case were Messrs. Draper and Sullivan, two of the most eminent men at the Bar. After a very full examination and discussion by these eminent lawyers before these eminent judges, the Court decided that the Bank of Montreal holding only a charter from the Parliament of Lower Canada had no right to exercise corporate powers in Upper Canada. **Hon. Mr. Campbell** went on discussing the matter at some length, and concluded by moving that the subject be referred to a special committee to act in conjunction with a special committee of the Commons, and the following members do form said Committee: **Hon. Messrs. Allan, Blair, Bossé, Dickey, Letellier de St. Just, McCrea, Miller, Tessier, McCully, Odell,** and the mover.

**Hon. Mr. Skead** begged to assure the House that the bill had been introduced in good faith, and that the company intended to effect insurances all over the Dominion. The motion for reference to a committee was then put and carried.

**Hon. Mr. Seymour** read the second Report of the Select Committee appointed to examine and report upon the contingent accounts for the present Session.

The Report recommended the reduction of the salaries of the Clerk of the House, Clerk Assistant, Law Clerk, Black Rod and other

officers of the House, and the dismissal of nine of the permanent staff; whereby a saving of \$13,000 would be effected. It also recommended the appointment of Mr. Miller to one of the vacancies created to be filled up by a gentleman from the Lower Provinces, at a salary of \$1,000 per annum.

**Hon. Mr. Botsford** said, that Mr. Miller was a gentleman altogether unknown to him, and desired to know by whom he had been recommended.

**Hon. Mr. Wilmot** did not know by whom, or in what manner, the patronage, with regard to gentlemen from New Brunswick, was to be distributed. He certainly had signed a recommendation of one applicant for office, but was not aware whether or not that person had succeeded in his application. What he wanted particularly to know, however, was whether the patronage was to be left entirely in the hands of one person, who should happen to be a member of the Government, or whether other representatives of the people of New Brunswick were in such matters to be consulted. For his part he was not prepared to acquiesce in any such supposition, as that all patronage should be in the hands of one or two men. He had been a long time in public life and always identified with the Liberal party; but he had not come to Ottawa to identify himself with any particular New Brunswick party, fully believing that now all party lines were buried; but he did say this that there should be no appointments whatever without consultation with those who were on the opposite side in politics.

**Hon. Mr. Wier** had the other day remembered with reference to the appointment of officers by the Senate, that it would lead to unseemly, and even unpleasant, discussions. One hon. member would allude to the merits of his friend, another to the virtues, qualifications, and aptness of another friend, when all their contending claims would necessarily come up for discussion in the Chamber, a position which he looked upon as derogatory to the dignity of the Senate. And now we had exactly arrived at that condition of things he had anticipated, and were about to discuss the merits of an appointment to a paltry office in open Senate—a proceeding which reminded him of the mode of making appointments peculiar to Municipal Councils. The evils of such a mode of making appointments must be very apparent. If appointments were in this way to be discussed more than half of the

session would be taken up with such unprofitable and trifling matters. There should, in his opinion, be some other mode hit upon, than mere political bias, to ascertain whether a person was, or was not, qualified to hold some office in the gift of the Senate.

**Hon. Mr. Mitchell** partially agreed with the previous speaker as to such discussions being derogatory to the dignity of the House, and would simply say what was necessary to defend himself. His hon. friend knew well enough, what was intended.

**Hon. Mr. Wier**—No, no.

**Hon. Mr. Mitchell** explained briefly what had taken place in the Privy Council with regard to the distribution of patronage, and stated that although with only one or two exceptions, none of the old Canadian officers really held their former offices, that they had pertinaciously clung to them, preferring, as it appeared, the larger offices of the Dominion to those which might have been open to them in the Provinces of Ontario and Quebec, of which old Canada had been composed, and on which only they had claims. Had he himself been similarly placed, probably he would have acted as these officers had done. He looked upon the removal of officials as a delicate matter. When he had asked for a share of the patronage, the Government had directed the Hon. Mr. Tilley and himself to bring each two persons to occupy subordinate positions. Some officials from Nova Scotia had come and had obtained positions; but he had failed to obtain a *locus standi* for New Brunswickers in this branch of the Legislature. He, however, preferred that the dignity of the House should be sustained, and, as an officer of the Government, would waive any right of patronage properly belonging to him in favour of the House.

**Hon. Mr. Locke** rose to order. There was no motion before the House.

**Hon. Mr. Mitchell** was not out of order, and would thank the hon. member not to interrupt him. For his part, he went for the House exercising the power of appointing their own officials. Although he had caused a number of gentlemen to come up from New Brunswick, with the view of receiving appointments, he had been, so far, unable to get a single position for them. It was a fact that all the officials of the late Legislative Council of Canada, had lost their positions by the inauguration of the Union in July last, but these officials nevertheless remained here. He

did not advocate their discharge; that recommendation had not emanated from him, but he would, nevertheless, not consent to these officials remaining as officers of the Senate of the Dominion, if they were not wanted. He did not advocate the discharge of any of the officials of the late Legislative Council of Canada without remuneration. Doubtless, they had sustained loss, and they ought, in some manner, to be compensated for it. The only question with him was where such remuneration should come from—whether from the old Province of Canada, as now represented by the Provinces of Ontario and Quebec, or from the Dominion. They had no claims upon Nova Scotia or New Brunswick. With regard to the nomination of Mr. Miller, he was prepared to take that responsibility. He had named him. Mr. Miller was a professional man of good capacity, and of unblemished character, and the committee having left two vacancies to be filled up by gentlemen from the Lower Provinces, he looked upon Mr. Miller as a fit and proper person to fill one of those vacancies.

**Hon. Mr. Steeves** was surprised that any person should have received an office without the representatives of the Province claiming such exercise of patronage being consulted.

**Hon. Mr. Seymour**—Indisputably the duty of filling up the blanks devolved upon the Committee, and in fulfilment of that duty they had filled up one of the blanks with the name of Mr. Miller, his being the only name submitted to them, but as there seemed to be so much opposition to it, he might be permitted to offer the suggestion that the blanks should be left unfilled, so that the report might otherwise be adopted.

**Hon. Mr. Wier** had certainly not been aware that any blank had been left for a Nova Scotian. Had he been so aware, he might have taken advantage of the circumstance. It is sometimes customary to advertise for applicants to fill public positions, and he thought the Senate might hereafter adopt so excellent a practice. Had he known in time, he had some friends in his eye, whose claims he might have put forth, as he should like to have them appointed. He would only ask if it was fair that the Senate should be thus called upon to act in the matter of appointments. If appointments are to be made publicly, and to be matter of discussion, why not let them be thrown open to public competition, and let us have a fair fight for it? But he looked upon this discussion as much beneath the dignity of the House, and derogatory to its character as

a Legislative body, to be engaged in the discussion of the character and acquirements of persons desirous of being its employees. He did not put much stress upon the right of having Lower Province people appointed to office. To a young man, such an appointment was not by any means desirable. It rendered him incapable of rising in the world, shutting off from him forever the avenues of wealth and fame. There was scarcely any young man, however moderate his acquirements or natural abilities might be, who could not do much better than fill a Government situation. Unfitted to anything beyond the ordinary routine duties, which, in time, were performed by a sort of instinct, the Government official might become grey in the service, only to be turned adrift, as a matter of political expediency, which he could neither see nor appreciate. The Government employees reminded him of old horses that for years had been employed in turning the wheels of a ferry boat, and when the old horseboat had given way to the steamboat, had been sent to plough, going round and round in the field from the mere force of habit almost in spite of the frantic exertions of their drivers. He did not, of course, mean to speak of the officials of the House as old horses, but merely used the expression as illustrative of the force of habit. He thought that the matter of those appointments ought not to have been intruded upon the House as a subject for discussion. Had his friend, as a member of the Government only, made the appointment, he would have had no objection to it, but appointments made in this way, afforded a bad precedent.

**Hon. Mr. Letellier de St. Just** moved that the consideration of this report be postponed till the second part of this Session of Parliament, and that all the officers and servants employed since the first day of July last be continued in their respective capacities and with their former salaries, as well as the new officers and servants suggested in this report, with the expectation that such officers and servants of the late Legislative Council of Canada whose services may be dispensed with shall be provided for by the Local Governments of Quebec and Ontario.

(The hon. gentleman repeated in English what he had stated in French on the previous discussion of the report.)

**Hon. Mr. Seymour** complained that the hon. gentleman had gone into the merits of the report before it was, properly speaking, under consideration. He might draw his attention, however, to the circumstance that he himself

(Mr. Letellier de St. Just) as a member of a Contingent Committee, had in 1863 pursued a course precisely similar to that which he saw fit to condemn now.

**Hon. Mr. Letellier de St. Just** would rather be inconsistent than unjust; perhaps he did advocate economy in the matter of salaries in 1863, but that was no reason why he should lend himself to what was not economy, but injustice, now.

**Hon. Mr. Seymour** did not wish to interrupt the hon. gentleman, but would remind him that in 1854 a Joint Committee on Contingencies stated the salaries.

**Hon. Mr. Aikins**—A different state of things existed then.

**Hon. Mr. Wilmot**—From the remarks that had been made, and which had so long occupied the attention of the House, it was quite observable that appointments had been made, and he was surprised, as one of the members for New Brunswick, that he had not been consulted. If the House were to take the matter of appointments into their hands members for the Lower Provinces ought certainly to be consulted in such appointments, and whether it were dignified or undignified he would give expression to his views.

**Hon. Mr. McCully** rose in explanation. This question has been agitated and brought up. (Cries of order.)

**Hon. Mr. Campbell** moved the adjournment of the House, it being a few minutes to 6 o'clock, until Friday next at 3 o'clock.

**Hon. Mr. McCully**—The House ought not to adjourn until both sides are before the country. From the position occupied by the Postmaster-General he ought not to be anxious that the matter should stand over.

It being now six o'clock Mr. Speaker left the Chair to resume it again at 8.

#### AFTER RECESS

**Hon. Mr. McCully** proposed to give reasons why the House should adopt the report. So long ago as the 15th of last month the Postmaster-General had moved for a Select Committee on the contingencies of the House; that Committee had met, from day to day, and had felt an anxious desire to make a report, which would be equally just to the House and to its officers, and he was happy to say it had succeeded with singular unanimity, as there were only two dissentients. It seemed now,

however, that the report was to be questioned and it, therefore, became him as a member of it to give reasons why it should be adopted. There was no desire on the part of the Committee to lessen the number of officers or to reduce the salaries of those who remained, to such a point as at all to impair the efficiency of the staff. Nor did the Committee wish to do anything which could by any possibility reflect on the dignity of the House. The Committee had the advantage of having before them a report presented by the Committee of the legislative Council of Canada in 1864, and the Committee of the Senate had been guided by the recommendations of this House. He could not see how the members of this House who had sanctioned by their votes the principles of the aforesaid report could now refuse to adopt the present one. If they did so in his opinion they would be stultifying themselves. Moreover, if said report was rejected, the action would be tantamount to a vote of want of confidence in a Committee upon which there were two members of the Government, and which had come to an all but unanimous conclusion upon the matter submitted to them. He hoped the House would pause before accepting the amendment proposed. He would just say that he did not misunderstand the amendment, for it was neither more nor less than a square issue between those who supported it and the committee. The real question was whether the people of the Dominion would have to submit to the extravagance and waste which had distinguished the Legislature of Canada, or whether they should take the matter in their own hands, and introduce such retrenchments as had become clearly necessary. It was well known that the Government intended to impose new taxes, and he had no doubt the people would be willing to bear them if applied to necessary and indispensable objects, but on the other hand he was quite sure the people would not consent to extra charges for the purpose of paying extravagant salaries, or for keeping in office a number of officials whose services are really not wanted. It was very well to talk of humanity and philanthropy and other such virtues, but there was also such a thing as duty, and men ought not to be governed so much by what they would like to do as by what they ought to do. The report of the Committee of the Legislative Council in 1864 already alluded to, had prepared a scale of salaries and of the number of officers required, and that report had been adopted among other members by the hon. member for

Grandville (Hon. Mr. Letellier de St. Just) who had now strangely enough moved the amendment to defer action.

**Hon. Mr. Letellier de St. Just**—The report of 1864 to which the hon. member referred did not apply to the then incumbents, but to their successors.

**Hon. Mr. McCully**—Well, he would ask if no new appointments had been made since, and he thought it would be found that there had been several. It would be right enough to plead the long services of these officers, and to appeal to the sympathies of hon. members on their behalf, if these officers had actually served the Dominion. Then the hon. member's case would be perfect, and he (Mr. McCully) would be ashamed to attempt to reduce their emoluments, or to thin their numbers. No doubt these gentlemen and servants were deserving of all the sympathies of the hon. member, but to whom should he properly make these appeals? Why to be sure they should be addressed to the Legislatures of Ontario and Quebec, whom they had served, and not to that of the Dominion whom they had not served. The Legislative Council of Nova Scotia had old officers too, but they did not seem to excite the sympathies of the hon. member; he concentrated them all upon the staff of this House.

**Hon. Mr. Letellier de St. Just**—Have those officers been sent adrift?

**Hon. Mr. McCully**—Yes, in one Branch there was not one left; in fact, it was not the practice to keep them.

**Hon. Mr. Tessier**—Oh! they had the American system it appears down there.

**Hon. Mr. McCully**—Yes, that was the system there.

**Hon. Mr. Wier** thought the hon. member was mistaken, certainly he knew of two or three officers being kept on.

**Hon. Mr. McCully**—I speak by the book.

**Hon. Mr. Wier**—I know the Sergeant-at-Arms is retained, and that others of the old officers are going in next Session.

**Hon. Mr. McCully**—The rule was to put them out.

**Hon. Mr. Wier**—Well, I don't approve of it for one.

**Hon. Mr. McCully**—Neither would he, and he would be the last man to ask the labour of



the officials without proper payment, or to reduce their number below what an efficient performance of the public service required, and he would here take occasion to say that since he had taken his seat in this House he had experienced nothing but the most entire courtesy on the part of all the employees, whom he had found ever ready to do his bidding. In that respect he had nothing to complain of. But let hon. members look for a moment at the staff of the late Legislative Council; by a list he held in his hand he found it to be fifty-two officers and servants, and by another fifty-six. The Assembly of Canada it appears employed between 150 and 160. Now he came from a country where the annual income generally met the expenditure, and where the expenditure was made to correspond with the income. It would astonish the people of Nova Scotia not a little to find that the Legislative Council of Canada employed 50 officers, and it would astonish the people of Canada to find with how few the business was carried on in Nova Scotia. In 1864, the number of pages of the Journals of the Legislative Council of Nova Scotia, prepared altogether by the Clerk himself, amounted to 169 folio, and in 1865, to 108 folio, in the Legislative Council of Canada, in 1864, the journals amounted to 380 pages quarto, and in 1865, to 247 quarto. Now if you double the Nova Scotia pages to bring them to quarto, the difference in favour of Canada will be very small. Now as to expenditure in Canada, it was \$42,000 in Nova Scotia it was \$1,560. In Nova Scotia, the service was performed by four men, in Canada by fifty, including clerks and door-keepers. One clerk did the duty at the table, prepared the journals, and read them in his own handwriting the next day, sent them to the press, corrected the proofs, and saw the whole business done. His salary was \$800. The Sergeant-at-Arms received \$300, the Chaplain \$100, the Assistant Clerk, \$160. This was the whole staff.

**Hon. Mr. Campbell**—How much did they allow the members?

**Hon. Mr. McCully**—\$4 a day.

**Hon. Mr. Wier**—And one shilling per mile travelling expenses.

**Hon. Mr. McCully**—When these relative expenses were compared, it would not be thought very surprising that the Nova Scotia members hesitated a little to sanction the Canada outlays. Their ideas had not yet had time to expand so much as that, and when they consented to pay \$26,000, they thought

they had made a great step in advance. Nor did he expect that any one would have found room for charging the Committee with cheeseparing and small economies. In giving a staff of 34 to take care of 72 members—it was nearly half of one to each—he thought the committee had done very well indeed. The hon. member had charged the Lower Province members with the intention of working up a little personal popularity for themselves at the expense of the dignity of the House; a charge he conceived to be very unjust. He came from a Province where the Speaker of the House received no salary, and where the officers were paid, but not extravagantly. He was, however, quite willing that the Speaker of the Senate should be paid, and no member of the Committee had more heartily voted for it. He had been sorry to hear an hon. member attack the salary of the Governor-General.

**Hon. Mr. Letellier de St. Just**—Well, for his part he thought that if the establishment of the new Dominion had made it proper to increase the Governor-General's salary, it was a very good reason at least why the salaries of the officials should not be diminished.

**Hon. Mr. McCully**—The Governor-General was in quite a different position, being now the ruler of 4,000,000.

**Hon. Mr. Wier**—So are we; the Senate now legislates for 4,000,000.

**Hon. Mr. McCully**—There was misapprehension here, for by the creation of Local Legislatures a great part of the work was withdrawn. The work in fact would hardly amount to two-thirds of what it was before, and when this was taken into account, it would appear that the Committee had only sought to establish a proper relation between the labor to be performed and the salaries to be paid.

**Hon. Mr. Ferrier**—Well, upon the same principle, the members' pay should be reduced in proportion.

**Hon. Mr. McCully** was quite willing; let the hon. member put it to the House in proper form, and he would find that not many Lower Province members would object to the reduction. However, that question was not before the House, but in fact had already been disposed of, the Government having taken the responsibility.

**Hon. Mr. Ferrier** simply meant to say that as a matter of principle, since the work to be done had been reduced, and the payments to

the officers were proposed to be reduced, it was but just that the indemnity of members should be reduced also.

**Hon. Mr. McCully**—Well, in sober earnest, could anybody believe that there was work during the recess for fifty-six persons. Pay the officers well while they are at work, and let them occupy the intervals for their own profit, as they choose.

**Hon. Mr. Tessier**—Did the hon. member include the eleven charwomen among the officers?

**Hon. Mr. McCully** had taken some pains to ascertain how, and when the officers and servants of the House had been appointed. He found the Earl of Elgin had appointed one, that four were Crown appointments, two by Mr. Caron, five by the Postmaster-General, and nineteen over whom the hon. member who had just spoken, had thrown the charitable mantle of his sympathies.

**Hon. Mr. Letellier de St. Just**—Had that hon. member appointed all the charwomen?

**Hon. Mr. McCully**—He expected so, and it was at least remarkable that in two years he should have found it necessary to add nineteen persons to the already overgrown staff. It had been stated that the Committee had made sad havoc among the salaries. If they did they had had the assistance of the very gentleman who now complains so loudly, for in the schedule of 1864 it was put on record that the Clerk's salary should be \$2,400, and that no other salary should exceed \$2,000. But an hon. member said, "Look at what had been done to the Gentleman Usher of the Black Rod, who in England was regarded as an officer of the highest rank, and who presided over the subordinates." Well, in this also they had followed the recommendations of the Committee of 1864. It was true that these recommendations were only to apply to the successors of the officers then employed, but the present officers were in fact the successors of the previous ones, they were all new appointments, and the recommendations of the Committee of 1864 therefore applied to them with absolute propriety. He would now tell the House that the vote which was about to be taken, would serve as an index to the action of the Senate in respect of expenditure and disbursements, and it would be so understood throughout the length and breadth of the Dominion. The members favouring extravagance would of course vote for the amendment, and if in a majority would put off, and

probably defeat altogether the recommendations of the committee. The hon. member for Grandville had instanced a case of peculiar hardship, as he thought, but Nova Scotia had also men who deserved well of their country whom Canada would hardly think it proper to be called upon to provide for. Indeed Ontario and Quebec were not willing to recognize the claims of their own old servants, and if they were not, how could the Lower Provinces be expected to do so. The Senate had respected these claims, though really not bound to do so, and had attached salaries which would place the officers they retain in positions of comfort and competence. With respect to those whose services were to be dispensed with, the Hon. Postmaster General himself had inserted a clause in the report granting them certain gratuities equal in some cases to one year, and in others to six months' salary. He (Mr. McCully) did not complain of this, but certainly the Dominion was not under any logical obligation to do it. Indeed, these officials had already received six months' salary from the Dominion, which the Dominion was not bound to pay, and he supposed the amount would have to be surcharged to the Provinces of Ontario and Quebec. (The hon. member then went on to remark upon the extremely disagreeable, and in fact painful, position in which the members from the Lower Provinces have been placed by the neglect of the two Canadian Provinces to provide for their old servants.) If it is desired to give the former officers of Canada salaries for life, let it be put in the report, and the members from the Lower Provinces would sustain it; but it is not so stated in the report, and are we to be told because these officers had been appointed by Canada proper as officers of a Legislature which no longer exists, that the Dominion Parliament is to provide them with salaries for life? It has been said that a disposition to yield to the Government has been manifested by the gentlemen from the Lower Provinces; but the member for Grandville, who had made that assertion, would find that the men on the Select Committee of Contingencies were not likely to be moved from their position either by the honourable the Postmaster-General, or any other member of the Government. The Government want them perhaps to feel the difficulties of their position as members of the Maritime Provinces, and in some respects, have done so in the matter of the Postal Service Regulation Bill, but the Postal question has been nothing to this. By that bill the whole of the Provinces are put on a footing of equality; but the moment you under-

take to place these officers, whose removal is the subject of complaint by the hon. member for Grandville, you virtually undertake to pay them with our money. If then, the Government have any desire to help us to tide over our difficulties do not let them place us in this false position; don't let them ask us to make up the difference between a fair and honorable return for certain services. We have enough to contend with, and they ought to come up and assist us, and, in a short time, we shall be prepared to meet all the difficulties with which we are at present beset. Think you, hon. gentlemen, that the reports of your extravagance have not gone down to our Provinces; that our people have not heard of the scandal with regard to the stationery, printing, and a host of other things, scattered everywhere on the wings of the press. We want to dissipate all this. If such things have been, we are determined that it shall not be so now. He seemed to speak warmly, and perhaps, did so speak, and he did so because he felt warmly. If the report be a fallacy; if there have been no extravagances in old Canada; if the officers of this House have not been overpaid, put your hands on the report and crush it. But it is no fallacy. The Minister of Marine and Fisheries and the Postmaster-General both subscribe to the report, and are both bound to vote for it, and the House in all fairness should support their Committee, who have made ample provision for the service of the Senate the more especially as the report is one which will commend itself to the public. Tell me not that the salary of the respected Clerk of this House, for instance, is a paltry pittance. It much exceeds that of a Judge of our Supreme Court, and no one will pretend to say that the duties of his office are more arduous or his position one of greater dignity. A Judge of the Supreme Court, who sits *in banco*, rides out on circuit, necessarily possessed of large attainments, and who labours incessantly, only gets \$2,800, and, however much his feelings may be hurt by the announcement, it did not seem to him a hardship that the Clerk of this House should not enjoy a larger yearly income than such a Judge. The Postmaster-General in Committee had exhausted all his eloquence to get a compromise in the Committee and the Committee came to a compromise, and with the exception of nine, retained the services of the officers of the former Legislative Council of Canada, at, it is true, reduced, but not inadequate salaries. And would the House now tear their report to pieces. He was sorry that some

honourable members of French origin should be opposed to him now. He had felt that the Lower Province gentlemen might depend on them for support if ever trouble came, and was sorry to see them gathering together now to oppose them. They had themselves gentlemen of French extraction—the Comeaus, Robichauds, etc., whom he had never looked upon as amongst the number of his best friends, and is it to be said that we have not cared for gentlemen of French origin because in the report we have left two little blanks in it for New Brunswick—for a clerkship and a messenger, not even putting Nova Scotia on the same footing with New Brunswick. He would go home and wait. Take these places; use them. Don't take them however, and say, we cared to seize upon the public patronage of Canada. Our people are prepared to go out manfully and fight the battles of the world—men of intellect cannot well be tied down with red tape. He admitted that the labourer was worthy of his hire, but let those pay who have got their services. So long as we talked about the Red River Settlement question the opposition in this House were with us, but the moment we spoke of economy in connection with the public offices, we were met with the remark, those officers are not provided for. Through certain influences the consideration of the report had been too long delayed. In the course of fifteen days, he should not hesitate to say certain influences had been at work, and the long services, the assiduity, the labor, and the necessities of certain people were to be of more account than justice to the country. The affair had been all blown up by the action of he would not say whom. Yet we ought to be the masters here, and woe betide the Legislature when such influence can be used. Had this report been brought up the first day, there would have been no difficulty.

**Hon. Mr. Miller**—What do you mean? There were no such influences used. It is not true.

**Hon. Mr. McCully** hoped the hon. gentleman would use parliamentary language.

**Hon. Mr. Blair**—This is not the place to make use of such language as "undue influences."

**Hon. Mr. McCully** did not use the expression undue influences, but he did not think such interruptions added much to the dignity of the House. It was possible, in the warmth of debate, to make use of expressions, which otherwise would not be used; but no man should tell him that he could not see. He

understood the nature of these influences as well as anybody did. He referred to certain petitions which had been presented.

**Hon. Mr. Miller** rose to order and inquired whether the hon. gentleman had a right to insinuate that improper influences had been brought to bear on any gentleman of that House.

**Hon. Mr. Speaker** did not perceive that the gentleman was out of order; but if he had attributed improper influences as actuating the conduct of any member of the House, he was out of order.

**Hon. Mr. McCully**—Influences have been brought to bear in this discussion and that, too, by officers of the House. He would remind hon. gentlemen, with regard to certain petitions, which had been presented to them, that this was not an eleemosynary institution. It was not a place intended to provide for the wants of poor people. If charity were wanted hon. gentlemen might put their hands in their pockets.

**Hon. Mr. Letellier de St. Just**—Charity! who spoke of charity?

**Hon. Mr. McCully**—He was going to say it would be a charity to these people not to keep them here, because if this went out to the world many would be better off than in coming here. A man is a slave, who, in public life, depends upon his salary for a living. For his part he would reduce the staff of the House still lower and pay better those who remained. In 1850, in England, the House of Lords found it necessary to examine the staff, and they cut it all up. Among other things that House decided that six messengers were sufficient for them, and they paid them only £100 a year each.

**Hon. Mr. Letellier de St. Just**—What do they give their Clerks? Does not the Chancellor get £4,000 a year?

**Hon. Mr. Speaker**—I wish I had it.

**Hon. Mr. McCully** wished Mr. Speaker had, if the Dominion should not have to pay it. In England officers of the House of Lords, who had been receiving £800 a year, were cut down to £450, and this, too, was done by the grave and reverend seigniors to whom he looked up with respect. These officers of long service and experience had been suddenly cut down in their emoluments, and yet here there was an outcry about keeping up the dignity, necessary for a doorkeeper (laughter). We

should now start with a clean sheet, and he was sorry that his friends were not able to see the matter in the same light as the Committee saw it.

**Hon. Mr. Holmes**—He had not eloquence to boast of, and was not much in the habit of occupying the attention of the House. He might, indeed, have great difficulty in expressing himself; but he hoped that he might be able to speak to honourable gentlemen with common sense. Thirteen thousand dollars was seemingly a large sum to be saved to the country, and any man who dared oppose such a saving would be looked upon and spoken of as no friend to the people. Taking the risk of that, however, he would tell this House that the saving contemplated by the report, which they had been so vehemently called upon to adopt, would not amount to two cents to every man and woman in the Dominion, and for the saving of this pitiable amount families at present in comfortable circumstances were in mid-winter to be put out of their houses in the snow and cold without pity or consideration. Doubtless, at this moment these people were dreaming of the wretchedness in store for them, while we were comfortably talking of it here. He was not against the report, but he was decidedly opposed to its immediate effect. Let those to be deprived of part, or the whole, of their means of livelihood, stand as they are this session, and after that if they again come on as officers and servants of the House at the reduced salaries, they will at least do so with their eyes open. Having no intimation that by the inauguration of the Dominion their official positions had ceased to belong to them, they came into the service of the Senate with the expectation of receiving at least an equal amount of salary to that which they had been in the habit of receiving. He wished to be understood that he had no friend, or relation, nor even an acquaintance among the officials who were to be deprived of their situations, but they had been all kind to him, they were familiar faces, nothing more, and they were willing and obliging. He saw no necessity for this cruel haste of dismissal. It was a long time since he was a boy at school, but he remembered of having there read something that occurred in the great commonwealth of Rome, when during the heat of a debate in their Senate, one Senator rising to his feet exclaimed, Ye Gods! can a Roman Senate hesitate to choose between liberty and death. He would ask, could this Senate hesitate to choose between the saving of two pence a head of the population, or the sore griefs of a

number of private families, unaccustomed to endure hardships, and little expecting to have to suffer them at our hands.

**Hon. Mr. Anderson**—One third of a cent per head.

**Hon. Mr. Holmes** heard it whispered that he naturally enough sympathized with the officers of old Canada. He had a sympathy with justice, with the weak, the defenceless weak, as opposed to the strong. Some of their officers, about to be curtailed of their emoluments, or to lose them altogether, had grown grey in the service, and is it because old age has made them hoary that they ought to be made to suffer want in their latter days? He begged that the House would excuse him for his first attempt at speaking. Though many years in Legislative Halls, and notwithstanding the opportunities of doing so which a long life had afforded, he had not previously had brass enough in his face, that kind of courage which is necessary to a public speaker. But as second of the motion before the chair he could not remain silent. One of the first principles instilled into his mind was to fear God and honour the Queen, and he trusted he did both in advocating the claims of those about to suffer by the adoption of the Select Committee's Report. He thanked the House kindly for listening to him, and if they would grant him the only favour he had asked of them, he would certainly feel happy. (Cheers.)

**Hon. Mr. Miller** said that during the short time he had the honour of being a member of the Senate, he had not often obtruded his views upon hon. gentlemen, and would gladly avoid doing so on this occasion. But he would not be doing justice to his feelings—to his conviction of right and wrong, if he did not briefly, but emphatically, disclaim all sympathy with the report of the Committee on Contingencies now under the consideration of the House. He had listened with some degree of disappointment to the speech of the hon. member from Halifax, (Mr. McCully) as that gentleman had led the Senate to suppose by his opening remarks that he could justify the action of the Committee, and refute the arguments of those who condemned their report. His hon. friend had failed to do anything of the kind, but had argued his case by supposing facts that did not exist, and suppressing those that were patent to the whole House. He desired to frankly that he believed the expenses of this Branch of the Legislature were too large, and would admit of retrenchment, and any scheme towards that end, which

would not interfere with the existing rights of individuals, would have his hearty support. He would be as strong an advocate for retrenchment in the right way and the proper place as any hon. gentleman, but if he had a choice to make between a little temporary extravagance and maintaining the public faith with old public servants, he could not hesitate in the course he would pursue. Had the committee adopted a list of officers and servants for the Senate, with an economical scale of salaries to come into operation as the present incumbents dropped off, he believed they would be supported by honourable members. Such a course would insure economy in a very short time, without any harshness or injustice to individuals who had grown gray in the service of the country. He repeated that the hon. gentleman (Mr. McCully) had argued this subject on a misstatement of facts—facts which he did not think the Senate could ignore as easily as he appeared to do. His hon. friend contended that himself and his supporters were only carrying out the report of the Committee of Contingencies for the year 1864, of the old Legislative Council of Canada. In that year a report was adopted fixing the salaries at the rates now recommended, but with seeming unfairness he withheld from the Senate the fact that the committee of 1864 expressly declared that the proposed reductions were not to affect present incumbents, but should only apply to new appointments. The hon. member had warmly contended that the present committee were simply carrying out the first report alluded to, and in order to do so suppressed this important qualification of the recommendations of 1864. This was not a fair style of argument, and was characteristic of the special pleader, but not at all adapted to this House of Parliament. He was opposed to the action of the committee from the day they presented their first report, for he foresaw what that report was going to lead to. He felt that by its 4th paragraph, under the pretext of economy, some injustice might be attempted towards old officials. Being a young member he did not care at the time to dispute the ground taken by the committee, but he would say that he did not approve of it, and did not feel himself bound by it now. The present report asks the House, under the principle conceded in the 4th paragraph of the first report, to cut down the salaries of all the Officers and servants of the Senate, some of whom had been over 40 years in the public service, and to turn a large number of others on the public streets, who had passed the best

of their days in the same way. It seemed to him that in supporting this recommendation his hon. friend (Mr. McCully) assumed to speak not for himself only, but for all the representatives of Nova Scotia in this House, but he would be very much mistaken, if that hon. gentleman does not find himself alone on the division. He believed the members from that Province and the people they represented, had too much regard for the moral, he would almost say the legal, rights of individuals to desire a cheese paring system of retrenchment at the expense of these claims. A small saving in the Public Fund would be dearly secured by acts of harshness to our officials, amounting to a breach of public faith. It was difficult to discuss this question with the honorable gentleman (Mr. McCully). It was a delicate matter to talk of the rights of individuals who were among them, and with whom they were brought into contact every day. It was an unpleasant duty for any hon. member to oppose their interests, but it was even more unpleasant to defend them, when by doing so such insinuations as had been thrown out by the hon. member (Mr. McCully), of improper influences used by these gentlemen with the House, could be made against their defenders. His honourable friend had exhibited very bad taste in making that remark, and had taken an unjustifiable liberty with the Senate, for which he had felt it his duty to call him to order. Cannot friendly social intercourse exist between gentlemen, without having the fact charged as influencing their public conduct? The honourable member forgot what was due to this House when he talked of influences from such circumstances, in connection with the action of honourable gentlemen on this question. The man who is too ready to attribute influences of that kind to others, was generally the most likely to be too open to them himself. Did the honourable member believe that anything save a sense of justice, actuated his hon. friend (Mr. Holmes) or the hon. members from Halifax and Shelburne (Messrs. Wier and Locke)? The honourable member would have it supposed that all the public virtue of Nova Scotia was centered in himself, which was not at all correct. The report of the Committee asked them to reduce the salary of the first Clerk of this House, and this step was justified by the report of 1864 of the old Legislative Council of Canada, which recommended a reduction of \$1000 in the salary of the successor of the present incumbent. Now it was contended by some hon. members that the respected gentle-

man who sat at the head of the Clerk's table was his own successor, because the Act of Union rendered his reappointment necessary. Was this not a style of argument better suited to a court and jury than to a deliberative assembly disposed only to take a just and common sense view of facts? Will any one assert that that report ever contemplated the reduction under any circumstances of the salary of Mr. Taylor by \$1000? If it did not, as must be admitted, then the arguments based on it to sustain the action of the Committee on Contingencies fall to the ground. The report on the contrary expressly protected old incumbents. It is disingenuous to draw any other conclusion from it. But in order to get over that express protection, my hon. friend (Mr. McCully) assumes another position, and says that all appointments since the 1st of July are original appointments, and must be so considered, even where individuals are reinstated in their former offices. He (Mr. Miller) admitted, in one sense they were original appointments, but it was unjust to say that because a great change had taken place in our political system, rendering necessary the formal re-appointment of the officials of the House, advantage could be taken of that fact to treat these individuals unfairly, or turn them on the street under the authority of an old report of the Legislative Council. But this was what the hon. gentleman (Mr. McCully) and the other members of the Committee were endeavouring to do. They all knew the old system had terminated in July, but the officers of that system had been given to understand that they would be continued as usual under the new.

**Hon. Mr. McCully:** How do you know that?

**Hon. Mr. Miller** would thank the hon. member not to interrupt him, but would reply that they had the best understanding to that effect in having been continued until this hour, and he believed the Government never intended to inflict on the such summary punishment as the report recommends. Next, there was the French Clerk, whose salary it was proposed to reduce some \$600. That gentleman had enjoyed his present salary for years under the Government of the old Province of Canada, and had no doubt regulated his expenditures by it. It was well known living was expensive in Ottawa—more so than at the old seat of Government—house rent was high, and everything else in proportion. At a time when the salaries of these officers only afforded

them a comfortable livelihood, the gentlemen of the Committee, when they could least spare it, would place them on a smaller income. Surely the Exchequer of the Dominion was not in so bad a condition to demand this cheese paring system of retrenchment. He did not think this was the kind of economy that would receive favour with the people of Nova Scotia. He would now allude to the case of a gentleman who he conceived had been most unhandsomely dealt with and unfairly treated in several particulars, and in a manner that was repugnant to his feelings, and the feelings of a large number of gentlemen in that House. He referred to the Gentleman Usher of the Black Rod. That gentleman is the second officer of this House, and the position he occupies is one of great importance and respectability in England. The report of the committee almost places him on a level with the messengers, so far as salary is concerned. Did any gentleman suppose when it was decided to amalgamate the offices of Black Rod and Sergeant-at-Arms, that the individual who should be called upon to do double duty should not get even the former salary of these officers. The Usher of the Black Rod whose former salary was \$1,350, was asked to do his own duty and that of Sergeant-at-Arms, which previously cost \$1,000. The committee amalgamated the two offices and asked the Usher of the Black Rod to discharge the duties of both for \$1,000, the performance of which had cost the Province of Canada \$2,350. All will admit the salary assigned to that important officer is too low and that he has not been fairly treated. He could not help saying that although there may not have been any studied intention on the part of the committee, or any individual member of it, to treat that officer unjustly, or to degrade his position—that would be the result of the adoption of the report. It had been stated that the vacancies left in the report were for gentlemen from the Maritime Provinces. Now he would always contend that the Lower Provinces were entitled to a fair share of all the public patronage, and he was happy to observe a disposition among hon. gentlemen on all sides to concede to them their rights. He did not, however, consider it a matter of very great consequence, except so far as the principle involved was concerned. If any of our young men had a desire to enter the public service as a Government employee, they had a right to have their claims respected in every part of the Dominion. Yet he looked upon it as no favour to a young man to take him away from the true field of active enterprise and

ambition before every one in a country such as this, and shut him up in a subordinate position in some public office, where in a short time he becomes unfit for anything else. The blank left in the report for Nova Scotia was made at the expense of an officer, who had held the situation for a quarter of a century, was advanced in life, with a family of ten children dependent on him for support, and whom it was intended to send into the street. He did not believe there was a Nova Scotian from Cape Sable to Cape North with the education and position to entitle him to the situation that would come here and accept a place obtained by such injustice to others. The position of the gentleman alluded to had some causes of special interest about it. He was the descendant of one of the expatriated Acadians, who were driven out of Nova Scotia by an act of injustice and cruelty, which is one of the greatest blemishes on British rule on this Continent. One of the first acts Nova Scotians are now called upon to do when they come to Canada under the Act of Union, was to despoil this descendant of an expatriated Acadian who had found a home in this country of the office which gives bread to his family. Who thought the Nova Scotians desired economy at such a sacrifice as that? He had no hesitation in repeating that no Nova Scotian gentleman would occupy the position under such circumstances. (Hear, hear, and cheers from the Nova Scotians.) They did not want patronage obtained in such a way, and will not take the places of men dismissed only to make room for others. As vacancies occur they will make their claims, and will get their rights. (Hear, hear.) They would wait for the consideration to which they were entitled, and what he felt sure would always be extended to them. He admitted that \$13,000 was a large item to save, but if it could not be saved without acting unjustly and harshly to faithful public servants, he thought the country could afford to lose it. That is not the sort of economy he would like to see practised. The extravagance complained of was not the sort of extravagance that made the public debt. If economy was to be practised, let Parliament begin at the head and go downwards. The hon. gentleman (Mr. McCully) was one of the delegates to the London Conference, which fixed the salary of the Governor-General at \$50,000, an increase of nearly \$20,000 on the former salary of that functionary. He had no doubt the hon. member would defend the large salary of the Head of the Government as economical. It was one thing to defend individuals in high

position whose countenance might be valued, and another to attack weak officials who were dependent for protection on those only whose sense of justice induced them to come to their defence. He was not willing to help the hon. member to save \$13,000 of the increase in the salary of the Governor-General by disregarding the rights of humble public servants, and turning them adrift. He would sooner if he could deduct that amount from the large salary, if the country must have the saving. His hon. friend the Minister of Marine had said that the officials of the Senate had no legal rights, but that they had moral claims.

**Hon. Mr. Mitchell** explained that he meant the officers alluded to had moral claims on the Governments of Ontario and Quebec, not on the Dominion.

**Hon. Mr. Miller** did not concur altogether with the Minister of Marine, but agreed with him that the Governments of Ontario and Quebec had not done what they ought to have done in this matter, but that was no reason why the Senate should resort to an extreme measure of harshness, calculated to bring distress on a large number who were not to blame. He therefore thought the amendment of this honourable friend (Mr. Letellier) should receive the sanction of the House. It had been said that its adoption would destroy the report; he did not believe it would, but if it did, he would not regret it. What did the amendment ask? Only to defer action in the matter till the after part of the session, in order that it might be known what the Governments of Quebec and Ontario would be willing to do in relieving the Senate of some of its officers and servants, and transferring them to the Local Departments. What objection could there be to such a course? There was no need of acting hastily, when a little time might relieve them from an unpleasant position. In conclusion he wanted to correct the impression that the honourable gentleman who had so forcibly advocated the adoption of the report, represented all Nova Scotia. On the contrary, he believed that honourable gentleman would stand alone in the division. He would again assert he was not opposed to true economy, but he had no idea that the first attempt at economy under the Dominion should be signaled by what he could only term an act of petty spoliation—an act which he could not do otherwise than unhesitatingly condemn. If the Senate could not get popularity except by such an act, he thought they could afford to do without it. (Hear, hear.)

**Hon. Mr. Ferrier** would only detain the House a few minutes, because he thought the hon. member who had first spoken this evening had made some reference to him. He need scarcely say that he looked upon the greater part of that gentleman's speech as mere special pleading. According to his statements he had become associated with a class of persons who gloried in, and had been addicted to the grossest extravagance in the management of public affairs. Notwithstanding the hon. gentleman's boast of Nova Scotia economy, he would show by an extract from a newspaper which he held in his hand, that the cost of Government to Nova Scotia was just exactly one cent per head less than it was to Canada.

**Hon. Mr. McCully**—What paper do you read from?

**Hon. Mr. Ferrier**—The *Citizen*. The article met my eye while the paper lay upon my desk, and I resolved upon giving the hon. gentleman the benefit of it (laughter).

**Hon. Mr. Robertson** had heard everything for and against the adoption of this report with a good deal of interest and attention. The gist of the question lies in this. We have opened a new establishment, and require a new staff of officers and servants, and are not bound any more than in private life to take on and pay the officers and servants of a former owner of the establishment. The officers, who have grown grey, have not grown grey in our service! Since July last we had nothing to do with them. They had been simply hanging about the House, in expectancy of employment, and the report stated that some of them were not wanted. That was the common sense view of the matter. He was not going to be mystified by eloquent speeches. We had already stated that we have the right to fix the salaries of our employees, and would any honorable member affirm now that we have not that right?

**Hon. Mr. Mitchell** considered that his honourable friend (Mr. Letellier) had had the opportunity of putting his case very strongly, but, although he had not been present at the concoction of the report, he (Mr. Mitchell) had come prepared to support every word of it, notwithstanding that his honourable friend had asserted that the Committee had reported upon a fact, on which they were not required to report. As for patronage, so far as he himself was concerned, he did not seek it, and on the part of New Brunswick would withdraw that claimed by the report, and he



thought his friends from Nova Scotia would be prepared to do the same thing; but he would then ask his friends in the House to sustain the report, for notwithstanding the appeals which had been made to their feelings they had duties to perform; economy in the public business had become a necessity, and the representatives of the Maritime Provinces had come hither also entertaining the belief that, in the distribution of public employment, full justice would be done them. He thought if the report was discarded it would be impossible to justify such a proceeding in the eyes of the people of the Lower Provinces. But some honourable gentlemen had even gone so far as to characterise the report as unfair and unjust.

**Hon. Mr. Letellier de St. Just**—The question before the House is simply shall the report be adopted now?

**Hon. Mr. Mitchell** wanted particularly to know if the honorable gentleman (Mr. Letellier de St. Just) desired to characterise the conduct of his colleagues as unjust?

**Hon. Mr. Letellier de St. Just** might not in English have sufficiently explained himself, but he intended to say that a certain line of conduct was not characterised by a sense of fairness or injustice.

**Hon. Mr. Mitchell** enumerated the claims upon public sympathy of certain New Brunswick officials, and asked Mr. Letellier de St. Just to withdraw his amendment, and added that if the report was not now adopted it never would be, and he felt it his duty if there were too many servants to cut them off. He would oppose the amendment if he should stand in a minority.

**Hon. Mr. Campbell** did not agree with his friend and colleague, (Mr. Mitchell), but considered that as the report stated that the people of Canada were to pay certain salaries, the people of Canada should have something to say in the matter. He did not perceive the dire necessity for such absolute haste in the

adoption of the report. He could not conceive that, even with a view to the safety of the Dominion, the adoption of the House to-night, was desirable. He was decidedly in favour of the amendment of the hon. member for Grandville (Mr. Letellier) and would vote for it, although he would also vote for the report, when it came up two months hence.

**Hon. Mr. Macpherson**, as a member of the committee, begged to say a few words. If the adoption of the report were the question before the Senate, he would vote for it, but as the Hon. Postmaster-General favoured the postponement of its consideration till the latter part of the session, to afford time for endeavouring to provide for the parties who would have to be dismissed, he saw no objection to the postponement, especially as it would involve no loss to the country. The gratuities proposed to be allowed would not be increased by postponement, and therefore he would not object to it.

The motion being now put, the vote stood thus;

CONTENTS:

The Honourable Messieurs

Allan, Anderson, Armand, Bill, Bossé, Bourinot, Campbell, Cauchon, Chaffers, Cormier, Crawford, Duchesnay E. H. J., Dumouchel, Ferrier, Guévremont, Hamilton (Inkerman), Holmes, Kenny, Lacoste, Leslie, Letellier de St. Just, Locke, McCrea, McDonald, Macpherson, Malhiot, Matheson, Miller, Odell, Olivier, Price, Ryan, Shaw, Skead, Tessier, Wier, Wilmot.—37.

NON-CONTENTS:

The Honourable Messieurs

Aikins, Burnham, Christie, Dickson, Flint, Foster, Hamilton (Kingston), Leonard, McClelan, McCully, McMaster, Mitchell, Reesor, Robertson, Seymour, Simpson, Wark.—17.

And at half-past 12 o'clock, the House adjourned.

## THE SENATE

Friday, Dec. 13, 1867

The Speaker took the Chair at three o'clock.

After routine,

**Hon. Mr. Odell** enquired whether any appointments had been made from the Province of New Brunswick to the vacant seats in the Senate, and when the Government would be prepared to announce the same?

**Hon. Mr. Mitchell** replied that no appointments had, as yet, been made, it having been supposed that, at least, one of the gentlemen, who had refused to take his seat might retract, and that it would, in any case, be unlikely that gentlemen newly appointed could, at this late stage of the first part of the session, assume their seats. The Government would, early in the second part of the session, announce what had been done.

**Hon. Mr. Odell** remarked that already five weeks had elapsed, and no appointments made. He hoped, that when made, they would be of men who would be a credit to the country from which they came.

**Hon. Mr. Seymour** moved that the second report of the Contingent Committee be taken into consideration on the fourth day of the second part of the session, which was agreed to.

**Hon. Mr. McCully** drew attention to a rumor to the effect that the contract with the Cunard Steamship Company for carrying the mails to Halifax was to cease on the 1st of April, and asked if such were the case? He also drew the attention of the Postmaster-General to the times of departure from Ottawa of the mails for the Maritime Provinces. It was at present so managed that he got his letters on Saturday evening, the mails being closed on Saturday morning, or, in other words, letters to which he ought to have immediately replied, were received six or eight hours after the mails had closed, and he could not post his answers until the following Wednesday.

**Hon. Mr. Campbell** said he would make enquiry, and, if possible, rectify matters. He

might mention that a Post Office Inspector had been instructed to go over the whole route between Bangor and Calais, and report upon it. There had been letters from the Inspector, but, as yet, no Report, and he (the Postmaster-General) was of opinion that it might be found more convenient to have a well managed daily mail by the valley of the St. John, altogether through our own territory, as some inconvenience was suffered when our mails were carried through the United States territory, as their authorities would not receive any compensation for carrying the mails, and the contractors did very much as they like; as, for instance, when the roads were bad, tossing off bags—it might be newspapers or letters—and taking them up again afterwards at their convenience. He intended to establish a daily line through our own territory. With regard to the Cunard steamships discontinuing their trips to Halifax in April next, he certainly had heard such a rumor; but nothing official had been received from the English Government to that effect. The latest information was that the service would cease on the 30th of June next.

**Hon. Mr. Aikins** drew the attention of the Hon. Postmaster-General to the fact, that in the copy of the Postal Service Regulation Bill, the clause in the printed copy of the Bill printed by the Commons, contained a clause with regard to the registration of letters, not as it had been amended by the Senate, but as it was before such amendment had been made at all.

**Hon. Mr. Campbell** explained that the Bill had been sent down in blank, and the blanks filled up by the Commons, and that the unaltered red-ink clause (so to speak) was the result of a clerical error, caused by some writing of his own in the margin of a Bill from which certain copies had been printed, in proof of which the original Bill, as sent down, was laid upon the table, and the matter dropped.

The unlawful training to the use of Arms Prevention Bill, was read a second time and ordered for Committee on Monday next.

The Lawless Aggression Protection Bill, and the Canadian Navigation Company's Bill were similarly disposed of.

## THE SENATE

Monday, 16th Dec.

The Speaker took the chair at three o'clock.

**Hon. Mr. Campbell** moved that the time for presenting petitions be extended to the 10th day of the next part of the present session.

**Hon. Mr. Allan** in presenting the Report of the Standing Committee stated it contained a recommendation to purchase 100 copies of Mr. Todd's latest edition of "The Parliamentary Manual."

**Hon. Mr. Seymour** presented the third Report of the Select Committee on Contingencies, showing the Clerk's disbursements for the House, which is to be considered to-morrow.

The Canadian Navigation Company's Bill was amended, read a third time and passed.

**The Hon. Mr. Aikins** complained that this Bill, in which some changes had been made, was disposed of before it was possible for him to note them. He looked upon such hasty legislation as offering a dangerous precedent.

**Hon. Mr. Campbell** explained that there were only a few unimportant verbal alterations, of which he gave example, and the House was satisfied.

**Hon. Mr. Burnham** presented the sixth Report of the Committee on Printing, and moved that it be taken into consideration tomorrow.

**Hon. Mr. Campbell** gave notice that he would move tomorrow that, for the future, there should be two sittings of the House daily—one at three in the afternoon, and the other at half-past seven in the evening.

The consideration of the Fourth Report of the Printing Committee was postponed until Wednesday next.

**Hon. Mr. Tessier**—Might not Wednesday be too late?

**Hon. Mr. Campbell** said there was no hope of being adjourned on that day.

**Hon. Mr. Campbell** moved the second reading of the "Lawless Aggression Protection Bill."

**Hon. Mr. Tessier** had no desire to prevent the second reading of the Bill, but he wanted to know how long it was proposed that, after the Bill had become law, the Act should remain in force. The measure was of an exceptional nature and not necessary in peaceable times. As he understood the principles of the British Constitution, such measures could not have a permanent character, and he thought, in the interest of public liberty, a limit should be set upon them.

**Hon. Mr. Campbell** said there was really no interference whatever with the liberty of the subject. The Bill only aimed at the suppression of Lawless Aggression, and such a law had, indeed, been in force in Upper Canada since 1837. There could be no reason why persons coming from a foreign country with hostile intentions, and who committed acts of aggression and hostility, should not be summarily tried and immediately dealt with. The application of this act was quite a different thing from that implied by the suspension of the *Habeas Corpus* Act, as might readily be inferred, and although there was no disposition to make it a permanent act, no very great harm could occur if it really were so.

The Lawless Aggression Protection Bill was then read a third time and passed; and also the Unlawful Training to the use of Arms' Prevention Bill, after which

The House adjourned until tomorrow at three o'clock.

## THE SENATE

Tuesday, 17th December.

The Speaker took the Chair at three o'clock.

After routine,

**Hon. Mr. McDougall** brought a message from the House of Commons, stating that the House had passed an Address to Her Majesty on the subject of Rupert's Land and the North-western Territory, and requesting concurrent action.

**His Honour the Speaker**, said that an answer would be sent by message.

The amended rules were adopted.

Two messages, with the following Bills, were received from the House of Commons:

To incorporate the St. Lawrence and Ottawa Railway Company.

An Act for the settlement of the affairs of the Bank of Upper Canada.

**Hon. Mr. Blair** moved the resolutions on the subject of the incorporation of Rupert's Land and the North-western Territory with Canada, and the resolutions were read.

**Hon. Mr. Tessier** was not disposed to agree to the resolutions. The acquisition of such a territory was not by any means a desirable, being much beyond the means of Canada, composed as she now was of four Provinces, and with a population under, rather than over, 4,000,000. By the acquisition of Rupert's Land and the Northwestern Territory, Canada would have under control an immense territory, fertile in mineral wealth, fertile in the productiveness of the soil, and abounding in water powers, navigable streams, and all that contributes to the making of a great civilized country. But it would be necessary to establish laws, to keep up a civil and military force to carry such laws into effect, and to protect the country from external aggression, to reap any real benefit from the possession of such territory. There was certainly no present inducement for so great an outlay as the acquisition of this territory would involve, and the indebtedness of Canada proper \$8,000,000, or rather of the whole Dominion, \$24,000,000, should not prompt the statesmen of this Dominion to immediately possess themselves of a country chiefly occupied by savages, and which for years yet, and under any circumstances, can only be used as a hunting ground. There could be only one object to acquiring such a territory at present, the desire to have

a Northwest extension of territory. And if this was the desire, why did not England possess herself of the country? She was wealthy and could afford to defray the cost of Government, civil or military, while Canada could not. The acquisition of the territory would be the source of jealousy between the people of Canada and the United States. They would look upon it as a menace. One great objection to the acquirement of this territory, however, was that we could not keep it if we had it. Gen. Michel has stated that it could not be defended, and it is as easily accessible from the United States as from Canada. The question arises, if we get it what shall we do with it? He yielded in loyalty to the Queen's present Government to no man, but he thought that the acquisition of Rupert's Land and the Northwestern Territory at this early period in the history of the Dominion, was not at all desirable, nor likely to increase the power and prosperity of this country.

**Hon. Mr. Macpherson** considered the acquisition of Rupert's Land and the Northwest Territory as the most important matter that had come under the consideration of the House, with the single exception of Confederation itself. It was the only vast tract of land on this continent which was offered to us, and must be accepted now or never. The country was rich in everything, and as for not being defensible, it was as much so as many parts of Canada.

**Hon. Mr. Ryan** stated that General Michel had asserted that the Western Peninsula, he might say from Montreal upwards, was perfectly defensible.

**Hon. Mr. Letellier de St. Just** complained that time for the discussion of so grave a matter had not been allowed, and said the acquisition of the territory would involve an expenditure beyond the means of the Dominion.

**Hon. Mr. Allan** thought that the subject was one which had been long before the House and the public, spoken or debated on, and written about. He was exceedingly opposed to keeping ever before them that horrible bugbear, the United States; but one thing was certain, if the Dominion did not acquire the territory, the United States, by some means or other, would.

**Hon. Mr. Campbell** was surprised that the honourable gentleman opposite (Mr. Letellier de St. Just) should have supposed that only a limited time had been allowed for

the discussion of this matter. The subject had been long before the public through the press, and had been under consideration before Confederation had been accomplished. The extension of British territory westward was one of the inducements to the people of Ontario to agree to Confederation, and yet some Lower Canadian gentlemen seemed to see danger in this western extension, forgetting, probably, that to the commercial enterprise and religious zeal of their forefathers the first knowledge of these wilds and of the vast region of the Mississippi was due. He hoped they had not degenerated, but were still desirous to penetrate into those vast, distant, but fertile and wealthy regions, and so open them up to religion and civilization. It was a country that could feed millions. The climate was so mild that the buffalo and domestic cattle spend their winters out of doors. The Hudson's Bay Company could not claim a grant made to Prince Rupert, and they, indeed, knew that they could not. The cost to Government would be infinitely less than the honourable member (Mr. Letellier) anticipated, and at all events, it was the desire of the Government that it should be acquired.

**Hon. Mr. Wark** took an interest in the question, under the belief that whatever benefitted part of the Dominion must benefit the whole. He remembered the outcry that was made when the construction of the Erie Canal was spoken of, and he knew the results of that gigantic enterprise in which more than ordinary foresight was manifested. When that great work was begun Toronto seemed as far from Halifax as the Saskatchewan does now. That work did more for the Atlantic States than any scheme that could have been devised. It made way for a redundant population, and it gave business to the seaboard—a business which they had not previously dreamed of. He had heard with pain, allusion made to a probable difficulty with the United States, arising out of the acquisition of this territory. The people of that country knew too well the consequences of a war with England to hastily begin one. They knew that England was never so powerful at sea as she now was, and they knew that their seaboard was open to attack and their commerce to interruption.

**Hon. Mr. Holmes** spoke of the progress which British North America had made during his time. Sixty-four years ago there was not a footpath from Halifax to Pictou, while now the whole country is intersected by railroads and canals, and every river and lake

made navigable. Canada, Nova Scotia, and New Brunswick were wood countries, their men being literally born with axes in their hands, and it was the surplus population of these countries who would emigrate to Rupert's Land, and would literally make the wilderness blossom as the rose.

**Hon. Mr. Reesor**—The question before the Senate is of a very important character. It contemplates nothing less than the annexation of half a continent to the Dominion. Although the discussion of this question in another branch of the Legislature has exhausted to some extent the interest taken in it by hon. members, there are nevertheless arguments in favour of acquiring the Northwest territory, that have not yet been presented. Since the really better portions of our Canadian lands have been taken up and settled, we find many of our young men moving with the stream of immigration from Europe into the rich valleys of the Western States. But in that region, there is extending from Texas, in the South, to British territory, in the North, an immense belt of comparatively barren plains in many places, nearly 500 miles in width, extending in some places from the Rocky Mountains in the West, nearly to the Missouri River in the East, which offers little or no inducements for settlement. While, if we may judge the rate of immigration to the United States in the future from the past, fifteen years will not elapse before all of their really good lands shall have been occupied. Now, if this be true, and no one who has given this subject serious consideration can doubt it, then it must follow that other more arable tracts of land will be sought after. This plain which extends from Texas through New Mexico, Kansas, Nebraska, and thence to the source of the Mississippi, narrows down to small dimensions when it reaches the 49th parallel of latitude; and when it extends north between Shoal Lake and Fort Garry is less than 100 miles in width. While the immense valleys of the Red River, the Assiniboine, and the North Branch of the Saskatchewan, present a region of arable land over 1,200 miles in length, and from 100 to 300 miles in width, of land unsurpassed on this continent in fertility of soil, a very large portion of which is open prairie, beautifully diversified with woodlands, and well watered. But the agricultural capabilities of this region are not all. Professor Hynd reports inexhaustible coal fields in that region, of a quality equal to the best English coal. But while the soil is rich and varied, it can be cultivated without having first to remove a forest of

trees, and while the climate is of the North temperate zone, it is favourable to the production in great abundance of all the more valuable cereals, while it is even more favourable to the productions of the better qualities of wool than the regions further South. An inexhaustible supply of beef could easily be produced in a country where the Buffalo roam in thousands nearly all seasons of the year. Add to these the vast mineral regions, and we have at once combined the resources to supply the raw material for the most valuable manufacturing industry, and this in a country with an inexhaustible supply of coal. Who then can doubt the natural resources of the Northwest territory and Rupert's Land. But it is objected that this region is not accessible? I answer then that it should be made accessible. Our means of communication are now so far perfect, that at any time during the season of inland navigation a steamer may leave Halifax, pass up the St. Lawrence and our beautiful chain of lakes to the head of Lake Superior without breaking bulk. What have we then? Simply to construct two hundred miles of overland road, and with a chain of navigable lakes and rivers of 300 miles more, including all the crooks and turns, we are at Fort Garry, the commencement of this valuable agricultural territory. With a good road into this territory, and the better qualities of the wild lands of the United States settled, can any one doubt that the tide of immigration will flow to the valley of the Saskatchewan and that a population will spread over that region as rapidly as it has hitherto extended over the prairies of Illinois. But the Northwest possesses another advantage, that of an easy pass through the Rocky Mountains to the Pacific Coast in British Columbia. The American Railway, now in course of construction on the overland route to California, passes over the Rocky Mountains at an elevation of over eight thousand feet above the

level of the Pacific; while the pass on this range of mountains, in latitude 52, is only about three thousand feet above the Pacific, a difference of about five thousand feet in favor of the route through British territory. Indeed, so slight is the elevation in this Northern pass, that the explorers did not believe they had reached the mountain range until they had found themselves on the other side. On this route the extensive Chilcotin-Plain is reached, and a level valley to Waddington harbour, head of Bute inlet; or tide water navigation on the Pacific. With such a region of country available for settlement, and once a part of the Dominion, and with the immense timber regions now available in the rear of the settled portions of Canada, which will yet settle the backbone of this country—with millions of acres in Ontario yet unsettled—every way as good in climate and soil, superior to the New England States. Can any one despair of the future of the Dominion? Need anyone doubt that before twenty years elapse a railway will connect the Atlantic and Pacific through British territory? Why then do the honourable gentlemen try to belittle the importance and prospects of this country or make the claims of the Hudson's Bay Company a bar to our going into possession of the North West? The Hudson's Bay Company must first establish their claims before they can be paid, but at most, or even at their own estimate, the cost would be a mere bagatell compared with the commercial value of this territory or its great importance to the Dominion in a national point of view. No greater mistake could be made than refuse this magnificent addition to our Dominion, while it may be had almost as a free gift.

The resolution was concurred in and an Address, in accordance therewith, sent to the House of Commons for concurrence.

The House then adjourned until three o'clock to-morrow.

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## THE SENATE

Wednesday, Dec. 18, 1867

The Speaker took the chair at three o'clock.

After routine,

The Upper Canada Bank Settlement Bill, and the St. Lawrence and Ottawa Railway Company Bill were passed without amendment.

**Hon. Mr. Skead** objected to that part of the St. Lawrence and Ottawa Railway Bill which allows 5 years to commence and 10 years to complete the Chaudiere extension of the road, and desired, in the interests of the lumber trade, that 3 years should be allowed to commence and 5 years to complete.

**Hon. Mr. Allan** said the matter had been most carefully considered by the Committee on Banking, Commerce and Railways; that it was to the interest of the Company to push on matters as quickly as possible; and when the time allowed was too limited there were invariably applications for an extension of time, which were as invariably granted.

**Hon. Mr. Ferrier** said that time was required because money was required. The

money came from England, and it took time and trouble to get it. The road, short as it was, had to cross two rivers and a canal—the Rideau River, the Rideau Canal, and the Ottawa River.

**Hon. Mr. Skead** did not, however, move any amendment, and the Bill was passed as it stood.

**Hon. Mr. Campbell** moved that copies of the proceedings of the Senate be sent, as an act of courtesy, to gentlemen, not members of the Senate, who had been members of the former Legislative Council of Canada, which was agreed to, *nomine contradicente*.

**Hon. Mr. Ryan** moved for a return to an address for copies of all correspondence between the Minister of Marine and Fisheries and the Boards of Trade and Harbour Commissioners of Montreal and Quebec, since 1st July last.

The third report of the Select Committee on Contingent Accounts was adopted.

The consideration of the fourth report of the Printing Committee was deferred till the third day of the next part of the session.

The sixth report on printing was adopted.

The Senate then adjourned till 3 o'clock tomorrow.

## THE SENATE

Thursday, Dec. 19, 1867

The Speaker took the Chair at three o'clock.

After routine,

The Customs Bill was considered in Committee of the Whole—Hon. Ferrier in the Chair.

**Hon. Mr. Letellier de St. Just** complained that he had not seen a copy of the Bill, and that the legislation was proceeded with in too hasty a manner.

**Hon. Mr. Aikins** similarly expressed himself.

**Hon. Mr. Campbell** stated that the Bill had been printed and distributed as quickly as possible, to afford every facility to hon. members to inform themselves concerning it. It merely extended to the Dominion that which, in the matter of Customs, had belonged to the present Provinces of Ontario and Quebec; and that it would be a pity to take up time in discussing the subject now, as it was intended to get through to-morrow.

The Bill passed.

**Hon. Mr. Skead** moved that the expenses in fees, &c., incurred for the Bill to incorporate the Intercolonial Insurance Company be refunded, as action upon it had been postponed till a decision had been arrived at on a constitutional question.

**Hon. Mr. Campbell** was understood to say that if the Bill was withdrawn the expenses for printing, &c., might have to be paid; but if laid over merely, the usual charges must necessarily be exacted.

**Hon. Mr. Skead** did not withdraw the Bill.

**Hon. Mr. Letellier de St. Just** would ask the Hon. Postmaster-General if it were true that a phrenological examination had been made by the Postmaster of Montreal of the heads of three of the officials in his office, and that having found their heads ill-formed, he had dismissed them? It had been so stated in several United States newspapers, and he wanted to know if phrenology was to be the test by which the capacities of Post Office Clerks were in future to be determined. On account of this rumor the people of Canada had been laughed at, and he wanted to know what was to be done. Is this mode of trial to be persisted in or not?

**Hon. Mr. Ryan** desired to know if the hon. member had satisfied himself as to the truth of the immediate cause of the dismissal of these persons. As the hon. gentleman had referred to newspaper statements, he might be permitted to say that from a similar source of information he had learned that some registered letters with money in them had disappeared during the time of manipulation of letters, generally by these dismissed clerks and it was supposed that they might have had a hand in such disappearances.

**Hon. Mr. Letellier de St. Just** had the authority of a highly respectable gentleman in Montreal for the statement that the Postmaster had, on phrenological ground only, caused the dismissals in question.

**Hon. Mr. Flint** would suggest the inauguration of a new department, of which the Postmaster at Montreal might become the chief, to be called the Phrenological Bureau.

**Hon. Mr. Campbell** (smiling)—Phrenology has not yet become a test of capacity in the Post Office Department. Certain dismissals had taken place on account of irregularities, which, in the interest of the public, it was necessary to guard against. Two officers, on duty at particular hours, were suspected of improper practices, and many letters having disappeared while they were on duty, and not at other times, nor afterwards, they were dismissed. While on the subject of the Post Office, he might say, in reply to an inquiry by the Hon. Mr. Robertson, not now here, that he had received a letter yesterday, intimating that letters from New Brunswick and Nova Scotia could now be sent direct to the West Indies via New York.

The Inland Revenue Bill was then read a first time and ordered to be read a second time at the next sitting.

The House then adjourned till half-past seven o'clock.

### AFTER RECESS

**Hon. Mr. Campbell** moved the House into Committee of the Whole on the Inland Revenue Bill, and in doing so stated that the only change in excise made by the Bill was equalizing the amount of excise on beer and malt, and placing a license fee of \$100 to \$200 on brewers, with the view of making the collection of the revenue easier, and as operating against frauds.



Hon. Mr. Wilmot regretted that the course of legislation pursued by the Government during the present Session was one that he disapproved of, and he feared that the people of the Maritime Provinces would also disapprove of it, and as he would not be here to divide the House on the tariff, he would now take the opportunity of expressing his opinions on the subject. The present bill was establishing a new mode of taxation hitherto unknown in New Brunswick; not only duties of excise were imposed, but many charges for licences in addition to the duties; stamps were hitherto unknown in New Brunswick and the tax of one per cent on the bank circulation, simply meant an increase of interest to the borrowers. The changes in the tariff were to him equally obnoxious; taking duties off manufactures, and other articles that had hitherto paid duty, and placing them on the necessities of life, such as tea, sugar, molasses, and other articles that were consumed by the mass of the people, was in his opinion a movement in the wrong direction; the best proof of it was that the members from New Brunswick in the House Commons had almost unanimously voted against the Government on the question, but what he particularly regretted was that the predictions of those opposed to Union in New Brunswick were likely to be realized by the policy of the Government, and the arguments made use of by the Minister of Customs and others, that Confederation would not impose heavier charges on the people of the Lower Provinces, would be completely falsified. When the late Minister of Finance reduced the duties on manufactures in accordance with what he supposed to be the opinions of the people in the Maritime Provinces, he must have got his information from importers, and not from the farmers, mechanics, and manufacturers, and while the duty of three per cent. was taken off articles used in ship-building, which, when imposed to meet the interest on the railway debt, and which leading ship-builders at the time advocated, now a duty of fifteen per cent. was imposed on the pitch, pine, and oak timber which entered so largely into the construction of our first class ships. He thought the policy was in many respects similar to that pursued in Great Britain, where there was a great accumulation of capital, and great perfection in machinery, but was not one adopted to a young country like ours. We had within the Dominion all the elements of wealth that could exist in a temperate climate, and a wise and patriotic policy which would give employment to the productive labour of the country would make it prosper—but the practice of recurring deficits in the Revenue, and borrowing money abroad, while we possessed in the Dominion fourteen hundred millions of dollars of invested and taxable property, and an annual production of two hundred and fifty millions of dollars of raw products, in addition to the value of manufactures—should, under a wise system of finance, render us independent either of any bank in this country or of financial agents abroad, for the maintenance of our public credit. Parliament had now been in session six weeks, and for the first four or five weeks we had nothing to do, and now at the close we are merely called upon to register the action of the Government without either seeing measures of the greatest importance, or having either time or opportunity to discuss or decide upon their merits. He felt that a great responsibility rested upon him for the course he had taken relative to Confederation, and he regretted that no member of the Government has since his arrival, either spoken to or advised with him with regard to any of these measures, and he certainly thought that as by the course he had pursued, he represented numbers who had been opposed to the Quebec Scheme, that this amount of courtesy at least should have been extended to him, particularly as he had had over twenty years experience in legislation. There was one subject before sitting down, that with the permission of the House he wished to explain. Hon. members might recollect some correspondence that had passed between the Hon. Minister of the Board of Works, Mr. McDougall, and himself, relative to what had occurred between him (Mr. McD.) and the Hon. George Brown, at a public meeting held in Whitby during the late election. Mr. McDougall had charged Mr. Brown, with having condemned the delegates from Canada for having made concessions to the Maritime Provinces, beyond what was authorized by the terms of the Quebec Scheme, when he (Mr. B) was the person who had agreed to changes being made, while a member of the Government, but without the authority of his colleagues, which Mr. Brown denied, and Mr. McDougall gave my name among others as his authority. At the request of Mr. McDougall he (Mr. W.) had written to him with his remarks on what had passed between Mr. Brown and himself. When he (Mr. W.) came to Canada in 1865 as a member of the Council of Trade, he was opposed to the Quebec Scheme, and while favorable to the abstract proposition of Union he did not approve of either the Federal system or re-

presentation by population. Mr. Brown was very anxious that he should entertain the subject, and in his conversations with him said, that no Union could be brought about without those principles were admitted. He (Mr. W.) further stated that he was not satisfied with the financial arrangements, and gave his reasons for saying so, and on this point Mr. Brown said the Canadian Government would be prepared to meet fairly the objections of the people of New Brunswick, and he (Mr. W.) was surprised at the charges brought by Mr. Brown, or rather by the *Globe* newspaper, against the delegates from Canada for having assented to them. In this letter to Mr. McDougall he gave the tenor of his conversations on this subject with Mr. Brown, but he further said that at the conference in London when the subject came up, he put the question to the Chairman of the Conference, Sir John A. Macdonald, whether Mr. Brown had been authorized by his colleagues in the Government to discuss the subject of modification in the Quebec Scheme with him (Mr. W.) and Sir John stated that Mr. Brown was so authorized. What he had to complain of was that that portion of his letter to Mr. McDougall which referred to this matter had been suppressed, and when Mr. Brown, in a letter addressed to him in the columns of the *Globe*, considered that he had not acted with courtesy in writing to Mr. McDougall, without first submitting the subject matter to him, he had only to say that the report of what had been said at the Whitby meeting was published in the *Globe*, substantially the same as in the report forwarded him by Mr. McDougall, but that instead of entering into a newspaper controversy, he had determined in his place in Parliament to make the explanations which he now had done.

**Hon. Mr. Mitchell** thought it would have been only fair to have called the attention of the Hon. Commissioner of Public Works to the occasion of such a passage in his (Mr. Wilmot's) letter before submitting the matter to the House. Doubtlessly the omission had been accidental, not intentional. He considered that his distinguished friend had been uncourteous.

**Hon. Mr. Wilmot**—Perhaps his remarks were uncourteous, but they were true.

**Hon. Mr. Mitchell** had seen the Commissioner of Public Works, who denied the story, and there must be some mistake. He had possibly altered a word or two in Mr. Wilmot's letter to make English of it, but so no alteration had been made with any other

view. His colleague in the Government had, however, assured him that he had no recollection of such an alteration. His friend had been speaking from memory and might be mistaken. Why did he not produce the letter? It was not a little curious that one of his (Mr. Mitchell's) first attempts at economy had been checkmated by his hon. friend. He was going home to-morrow for Christmas, and if there was hurried legislation, who was to blame?

Several Members—What is the matter before the House? This has no reference to Inland Revenue.

**Hon. Mr. Miller** joined with the hon. members from Victoria and Toronto (Messrs. Ryan and Macpherson) in protesting against the hurried manner in which such important laws as those relating to the Revenue were being rushed through the Senate, and while willing to make every allowance for the peculiar circumstances of this session, trusted the same thing would not occur again. The Tariff Bills contained provisions affecting important branches of trade in Nova Scotia with which he had no practical acquaintance, and it was not fair to call on him and others to deal with them until they had a chance of communicating with those interested. They could now only permit the bills to pass and during the recess of Parliament could learn the feelings of their Provinces, and come back prepared to advocate the policy most favourable to the whole country. He was sorry to hear the remarks of his hon. friend (Mr. Wilmot) to which he had chiefly risen to refer, because he could not understand how any friend of Union, especially one who had taken part in bringing about that measure, should so soon lose faith in the result. Union had not yet had even the beginning of a trial, and the remarks of his honourable friend would help to deprive it of such a trial, by strengthening its enemies and weakening its friends. They should not allow slight disappointments of any kind to interrupt their course, when the success of the great project of Union was concerned. However much they might differ on some things, the Government should on the main question have all the support they could consistently give them. One hon. member (Mr. Wilmot) said nothing had been done this session to which the people could look with satisfaction. He could not understand such an observation, when two such important measures as those providing for the construction of the Intercolonial Railway and the admission of the North Western territory into the Union had been successfully grappled with by Parliament. On both

these subjects the Government had shown themselves true to the question of Union, and he did not think it fair unnecessarily to carp against them, when everything did not please hon. members. He (Mr. Miller) never expected to receive all the benefits which he believed would ultimately flow from Union for nothing, and whoever did deserved to be disappointed. Mr. Miller then went on to show how New Brunswick had less to complain of in regard to the new tariff than Nova Scotia, while the people of that Province would derive immense benefit from the construction of the railway, and the expenditure of millions of dollars in that Province, which would have the greatest extent of road and pay the least of the cost of all the Provinces. He then referred to the condition of Nova Scotia, and showed how without Union, the construction of the Pictou and Annapolis Railways, and other Public Works, would have necessitated an increase in the *ad valorem* duties there to at least fifteen per cent, and then they would not have the inter-colonial highway, secured by Union. Under the present system there were some items of taxation that would be obnoxious to their people, but it should not be forgotten that they had received a great concession in the Maritime Provinces, by the placing of ship chandlery on the free list. Besides that many articles which used to pay ten per cent *ad valorem* in Nova Scotia were free by the tariff of Canada. He expected in the next session some alterations would be made that would render this tariff fully acceptable to the

Maritime Provinces. He hoped we would deal broadly with all these great questions however much we might differ on minor ones, and give the Government a fair trial in maturing the great scheme of Union. He again regretted the hurried manner in which the bills had to go through the Committee, and hoped the like would not occur again.

**Hon. Mr. Campbell** explained that all such bills necessarily originated in the House of Commons, they belonged especially to that Branch of the Legislature, and lingered there, and it was always the case that bills of this sort were suffered to pass through the Upper Branch of the Legislature easily.

**Hon. Mr. Aikins** did not like to make a burlesque of legislation.

The Inland Revenue Act was adopted without amendment, and passed.

The Supply Bill was read a first time, and is to be read a second time at the next sitting of the House.

The Act imposing duties on promissory notes was read a first time, and will be read a second time at the next session of the House.

The Bill to make the Auditor General an officer of the Parliament, and not to allow, except in emergencies, the expenditure of any moneys without the express authority of Parliament—balances to be always written off on the 30th June yearly—was read a third time and passed.

The Board of Works Bill was also passed.

The House then adjourned.

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## THE SENATE

Friday, Dec. 20, 1867

The Speaker took the Chair at three o'clock.

After routine

The Supply Bill, the Promissory Note Bill, the Customs Tariff, and the Intercolonial Railway Bills were read a first time, and ordered for a second reading at the evening sitting.

The House then adjourned.

### EVENING SITTING

The Customs Bill being about to be passed

**Hon. Mr. Ryan** contended that an unclean spirit must have actuated the Government in the matter of the West Indian produce and French brandies.

**Hon. Mr. Campbell** stated that the intentions of the Government were to deal as fairly as possible with West Indian and French productions, and that as regarded the imposition of duties on spirits, the greatest care had been taken to place foreign manufactured spirits on the same footing as home manufactured spirits—to equalize excise and duties.

**Hon. Mr. Macpherson** objected to the duty imposed on breadstuffs as unsound in principle and unwise in policy. He thought that when it was imposed it was done hastily and under some degree of irritation consequent on the repeal of the Reciprocity Treaty. He thought that anything bearing the semblance of retaliation ought to be avoided. Confederation afforded an excellent opportunity of wiping out that blot on our legislation, and he had hoped that that opportunity would have been embraced.

**Hon. Mr. Mitchell** rose to make explanations in reply to the hon. member from Victoria (Mr. Ryan). He thought that the allusions to the policy of France were very farfetched.

An Act concerning Banks, from the House of Commons, the object which is to place all the Banks of the Dominion on an equal footing, was read a second time, then a third time and passed.

The Bill for the construction of the Intercolonial Railroad, by which Commissioners are to be appointed to deal with contractors,

who are to be responsible to the Government and Parliament for the construction of the road, was read a second time.

**Hon. Mr. Letellier de St. Just** said that he found great fault with the Government in not defining their policy in reference to the route of the Intercolonial Railway, and putting it on the bill—they should have done so—numerous petitions have been presented in favour of the Northern route and all on one side, not one against it. The press and the representatives of the people had spoke out in the most decided terms in favour of the adoption of the Major Robinson route, and a large majority of the other House, as well as this, was in its favour, and he could not but think that the Government should have at once declared their policy and selected it, as he was sure they would not in the face of public opinion select any other.

**Hon. Mr. Mitchell** begged to say in reply to the remarks of his hon. friend, when he charged the Government with not having inserted in the bill now under consideration of the House, the particular route which the Intercolonial Railway should take, that had they done so, they would have committed a grave mistake. Did his hon. friend forget that the Imperial Act which provides for the guarantee of the money for the construction of the road, requires that the route selected shall be sanctioned by one of Her Majesty's principal Secretaries of State, and his hon. friend would perceive, that if the Government had selected the Major Robinson route, or the Frontier route, or any of the dozen Central routes which have been projected, and if it did not meet the approval of that official, that they would have had to refer the whole matter back to the Legislatures at the succeeding session for their action, and thus delay the determination of the route for a whole year, if not more.

**Hon. Mr. Letellier de St. Just** said he did not object that the route was not fixed in the bill, but that the Government had not a policy in reference to the route, and if they had they should have announced it to the House.

**Hon. Mr. Mitchell** was glad that his hon. friend had explained that he did not wish the route defined in the bill, and that he had recognized the force of the arguments which had influenced the Government in framing it, but he would tell his hon. friend that he was again wrong in supposing that the Government held his policy on this great measure.

The Government had a policy based on national interest, and a desire to select that line which would meet with the approval of the people, and be of the greatest service to the Dominion. The hon. gentleman had stated that the people had given expression to their wishes on this matter in unmistakable terms, and though numerous and influential petitions from all parts of Quebec and all of which seem to be in favour of one line; that a large majority of the people were in favour of that line, and that they should long since have avowed their selection. Does my hon. friend not see how inconsistent he is, and how unfair it would have been on the part of the Government he condemns, if they had thus prematurely decided five weeks ago, the information they possessed as to the wishes of the people would not have been as ample as it is today and had a policy been then announced, they could not have had the benefit of the able discussions which had been elicited in an other place; nor felt the force of the expressions of the people in the numerous petitions which were now on the table of the Senate. They would have failed to obtain in aiding them in that decision, the valuable opinions which had been drawn from the press from one end of this Dominion to the other, nor would they have witnessed in their columns

a degree of unanimity which the hon. gentleman had truly characterized as remarkable. He was not going at present to express an opinion in his place here, whether the conclusion at which his hon. friend had arrived was correct or not, that the Northern route was the right one. He would take the right time to give his opinion on that point but this he would say, that the policy of the Government, on this matter, was to keep faith with the Maritime Provinces, and lose no time that could be avoided, and permit no obstacles to stand in the way of the construction of that great work, the completion of which alone would tend to make our revenue more perfect, and he had no fear that when the Government announced their policy that it would be one that would approve itself to the judgment of disinterested men in all parts of the Dominion.

**Hon. Mr. Skead** was delighted at the statement of the Minister of Marine and Fisheries.

The Bill was read a third time and passed.

The House adjourned during pleasure.

After some time the House was resumed.

A message was brought from the House of Commons by their Clerk, to return the Bill, intituled "An Act for the Regulation of the Postal Service," which was passed as amended by the Commons. The House adjourned.

## THE SENATE

Thursday, March 12, 1868

The Speaker took the chair at three o'clock.

### MEMBERS SWORN.

Hon. Messrs. John Ross, (Ontario), and T. D. Archibald, (Nova Scotia), were sworn, and took their seats, as did also the Hon. J. C. Chapais, recently appointed in the place of Mr. Bossé, Quebec.

The Clerk reported that the following officers of the Senate had left its employment since last meeting:—John Walsh, Permanent Clerk; Joseph Garon, Sessional Clerk, and Samuel Fraser, Sessional Messenger.

### NOTICES OF MOTION.

Hon. Mr. Letellier de St. Just gave notice that on Monday next he would move an amendment to the report of the Committee on Contingencies, that the scale of salaries to be adopted be that agreed to in 1864, and that the reduction in the staff of the Senate be prospective only, and shall not apply to the present officers.

## FIRST READINGS.

Hon. Mr. Campbell introduced a Bill respecting commissions and oaths of allegiance, and of office.

Also a Bill respecting the security to be given by officers of Canada.

Hon. Mr. Campbell then moved that out of respect to the memory of the late Hon. Fergusson Blair, of whose most estimable qualities as a man he spoke in the very highest terms, when the Senate adjourns, it do stand adjourned until Monday.

Hon. Mr. Christie seconded the motion, and paid a tribute to the memory of his deceased friend. Their acquaintance dated back to boyhood, for they had been school mates, and the friendship then formed had lasted through life. He was sure the Senate would willingly pay the tribute to his memory as proposed by the Hon. Postmaster-General.

Hon. Letellier de St. Just spoke in support of the motion, and referred to the excellent qualities and honourable character of the deceased Senator.

The motion was carried unanimously, and thereafter the Senate adjourned.

## THE SENATE

Monday, March 16, 1868

The Speaker took the chair at three o'clock.

The Speaker stated that the following gentlemen had been summoned to the Senate:—Mr. J. Dever, of St. John, N.B.; Mr. J. Glasier, of Sudbury, N.B., in place of Mr. E. S. Chandler, who declined the appointment; Mr. J. R. Benson, St. Catharines, in place of Mr. Fergusson Blair, deceased.

Mr. Benson, who was present, was sworn in and took his seat; he was introduced by Messrs. Campbell and Mitchell.

### TEMPERANCE

Hon. Mr. Ferrier presented a petition from the Montreal Temperance Society, expressing the gratification of the signers at the closing

of the bar in the Parliament Building, and expressing the hope that the said bar would not be reopened.

### GOVERNMENT BILLS

Hon. Mr. Campbell introduced a Bill respecting public inquiries by commissioners; also a Bill respecting Aliens and Naturalization.

On motion of Hon. Mr. Campbell, the Officers' Security Bill was read a second time. This Bill, he explained, was for the extension over the whole Dominion of the provisions of the Act hitherto in force in Quebec and Ontario.

On motion of Hon. Mr. Campbell, another of the Bills in force in the late Province of Canada, that concerning commissions and oaths of office, made applicable to the Dominion of Canada was read a second time.

The Senate then adjourned.

## THE SENATE

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Tuesday, March 17, 1868

The Speaker took the chair at three o'clock.

### OFFICERS' SECURITY BILL

The House went into Committee of the Whole on Mr. Campbell's Officers Security Bill. Mr. Steeves in the chair.

The committee rose and reported the bill with amendments, and the bill was ordered for a third reading tomorrow.

### OATHS OF OFFICE BILL

The House then went into Committee on Mr. Campbell's Commissions and Oaths of Office Bill. Mr. Ross in the chair.

The bill was reported and ordered for a third reading tomorrow.

## OFFICIAL REPORTS OF DEBATES

Hon. Mr. Miller said that in the previous part of the session the subject of procuring an official report of the debates of this House had been referred to committee, and he would desire to know whether any action had been taken by them on the matter, and what probability there was of the scheme of an official report being carried out.

Hon. Mr. Macpherson as chairman of the sub-committee to whom the matter had been referred, stated in reply that the committee had postponed action in the matter awaiting the action of the other House where the subject of officially reporting the debates was under consideration. The matter was still before the other House, but action thereon was expected at a very early date. His opinion was that under the circumstances it would be desirable not to proceed further until the other Branch of the Legislature had come to a decision on the subject.

The Senate adjourned at 4 o'clock.

## THE SENATE

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Wednesday, March 18, 1868

The Speaker took the chair at 3 o'clock.

### GOVERNMENT BILLS

Hon. Mr. Campbell introduced a Bill to facilitate the winding up of the affairs of incorporated companies; ordered for second reading this day week.

The Officers' Security Bill (Hon. Mr. Campbell) was read a third time and passed.

The Commission and Oaths of Office Bill (Hon. Mr. Campbell) was read a third time and passed.

The Public Matters Inquiries Regulation Bill was read a second time and ordered for Committee of the Whole tomorrow.

The House adjourned at a quarter past three.

## THE SENATE

Thursday, March 19, 1868

The Speaker took the chair at three o'clock.

### ALIENS AND NATURALIZATION.

**Hon. Mr. Campbell** in moving a Bill respecting Aliens and Naturalisation, said he apprehended that the general feeling throughout the Dominion was in favour of a more liberal policy upon this subject in New Brunswick than there was in that Province at present. It was for the advantage of the Dominion to allow persons coming in from a foreign country to have the same right to hold, convey, or transmit estate that naturalized subjects have. This is desirable as titles have often been impaired by the fact, that at some former time aliens have held property and have not been able to transmit it. It is proposed by this bill to make the law, rules, and procedure respecting the naturalization of aliens uniform throughout the Dominion. These rules are of a general character; they provide that if an alien takes the oath of allegiance to the Sovereign, having been a resident within Canada during a period of three years, and his oath being accepted, he becomes a naturalized subject. It is also provided in regard to married women who are aliens, that if the husband has become naturalized the wife is naturalized too; but with reference to single women, they will be required to take the oath of allegiance. These being the principal features of the bill, he would now ask the House to refer it to a Committee of the Whole.

**Hon. Mr. Hazen** called the attention of the hon. member of the bill to a section of the Act of Union which provided that laws relating to property and civil rights are to be dealt with by the Local Legislatures. Although he approved of aliens holding property, yet he thought this bill affected property and civil rights in the Province of New Brunswick.

**Hon. Mr. Sanborn** said this subject was brought up when difficulties existed on account of raids which took place during the American war, and which rendered a passport system necessary. It was found according to the law of Canada that naturalized subjects here held a very unfortunate position. They were naturalized simply for the Province in which they lived, and had lost their status as subjects of the country which they left. This

was brought under the notice of the Government at that time, and an intimation was given that it would receive the attention of the Government. The law gave the Dominion permission to declare aliens subjects of Her Majesty, after they had performed certain conditions. After having given those parties privileges as subjects, the Act should be left for the sanction of Her Majesty, and then those subjects naturalized here, would be placed in a position which they were entitled to hold. The way our naturalization laws have been administered heretofore is rather taking away a right instead of conferring it; it being almost impossible for naturalized subjects to get passports into the United States at the time passports were required. It was then spoken of as a great grievance, and the Government should have provided a remedy, either by representation to the Imperial Government, or by legislating upon the subject, and declaring the condition of the person as a naturalized subject. There are only two ways in which they could look upon this subject—one is to give aliens the rights and privileges which they would have had if born under the rule of England; the other is to give them certain specific rights—the rights of descent—of property, and other rights of that kind. This bill is quite unsatisfactory, and will not attain the object sought to be attained, that is, to give a status which the law has not before given.

**Hon. Mr. McCully** said the right of legislation in regard to aliens was expressly conferred upon this Parliament in the twenty-fifth sub-section of the ninety-first section of the Union Act. This Legislature then has the power of conferring all the rights and privileges upon aliens, that the Imperial Government could have in any portion of the Empire. It certainly would hardly be expected that this Legislature would confer any power or privilege to extend beyond the Dominion itself; but it is exceedingly desirable that in all the Provinces there should be the same Act making these rights uniform within the Dominion. There were many citizens from the United States, from Germany and elsewhere, who came into Nova Scotia, and connecting themselves more particularly with the mining interest, found it necessary to obtain titles to land, but he had never heard any complaints in regard to the operations of this law. He would not say anything more at present, but when the bill came up in detail for another reading he would give it some further consideration.



**Hon. Mr. McCrea** said the Imperial Act made a clear distinction between the powers of the General and Local Legislatures. Parliament had the right to confer citizenship upon aliens, while the Local Legislature had the power to legislate upon property, and civil rights. The 91st section of the Union Act gave Parliament the power to treat upon naturalization and aliens, while the 13th subsection of the 92nd section reserved to the Local Legislature the right to treat upon property and civil rights in the Province. This Parliament has the right to grant to aliens all the privileges of British born subjects; the moment this is granted all civil rights follow. The question then arises whether we have the right to confer upon aliens, while they are aliens, the right of transmitting property by descent, which they can do under this Bill. True, we have the right to make laws regarding aliens, but the right to confer civil rights upon them belongs to the Local Legislature.

**Hon. Mr. Hazen** said that Parliament had the right to say how aliens should be treated, but they had not the power to say what rights of property they should have, that power being expressly reserved for the Local Legislatures. The bill under consideration treated of property, and affected the rights of individuals. The 94th section of the Union Act says: "Notwithstanding anything in this Act the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick, and of the procedure of all or any of the Courts in those three Provinces, and from and after the passing of any Act in that behalf the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted: *but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province, unless, and until it is adopted and enacted as law by the Legislature thereof.* If we pass this Bill will it be a law of this kind? and if this section means anything at all we are interfering with the rights of property by this act. A bill of this kind was brought before the New Brunswick Legislature in 1855 and rejected. In 1858 it was again introduced and thrown out on a division of 21 and 16. In 1859 the Bill was again rejected on a division of 20 and 14. In 1860 the Bill was read a second time, and in 1861 the law was passed; but the clause allowing aliens to hold and transmit

property was rejected. He made this statement to show how this measure had been regarded in New Brunswick, and he would fail in his duty to that Province if he did not point out where this bill would interfere with their rights.

**Hon. Mr. Hamilton** could not agree with those who had spoken, in regard to the right of this Parliament to legislate on this subject. They had as much right to legislate upon this subject as they had to make laws respecting bankruptcy and insolvency, as that would concern the transmission of real estate in the various Provinces of the Dominion, as much as this. Then, again, they might take the question of marriage and divorce; a law made on the subject would affect the rights of property all over the Dominion. If you could not say what rights aliens should have, or should not have, how could you legislate at all upon naturalization and aliens. If a subject cannot be restricted or advanced, we cannot legislate upon it. The paragraph referred to in the Act is to be read in connection with other clauses, and an interpretation given to it not inconsistent with the other clauses of the Act, therefore he could not agree with those who think there is a doubt about the power of Parliament in reference to this Bill. The Imperial Parliament up to the present time have declined to recognize naturalized subjects outside of the various Provinces in which they had been naturalized. To obviate this difficulty it is proposed, after this Bill receives the sanction of Parliament, to open a correspondence with the Imperial Government in order to obtain for aliens who have been naturalized in this Dominion, the same privileges as naturalized subjects in any other portion of the Empire.

**Hon. Mr. McCrea** said that notwithstanding what had fallen from the Postmaster-General the case appeared to be strictly analogous with the laws of the United States. There it was held that Congress had no authority to deal with the rights of property, they may deal with the naturalization of foreigners and give them all the rights of subjects, but it required statutory enactment to enable aliens to hold or transmit property by descent. This power which we propose to give by this Bill is not given by Congress, but by the different States of the Union. He quoted from "Kent's Commentaries" and other American authors to show that it was only the State legislators that had the right to give to aliens power to enjoy property, and in conclusion asked the

House to give the subject every consideration before passing the Bill.

**Hon. Mr. Sanborn** said the Hon. Postmaster-General had failed to convince him that this Parliament had the power to grant the privileges to aliens which were contained in this Bill. If Parliament carried out this principle in the case of marriage and divorce as mentioned by his hon. friend, it would involve every branch of property, and revolutionize all the laws of the Provinces. It was never intended that they should have this power, as it properly belonged to the Local Legislatures, but anything regarding the legality of marriage came within the jurisdiction of the Dominion Parliament. Then in the case of bankruptcy and insolvency, it would never do to apply the same bankrupt law to Quebec as to New Brunswick and Nova Scotia. A bankrupt law is not a permanent but temporary law, enacted for the purpose of relieving existing difficulties, and in enacting the law it is absolutely necessary that it should not be general and universal, as it would have to be adapted to the local law, in its machinery and procedure. There are not the same difficulties to be encountered in carrying out this law, as there are in carrying out the law respecting aliens, and the law of marriage, because in these cases you have to deal with something which enters into the permanent organization of society, and when you make changes they cannot be remedied hereafter.

**Hon. Mr. Wilmot** remarked that a bill similar to this had been brought up year after year in the New Brunswick Legislature, and rejected. He thought if there was any question, or any doubt, in regard to their right to legislate upon this subject, the Local Legislature should have the benefit of that doubt. None of the measures which they had passed during the first part of the Session had been agreeable to New Brunswick, therefore, they should be very careful in passing a measure which had been so repeatedly rejected in the Legislature of that Province. He then referred to an estate, part of which was in New Brunswick and part in New York; the heirs to the estate who resided in New York claimed their share of the property in New Brunswick, which they could not inherit being aliens, and the Government gave it to them; but the heirs in New Brunswick could not get their share of the estate in New York. This he did not consider evenhanded justice, as they had as much right to the estate as the others.

**Hon. Mr. Mitchell** said his hon. friend (Mr. Wilmot) was not quite correct in his statement. He (Mr. Mitchell) was a member of the Government at that time, and they thought it was immaterial to them what any foreign Government might do; it was their duty to deal with what came under their jurisdiction. According to the laws of this country all the children in a family get an equal share in the estate. In this case neither party were legally entitled to the property, which consequently reverted to the Government of the country. They considered as neither party had a legal right, the heirs in New York had as equitable a right as the heirs in New Brunswick, therefore they decided that all should share alike. His hon. friend asked them to give New Brunswick the benefit of any doubts arising, in regard to the power of this Parliament to deal with the subject, assigning as a reason the state of feeling existing in New Brunswick. He thought they should decide upon the legal construction of the Act without any reference to what the state of feeling in New Brunswick may be. He differed with his hon. friend about the peculiar condition of New Brunswick, which would call upon them to make especial concessions on a point like this. Though this Bill had been rejected for eight successive years in New Brunswick, it had been rejected upon very different grounds from what we are now asked to reject it upon. It was rejected because the Legislature of New Brunswick was adverse to extending those liberal principles which the policy of Canada now seems anxious to extend to aliens. Public opinion in that Province has changed with the progress of liberal ideas, and if this subject were now to be brought up in the Legislature of New Brunswick, it would be likely to be adopted, and the policy conceded to allow aliens the right to hold property.

**Hon. Mr. Hazen** said the bill not only gave aliens power to hold property, but it made enactments affecting civil rights in New Brunswick. It was most unwise to pass a law which might be the subject of doubts and litigation. Eminent lawyers had spent nine or ten months in London preparing this Union Act, but still doubts arose on every side in regard to constructions to be put upon it.

**Hon. Mr. Tessier** said they should have some way of deciding what are the powers of the General Government and what are the powers of the Local Government, Section 94 of the Union Act makes provision for uniformity of laws relating to civil rights in Ontario, Nova Scotia and New Brunswick,

but no provision is made for Quebec. Why is that distinction made, and that power confined to the civil rights of three Provinces? It shows that the framers of the Union Act would not allow the laws of this Parliament to conflict with the local laws of Quebec, and in the case of Ontario, Nova Scotia and New Brunswick only with their approval. The law should not come into operation until approved of by the Local Legislatures of those three Provinces. The hon. Postmaster-General said if the Federal Legislature has a right to legislate on marriage or divorce, it does away with the objection that we are infringing upon civil rights. He (Mr. Tessier) said no, it did not do away with that objection. The question of marriage and divorce was a public question, and not a question of civil rights. After the dissolution of marriage, the parties are governed by the laws of different Provinces. The Federal Parliament has the right to confer the rights of a British subject upon any foreigner living within the Dominion of Canada, and he may become a subject for military service and have some other privileges, but as to civil rights, the power to confer them belongs to the Local Legislature, and we infringe those rights by this Bill. He believed that this Federal Parliament had not right to declare that an alien, while an alien, has a right to inherit or hold property, or any other civil right, unless these civil rights are granted to him by the Local Legislature. In the Province of Quebec the same laws exist in regard to this matter as exist in Ontario, but in New Brunswick the law is different, there you conflict with civil rights and infringe upon the rights of the Legislature of New Brunswick in allowing aliens to hold property before being naturalized.

**Hon. Mr. McCully** said it was scarcely possible to legislate upon any subject, but civil rights are affected in some way or other. Take

for instance the subject of militia; the Militia Law concedes certain civil rights to volunteers. According to the Union Act, we have the right to legislate regarding "naturalization and aliens". Suppose "naturalization" was left out, and we were going to legislate upon the subject of aliens. It is not supposed we are going to legislate upon the subject of aliens in a foreign country; the Act means that this Legislature has the power to legislate, and give aliens a status and right in the Dominion which they did not possess before. We have the right to naturalize them while giving them certain privileges, or to give them privileges without naturalization. The first clause of the Act respecting aliens in Nova Scotia provides that an alien may hold, convey, and transmit real estate, and yet continue to be alien. That is the status there given to an alien, but the moment you naturalize him, the very act makes him a British subject, and he does not hold property as an alien, but as a British born subject. The question arises in making a law to qualify an alien to hold real estate, whether or not it interferes with the right of Local Governments to legislate upon property and civil rights. He held that it was not an interference with any of those rights, although he quite agreed with some honorable members that it was a subject well worthy of discussion in this House, and they could not be better employed than eliciting the opinions of members upon it. It seemed to him that if they held they had no right to legislate upon this subject, they would strip the House, denuding it of many of the privileges, and much of the powers, it was evidently intended it should have, and which are requisite and necessary to discharge the duties imposed upon it under the British North America Act.

The bill was then read a first time, and referred to a Committee of the whole House on Thursday next.

The Senate then adjourned.

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## THE SENATE

Friday, March 20, 1868

The Speaker took the chair at three o'clock.

After the usual routine of business had been proceeded with, the

**Hon. Mr. Seymour** brought in a report of the Committee on Contingencies, which he said differed slightly from the report previously introduced, and which had been withdrawn by permission of the House. This new report recommended that certain permanent officers of the House, whose services were no longer required, if they had served less than twenty years, should receive an allowance of one year's salary, but if they had served more than twenty years they should receive two year's salary from the 1st of July next. It was proposed to make the salary of James Adamson, second English Clerk, now placed as first Clerk, \$1,100. He went on to mention several alterations that were made, and then moved that the report be taken into consideration on Thursday next.

**Hon. Mr. Letellier de St. Just** said the principle shown in the first report was shown in this, and it proves itself to be a false one. It was stated in the first report that certain officers of the House should be dismissed, in one case with six months' salary in advance, and in the other case with one year's salary. Now, it is proposed to make a further allowance; thus they have proved that the principle is wrong by bringing in a report in this shape. In 1864 the question of retrenchment was brought up, but it was considered that the

actual incumbents of those offices had a right to receive from the House salaries guaranteed to them, and we could not touch those salaries. Since Union has taken place, it has been said this is a new Parliament and all those old servants of Canada should be sent adrift. He thought they would not be faithful to the country if they did so, as it was their duty to retain those officers without reducing their salaries. He considered officials should not be dismissed unless they were guilty of bad conduct, as we would lessen our position to dismiss them for any other cause. Would it not be a better principle in diminishing the expenses of the Senate to say what the amount of the salaries of officers shall be in the future, having due regard to those salaries which have been paid in the past, instead of saying to one clerk, "We will dismiss you with one year's salary," and to another, "We will dismiss you with two years' salary" and to a third, "You shall be left." He did not think this scheme could be supported. It was the principle in the past that these officers should be retained, and the same principle stands good to-day. There was nothing gained by rash economy, therefore he did not think this House would sustain this report, as the right of actual incumbents must be protected. When it has been found necessary to dismiss public servants in England, France, or any other country that has shown glory by its just doings, we find the rights of those servants have been respected. With these few words in support of the rights of public servants, he would ask the House to reflect upon the matter, in order that this report may not be adopted.

The motion was then carried, and the House adjourned.

## THE SENATE

Monday, March 23, 1868.

The Speaker took the chair at three o'clock.

After routine,

**Hon. Mr. Dever** was introduced by the Hon. Mr. Mitchell, and having duly qualified himself according to law, took his seat.

**Hon. Mr. Sanborn** presented a number of petitions, praying that the line for the Inter-colonial Railway surveyed by Major Robinson be adopted.

**Hon. Mr. Miller** moved "that an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before the Senate copies of the Annual Report of the Stipendiary Magistrate in charge of the Government schooner for the protection of the Fisheries in the Gulf of St. Lawrence; also for copies of any report made under the direction of the Minister of Marine and Fisheries, on the Fisheries of the Dominion, together with copies of any special reports made under the same direction on the subject of the failure of the Fisheries and the distress existing among the fishermen of Nova Scotia and parts of the coast of Labrador."

**Hon. Mr. Aikins** would like to know whether those papers would be laid before the House by orders from the Department of Marine and Fisheries.

**Hon. Mr. Mitchell** said if it required to be done by his own Department he would have it done, but since his hon. friend made the motion and as those reports were very voluminous, and members would be glad to obtain information before the Fishery Bill was brought in, he would suggest that his hon. friend had better add to his motion that the papers be printed.

**Hon. Mr. Bourinot** asked whether it would not involve the expense of printing the papers now, and again in the report of the Department.

**Hon. Mr. Mitchell** said if the printing came in the ordinary course he would submit simply the report of the Department, but seeing the information asked for is more extensive than is given in the Report, and as there was an important question coming up, he would at once assent to it, and have it done by his

Department, but if his hon. friend's motion was sustained to have it done by the House he would equally agree with it.

**Hon. Mr. Miller** thought if the motion was allowed to pass 500 copies of these reports should be printed for the use of the members.

**Hon. Mr. Mitchell** observed that as head of a Department he might not consider he was justified in charging his Department for those special reports on those subjects. Some hon. member from Ontario may not appreciate the publication of these Reports with reference to Nova Scotia and New Brunswick, although they are important from a Lower Province stand point. He did not think it necessary for the duties of his Department to publish them, but if the House desired it, he believed it would be a judicious expenditure for the interests of the public service to have them printed by the House.

**Hon. Mr. McCully** was not disposed to sanction the principle that the returns as a matter of necessity should be printed at the expense of the House, unless there was a great necessity, or one out of the ordinary course. The printing of a Department ought to be borne by that Department, so that the community would understand what are the expenses of the Legislature, and what are the expenses of the Government. At the early part of the previous session he had moved for returns from the Department of Marine and Fisheries, but he had not yet seen those returns. Some of those returns would be very necessary before the subject is discussed, as he had understood him to say then, that it would be at an early period of the session.

**Hon. Mr. Mitchell**—What returns do you refer to?

**Hon. Mr. McCully** said he referred to returns of the harbours and ports of the Dominion, and the expenses connected with them.

**Hon. Mr. Mitchell** said it would be extremely difficult to get the information; indeed, he doubted whether it could be got at all.

**Hon. Mr. McCully** replied that this information ought to be got, and he felt certain it would be very gratifying to have those reports, if they could be obtained without any large amount of expense. They should have all the information which could be obtained.

**Hon. Mr. Tessier** doubted if it was addressing His Excellency with that courtesy with

which he should be addressed, if before the return to the Address was made, the return was ordered to be printed. To adopt this suggestion to order the papers to be printed would be against the rules of the House, and would establish a precedent which would not result in the economy desired.

**Hon. Mr. Simpson** said that according to the contract made by the Committee on Printing, they must employ the contractors to do the printing. To do otherwise would be to overrule the action of the Committee and establish a bad precedent, and place them in an awkward position.

The motion was then carried.

**Hon. Mr. Sanborn** asked whether it was the intention of the Government to propose during the present session, a law for patents for inventions, involving the principle of reciprocity with all nations.

**Hon. Mr. Chapais** replied that it was the intention of the Government to do so.

**Hon. Mr. Wilmot** moved that an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before the Senate, copies of any correspondence between the Local Governments of Nova Scotia and New Brunswick, or of any individuals or associations of individuals in those Provinces, with the Government of Canada, or any Heads of Departments, complaining of losses or grievances consequent upon the operation of any of the Acts passed by the Parliament of Canada during the early part of this Session, relative to customs, tariff, excise and banking, or relative to the policy of the Government, affecting the interests of those Provinces.

**Hon. Mr. Mitchell** said he would give an answer tomorrow, if the matter was allowed to stand over.

**Hon. Mr. Wilmot** said some of the hon. gentlemen would recollect that the Government had passed some of their most important measures at the close of the first part of the Session, when there were but two members from New Brunswick present—Mr. Wark and himself. (Mr. Mitchell—I was here). He took it for granted that the members of the Executive would be here. He then expressed his opinion in regard to the effect those measures would have on the people of New Brunswick. He regretted that upon the first commencement of this Confederation, he

had not been able to go back to New Brunswick and congratulate the people upon the advantages which they had gained by Confederation, instead of having to say the prognostications of its enemies had been fulfilled. Ever since he had been in public life, he had always been in favor of union of British North America. He had always been opposed to the terms of the Quebec Scheme, and one of his principal objections was, that the allowance of eighty cents per head on the population to the Local Governments, was not a fair arrangement. He went upon the principle that a large community can be governed at a much less expense than a smaller community. The cost of making our roads and bridges is much greater than in Ontario, which is more densely populated, and which now has a considerable surplus over and above their wants. New Brunswick, as a commercial and maritime Province, pays a larger amount *per capita*, as custom dues, than an agricultural population. If the importations into the Province of New Brunswick were the same under the tariff passed last summer, as they were in 1866, New Brunswick would have to pay this year \$463,933 more than she did then. This fully proves that a maritime commercial population pay a larger amount of custom duties than an agricultural people. This Senate, under the Act of Union, was supposed to be the guardian of the interests of minorities, as Ontario, with its large population, and the Maritime Provinces with only 500,000 have an equal representation in this body. Have the interests of the minority been regarded? Measures of importance which the members from the Maritime Provinces had almost unanimously voted against in the House of Commons, were deferred to the last moment, when nearly all the members from the Maritime Provinces had left, before being passed into this House. He had remained to the last to record his vote against those measures, so prejudicial to the interests of New Brunswick. If the people's representatives were not to be consulted, and we were merely to be considered as annexed to Canada; then he would protest against this confederation. (A member—It is too late.) Whether it was too late or not, that was not the feeling that should be displayed by the Government. He believed the interests of the British North American Provinces were one, and though these might be varied, he could see no reasons for their clashing if any statesmanship existed. He thought his hon. friend (Mr. Mitchell) in leaving such measures as the tariff, bank regulations, stamp act, &c. till the

last of the Session, and not allowing them to stand over until after the adjournment, must have lost his head, or been advised by the spirit of evil. He had a right to complain, as he had helped to carry Confederation, which was carried in New Brunswick by the coalition of two parties. His hon. friend (Mr. Mitchell) belonged to a party he had never acted with, but he was prepared to give him his support, because he came here to support the Government, and so did every member in the House, who came from New Brunswick; yet they were compelled to record their votes against the Government in consequence of their measures. Though he had supported the Government, he had never asked anything from them, except that they should fill up the vacancies in the Senate, occasioned by the resignation of the Hon. Mr. Chandler, and the Hon. Mr. Todd, with representatives from both parties. He said if such bills as the excise bill were to be put through the Senate, merely by their titles, without any consideration being given them, then Confederation was a failure. As he passed through St. John, on his way here, gentlemen with great influence, both anti-confederates and confederates told him to take action and assist Nova Scotia in getting this Confederation Act repealed. He was as strong a believer in Union as he had been, but if the same policy with which this Union has been commenced, is to be carried out, he would hold up both hands to get out of it as soon as possible, and he believed four-fifths or nine-tenths of the people of New Brunswick would do so too. With regard to the tax of one per cent on the circulation of the banks: he was not in favour of taxing the borrowing banks when the public revenue is not to be benefitted by it. So far as our public wants were concerned the Government never paid more than six per cent. for any money they required. He saw in the return in answer to the motion of the Hon. Mr. Connell in the House of Commons, for a statement of the amount of taxes received on the circulation of the banking institutions in Ontario and Quebec, that the amount was \$16,018.71, and the one per cent. additional charged to borrowers, \$542,729. If this same proportion is paid in New Brunswick, it shows that the bill was not for the benefit of the public interest, but for the interest of the capitalist. With regard to the excise bill, he had told his hon. friend the Minister of Customs that it would have the effect of closing up a number of manufactories in St. John, and it has had the effect of closing the tobacco, cigar and vinegar manufactories.

Then again the duties have been reduced on foreign alcohol, while an excise duty has been put upon our own breweries. If there was any policy in these measures, it is for the benefit of the rich, and for the encouragement of monopolies, and the discouragement of productive labor at home. Whether this policy was suitable to Ontario and Quebec, they could judge for themselves; but so far as the Province of New Brunswick was concerned, he was satisfied that eighteen out of twenty men would vote against it. It had been represented that the alterations in the tariff of 1866 were for the interest of the Maritime Provinces. He could say, that taking the duties off the superfluities, and putting them on the necessaries of life, was adverse to the views of the people of New Brunswick, and he believed of the people of Nova Scotia, toward whom, if a conciliatory policy had been pursued, they would be prepared to submit to the Union.

**Hon. Mr. Locke**—They were determined to be opposed from the beginning.

**Hon. Mr. Wilmot**—Whether they were right or wrong, the effect of those measures was to intensify the feeling of the opposition in Nova Scotia.

**Hon. Mr. Locke**—The feeling was so great it could not be made any stronger.

**Hon. Mr. Wilmot** said it would be best to have the returns asked for, even if it cost a large sum of money to get the required information, as he felt convinced that the members of the House of Commons now were willing to take such a course as would meet the just demands of the people of the Maritime Provinces. He complained that the representatives from New Brunswick, although they endeavoured to aid and support the Government, and to do everything to make Confederation a success, were never consulted in any measure the Government intended to bring forward. He thought from his experience in the affairs, and Legislature of New Brunswick, that they might have asked his opinion in regard to the tariff, then when he went back to New Brunswick he could have justified what had been done. His hon. friend (Mr. Mitchell) may think there is a different state of feeling in New Brunswick, but he (Mr. Wilmot) had expressed his own judgment, which was the result of conversations had with leading men throughout the Province.

**Hon. Mr. Wier** said he thought it was the intention of the Government to make amends

to the Maritime Provinces in some way or other although he considered no great injury had been done. Having committed certain errors, they should have time given them to rectify those errors. With reference to the feeling in the Maritime Provinces concerning Confederation, it reminded him of an Indian who was persuaded to plant potatoes and sow wheat, with the expectation of receiving great returns. Unfortunately he commenced to dig up his potatoes in three weeks after they had been planted, because he had not the patience to wait until his crop became ripe. This is the way some of the friends of Confederation act. His hon. friend, (Mr. Wilmot), instead of attempting to remedy the errors committed, goes against Confederation.

**Hon. Mr. Wilmot** explained that he did not say he was against Confederation, but he said Confederation would be a failure if a certain policy was pursued.

**Hon. Mr. Wier** said there was a certain class in Nova Scotia who are against any connection at all with Canada. His hon. friend was wrong in saying the feelings of the people of Nova Scotia would be intensified by the doings of the Government. He had every confidence in the Government and in the people of Ontario and Quebec, that they would do justice to all parts of the Dominion. He did not think it was proper, whatever our feelings may be, to run down the administration for committing acts, which they have every disposition to make right as soon as the information they require is obtained. He thought there was some force in the remark that the Government should have consulted the representatives of the people in regard to their measures, but he would make all possible allowance for their not listening to every communication, when they had so much business to do. With reference to this motion for correspondence, it takes an enormously wide range, requiring not only all communications of the different Legislatures of the Provinces, both public and private, but the correspondence of individuals. All that was asked for could not be supplied under two months, and then after it was obtained what would it amount to? The motion speaks of losses sustained by the operation of these Acts: he knew of persons, especially those engaged in the wine trade, who had made a great deal of money in consequence of the provisions of the new tariff, and he would ask whether it was intended they should disgorge it. He could not see that any practical good would follow if the papers were brought down.

**Hon. Mr. Mitchell** said his hon. friend (Mr. Wilmot) had thought fit to ask of this House, that the Government should be directed to furnish certain information contained in this notice to lay on the table of this House, and in the course of his remarks in reply to a casual observation made by me, he said the Government would not afford the information desired. The Government are prepared to give every information this House may desire. If the House desire the information asked for in this notice, it shall be given by the Government, as they are quite prepared to give it. The only objection the Government can have is, first, the expense which will be incurred, and next in regard to the policy of the Government. The expense involved would be very serious, as it would take a number of clerks four months to get this information, nine-tenths of which when got would be of no use to the country. He would suggest to his hon. friend to put his motion in a more concise shape, so that the information sought would be that which would subserve the public interest, or afford him the means to determine whether the Government had fallen into errors. If he would put it in that shape, the Government would at once assent to it. He had suggested that course to him, but his hon. friend had insisted upon having the "pound of flesh". In reference to the first portion of that address down to the words "policy of the Government," the Government can have no motive in refusing. They would only ask the House to hesitate on account of the expense, and the time taken up, the extent of which he could not realise. Did any of the hon. members consider the extent of this correspondence, in connection with one or the other of those branches referred to? If it was official correspondence alone, he would have no objection to it, but it includes the correspondence of every tobacco manufacturer, importer of dry goods, tailor, shoemaker and every individual, comprising this Dominion, with the Heads of Departments since the passage of these Acts. He would like to ask his hon. friend before he presses the matter, whether the object he has in view, and the necessity of obtaining these documents, is of such great importance as to justify the enormous cost of obtaining this information. If his hon. friend would point out any specific correspondence, despatch, or communication, to which he has reference, which can be got here in three weeks, the Government would be prepared to submit it; but to submit the whole would involve an enormous amount of copying, as it



would include the copying of every letter received by every Head of a Department. This correspondence would only have the individual weight of the writer, and would not be considered by the country to warrant the expense incurred. If the Government did not call the attention of the House to this, they would fail in their duty. In reference to the latter portion of the Address concerning the policy of the Government affecting the interests of those Provinces, he would ask whether the Government would be justified, while their policy is undetermined, and their course is not announced, in giving correspondence on their policy before they have arrived at a conclusion as to what that policy shall be. It is unparliamentary to ask the Government to give that correspondence, before their policy is announced which is based upon it, and the Government cannot in justice to themselves, or to the interests of the country, lay upon the table of this House a correspondence upon a policy not yet settled upon by them. His hon. friend had referred to the policy of the Government during the first part of the Session, and from his mode of attacking the Government he intends to elicit an opinion from the House, as to whether they have confidence in the Administration or not.

**Hon. Mr. Wilmot**—That was not my intention.

**Hon. Mr. Mitchell** was glad his hon. friend disavowed that intention. He had asked whether or not it was judicious, politic, or for the interest of New Brunswick, to have submitted a measure which enabled the Banks of New Brunswick to charge their customers one per cent extra. He said this tax realized but a small sum to the country while it was a loss of hundreds of thousands of dollars to the customers of the Banks. He would call the attention of his hon. friend to the fact that the issue of one per cent stamp tax, and the charge of one per cent additional to the customers of the Banks were two distinct questions which did not affect each other, or affected each other only in an infinitesimal degree. Because the Legislature of the Dominion in the interests of the Dominion, assimilated the stamp tax which existed in Ontario and Quebec to the Provinces of Nova Scotia and New Brunswick, and because the banks there now pay one per cent upon their issue, is it to be inferred that this necessarily involves the charge of one per cent more by the local banks, or as discount to their customers. It does not involve these consequences. One does not necessarily follow the

other, because they charge one per cent more than they have been in the habit of charging before. No man knew better than his hon. friend (Mr. Wilmot) that in the Maritime Provinces the banking interests do not meet the requirements of the community. These institutions were under the control of Anti-Unionists, and they opposed Union because it was going to make them pay what they had a duty to pay, a tax upon their issues. It is because they are still opposed to it, that they endeavor to excite animosities through the length and breadth of the Provinces. They are responsible for the ill-feeling which has been aroused.

**Hon. Mr. Hazen**—I deny it.

**Hon. Mr. Mitchell**—He may deny it; but he would leave it to his hon. friend to say if he was not right in saying those banks were universally controlled by Anti-Confederates. Why should they now charge seven per cent instead of six? (**Hon. Mr. Wilmot**—they had not the power to charge seven per cent before.) His hon. friend had always advocated free trade in money, free trade in interest. He said it was necessary to abolish to some extent the limitation of interest, so that capital would be introduced into the Province. That was now taken advantage of by his hon. friend to make a charge against the Government, as one of the sins of which they had been guilty. If we permit the banks to get market values for their money it prevents the money of capitalists from passing our shores and being invested in New York and other places at a higher rate of interest. Has he not been for years endeavouring to convince us that it was for the benefit of the Province, not to limit the rate of interest, and now forsooth, when we remove a portion of that limitation he makes it a charge against the Government! In reference to the Excise Duties, his hon. friend said the Government had failed to meet the just expectations of the people of the Maritime Provinces. He complained that he was not consulted in regard to the measure, and that he (Mr. Mitchell) had promised to let him know before that bill was introduced. It may be the case that he had promised to let him know, but he knew already, and everybody knew, that the bill was going to be introduced. We may not have consulted him about the policy of the bill, but his hon. friend could not fail to perceive that it would be impolitic, very criminal for him having as a Privy Councillor taken the oath of secrecy, to mention the policy of his colleagues until that policy had been announced. Did not his hon.

friend know that hundreds of applications were made to get information in advance in reference to the Customs and Excise Bills. It would have been unfair for him to have given information to any one in regard to them. If his hon. friend had got this information in advance he was not bound to conceal it, as he had taken no oath of secrecy. He might have communicated it to his friends, and fortunes might have been made in consequence of the information given regarding that bill. Therefore it is an unfair charge to bring against the Government that they failed to consult him concerning their policy. His hon. friend had said, he (Mr. Mitchell) must have lost his head. He referred, no doubt, to when we acted together, and he could bear testimony to the important part taken by his hon. friend in bringing about a Union of the Provinces, but he regretted very much the course his hon. friend had recently taken, which made him doubt the extent of the benefits his advocacy of Confederation has been to the cause. When a man has been opposed to Confederation as was his hon. friend Mr. Hazen, and has talked about the evils that would result from a Union of the Provinces, people would have said of him as they say of his hon. friend, "it is only Mr. Hazen, he has always been against Confederation, nobody minds him". But if he has been in favour of Union, when he joins in with those who have opposed it, and says Ontario is overriding the interests of the Maritime Provinces.

**Hon. Mr. Wilmot**—I beg leave to deny that I said the Provinces of Ontario and Quebec were overruling the interests of the Maritime Provinces.

**Hon. Mr. Mitchell** said his hon. friend would notice that he did not say his hon. friend, but he had only put a supposition's case. He would accept his explanation. When he stands up here and assails the Administration, and charges them with pursuing a policy adverse to the interests of the Maritime Provinces—

**Hon. Mr. Wilmot**—I said I thought the policy of the Government was adverse to the interest of the whole Dominion.

**Hon. Mr. Mitchell** said his hon. friend had been a friend of Union, and been responsible for bringing it about, and now before they had an opportunity of testing it, he had attacked it, thus doing more damage to the cause than the attacks of a dozen men who had always opposed it. He says the Govern-

ment acted unwisely in passing such a Customs Bill as they did. What did he expect? Could the administration justify themselves in the public opinion of Ontario and Quebec if they allowed 25 per cent to be paid on certain articles, and 10 per cent to be paid on the same articles in the Maritime Provinces? Does he think they should not pay their share of the Excise Duties. His hon. friend charged the Government with not taking the advice of their friends. Was the advice which they wished the Government to adopt, to defer the imposition of the Excise, Postage, and Stamp Bills until this present Session? (**Hon. Mr. Wilmot**—Yes.) He would ask if the Government was wrong in extending the Excise Bill, the Custom Duties, the Bank Tax, and the Post Office Bill to the whole Dominion? If the Government had not brought down these measures, what position would they have been in as regards Ontario and Quebec? The people of those Provinces would say to them, are we to pay those Excise Duties into the general revenue, while New Brunswick and Nova Scotia go on manufacturing tobacco and alcohol, and bring it in here free? This policy would be indefensible on the part of the Government. His next ground of complaint is, that those taxes apply unfairly to the Maritime Provinces, as they consume imported articles more extensively than the people of Canada, which was more of an agricultural country than New Brunswick. He was not going to dispute that; he was not going to defend every act of the administration of which he was a member (laughter); don't jump before you come to the stile. He might as a matter of policy, or as a matter of necessity, (hear, hear,) be cautious and wait until the sentence is finished. Very often measures have to be adopted as measures of policy. (**A member** "Right or wrong.") We found it would not do to abolish postage upon newspapers simply for the benefit of New Brunswick which has to pay but one-thirteenth part of the tax. There has been a great deal of odium attached to the Government on account of the passage of that Act. He was glad his hon. friend had brought the subject up for discussion, as there was a great deal of false thinking in the Maritime Provinces about it. He says we were wrong in bringing in that measure when we did, as we should have waited until this present part of the Session. This should be considered from a New Brunswick standpoint as well as a Dominion standpoint. If the Government had not brought in their measure, we would not have had the expression of public opinion upon them. In justice to

Ontario and Quebec, the Government had either to relieve them of this tax, or impose a similar tax upon New Brunswick and Nova Scotia. Then he would ask his hon. friend, if he would be prepared to advise the Government to relieve Ontario and Quebec of the postage on newspapers. It is true, we like to get our newspapers free, but that involves a charge upon the public treasury for carrying those newspapers. It is right, we should pay our portion of the expense involved in this carriage. He considered it just as right and fair to impose a tax upon newspapers, as to impose any other tax which is to go into the general revenue. The same principles apply to the Excise and Customs bills. The introduction of those Bills has elicited an expression of opinion throughout the length and breadth of the Dominion, especially in the Maritime Provinces, and has brought forth information which this House will see the benefit of. It is with a view of getting that information his hon. friend had put his motion on the table. If he had confined his motion to the production of the papers of Boards of Trade, public meetings of merchants, Chambers of Commerce, &c., they could have been given without any very great expense. When the Government introduced this tariff bill, it was with the distinct understanding that it was a temporary measure to assimilate the tariffs of the Dominion. If the Government introduced any measure, and there were good grounds for opposition to it, they would be liable to severe censure, having this information before them which has been given by Boards of Trade, &c. His hon. friend said many influential men expressed to him the wish that if this tariff continued, they would like to see Nova Scotia secede and New Brunswick get clear, too. He had no doubt, but some men said that, for there was not a time since the Union commenced that his hon. friend could not have found men, and influential men too, who did all they could against Union, and would like to see it repealed. These duties were imposed at a time when trade was dull, therefore, we should not be surprised that there should be some dissatisfaction expressed, but he had yet to learn that the sentiments of the people of New Brunswick were anything but in favour of Union. He could speak for a portion of the country, for he knew something about the Northern part of the province; he had not heard one disunion sentiment there. They have accepted the Union, and are willing to carry it out. He

would say to his hon. friend that the Government intended to submit a measure, which though it might not suit him (Mr. Wilmot) it would do something to give satisfaction in the Maritime Provinces, and show the people of those sections that the statesmen of Ontario and Quebec are doing what they can for the interests of the whole Dominion, and especially for the interests of the Maritime Provinces. He thought his hon. friend was judicious in not making this a test question. He presumed he wanted information given by Boards of Trade, &c., concerning public matters, questions of trade, &c. If he would so shape his resolution as to comprise those subjects and those communications, the Government would be quite willing to give him that information, but he would warn them that the motion in its present shape would involve a large amount of expense, and much valuable time in getting this information for the House.

**Hon. Mr. Ross** thought it would be very desirable to have the discussion postponed, in order that the hon. members of the Senate, who wished to do so, might take part in it. He would move that the debate be postponed until next Thursday, so that the members of the Government might all be present, as the discussion was of the utmost importance. Members would then be prepared to speak upon the subject, and much information might be derived from them.

**Hon. Mr. Hazen** said that it could not be a matter of much interest for the House to know that he had always opposed Confederation. He had stated in his place in the Legislative Council of New Brunswick, that the question of Confederation was a question for the people to decide, and the moment the people of New Brunswick accepted Union, his opposition was at an end. His hon. friend (Mr. Mitchell) was wrong in saying he was still opposed to Confederation. He never said a word in opposition to Confederation after it was accepted in New Brunswick. There is now in St. John a great feeling against Confederation, and this feeling has arisen from Confederation itself. The people who most favoured Confederation are now the people who most oppose it. The people accepted Union because they were misled and deceived by their leaders. He would not say they were wilfully misled, but if any one would take up the speeches made in 1865 and in 1866 in favour of Confederation, he would see that they were calculated to mislead the

people. These speeches were then called unanswerable, but now they are read with astonishment. The people now turn on the Privy Council and blame them. This he thought was an unreasonable course. They complain now of the tariff, excise duties, &c.; did any man suppose New Brunswick would be exempt from them? He had pointed out over and over again that if they joined the Union the Stamp Act, and all these other duties, would be imposed upon New Brunswick, but the people were told that they would have men in the Government who would not allow these taxes to be imposed upon them. Now they have been imposed they should blame those men who led them into Confederation, and not the Government of the Dominion. In regard to the bankers, they have a right to their opinions; there were many men connected with the banks who opposed Confederation, and who oppose it yet. They now put seven per cent. on their money, which has to be paid by the borrower; for this the people turn round and blame the Dominion Government. The people of New Brunswick were led to believe they had nothing to do but to come to Canada, that great country, and share in all the blessings promised them, and make a great deal of money out of it. They were told that nine million dollars would be spent in the Province on a railway running from St. John to Riviere du Loup, the moment Confederation took place. The people in every county were told the Intercolonial Railway would run through their county, and they were induced to believe they would have such a representative in the Government that the tariff would be made in accordance with the wishes of the 250,000 people of New Brunswick. When in St. John he had been requested to join an anti-Confederate meeting; he went, and he told the people that as they had Confederation now they should endeavour to work it out. They say in St. John they will break up Confederation at once. Every person there wants a tariff to suit themselves and their own particular business, and finding they cannot have it they blame the Dominion government.

**Hon. Mr. Mitchell** could not quite agree with the motion to postpone the debate until Thursday, but as the hon. gentleman (Mr. Hazen) had made some remarks he would then reply to him. His hon. friend did not mean to say he had any speeches of his (Mr. Mitchell's) calculated to mislead the people. He would challenge any man to bring a speech of his here next Thursday, in which he had stated what has not been carried out, or what will not be carried out.

**Hon. Mr. Sanborn** did not see any reason why the debate should be adjourned. To do so would be to assume that there was a gravity and importance in this question which does not belong to it. The hon. gentleman who made this motion for adjournment implied that our existence as a Confederation was to be discussed.

**Hon. Mr. Ross**—I said it was a matter of great importance.

**Hon. Mr. Sanborn**—What is a matter of great importance? The motion is to bring down certain papers which the hon. Minister of Marine has assented to with certain modifications. He has accepted the motion with reference to all contained in it, except in regard to communications from individuals which were not supposed to be official, and the production of which would entail a great expense without our deriving any benefit from them. He stated he was prepared to send down all correspondence from Boards of Trade and commercial associations. They had only to strike out of the motion the words "or of any individuals" and what was left would cover the whole ground.

**Hon. Mr. Mitchell** said he had objected to the last part of the motion which refers to the policy of the Government. That did not refer to the documents which his hon. friend wanted brought down. He declares he has no intention of conveying any censure upon the future policy of the Government. He wishes to bring up his own views, and to show the effects of the legislation of the first part of the Session upon the Maritime Provinces. He (Mr. Mitchell) could not see why the debate could not now be concluded. It would give the question a degree of weight to which it was not entitled, if they adjourned the debate for three days, in order to be prepared to discuss whether these papers are to be brought down or not.

**Hon. Mr. McCully** quite agreed with his hon. friend, especially as he was prepared to submit to the House those documents which were the object of the motion. They should wait until they got the papers before they had a discussion upon them. The only question before the Senate to-day was, shall we have those papers or not, and what papers ought we reasonably to ask for? The Minister of Marine has promised to bring them down; shall we then have three days' delay for the purpose of knowing whether the papers ought to be brought down or not? The subject of Confederation was not before the House, and

we would have nothing to discuss except whether it would be wise to increase the expense, and wait for certain papers to be produced; and whether it would be politic for us to ask the Government to submit any part of their policy until that policy is in a state to submit to both branches of the Legislature.

**Hon. Mr. Locke** observed that the question of Confederation had been brought up in the debate, and he believed the object of the mover of the motion was, to give us time to understand the facts and figures of the subject.

**Hon. Mr. Ritchie** said that was a reason why we should not bring it up, as it was not a debate we should raise upon this motion. It looked as though the mover had an idea of moving a vote of want of confidence in the Government. It was very unsuitable to have this debate proceeding while the papers are not here. The idea is that something will appear from those papers which will indicate the sentiments that exist in the Maritime Provinces in regard to the measures of the Dominion Government.

**Hon. Mr. Allan** said his hon. friend from New Brunswick had asked for certain returns. When those returns were brought in, then would be the proper time to discuss them. It was not the proper time now to discuss the subject of Confederation.

**Hon. Mr. Miller** was decidedly opposed to the motion for adjourning the debate. When the papers which may be brought down, are on the table, then would be the time to discuss any question which may grow out of them.

**Hon. Mr. Ross** remarked that he was not bound to defend the Government, but he thought it was fair that the members of the

Government should be present when a motion of this kind is brought forward. His hon. friend (Mr. Wilmot) had said that every step taken by this Government and this Legislature, had been to exasperate the people of the Maritime Provinces, and to make them stronger in their opposition to the Union. It was vain for gentlemen from Nova Scotia and New Brunswick to conceal the fact that there is a great deal of dissatisfaction in those Provinces. Both Houses of Parliament should discuss the subject in a fair way, and every means should be taken to remove the cause of dissatisfaction. The country should know what the difficulties are, and the judgment of the people should be appealed to. Having said this much he would withdraw his motion.

The motion for the production of the papers was then agreed to, with certain changes which had been suggested during the debate.

**Hon. Mr. Simpson** brought up the fourth report of the Joint Committee on Printing. He said the report simply told that they could get 2,500 copies of the debates in English during a session of sixty days, and 800 copies in French, reported and printed, for \$12,019. The edition was supposed to contain daily about as much matter as fourteen columns of the *Toronto Globe*, to be printed in pamphlet form. It is proposed that the debates will be slightly condensed. His impression was that \$12,019 will not cover the amount required to complete the work, and that they would not get value for the expense. He was not very anxious to have his speeches reported, but in order that the report may have due consideration, he would move that it be taken into consideration on Thursday next.

The motion was then carried and the House adjourned.

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## THE SENATE

Tuesday, March 24, 1868.

The Speaker took the chair at three o'clock.

Several petitions were read.

**Hon. Mr. Allan** presented the sixth Report of the Committee on Standing Orders and Private Bills.

**Hon. Mr. McCrea** gave notice that when the House went into Committee on the Bill respecting Aliens and Naturalization, he would move to strike out certain sections and words, and substitute others in lieu thereof.

**Hon. Mr. Steeves** gave notice of an enquiry as to whether it was the intention of the Government to bring in any measures relative to, or affecting the seats of members of Parliament, who may receive appointments to offices of emolument from the Government.

**Hon. Mr. Hazen** gave notice of his intention to move an amendment to the report of the Committee on Printing.

**Hon. Mr. Miller** enquired if any arrangements had been made for the maintenance of steam communication during the coming season, between Montreal or Quebec, and the Gulf ports of New Brunswick and Nova Scotia? If so, what are they, and if not, are any such arrangements in contemplation?

**Hon. Mr. Campbell** replied that arrangements had been made with the Quebec and Gulf Steamship Company for steam communication between Quebec and the Gulf ports of Nova Scotia and New Brunswick. This company had a contract for the performance of a similar service last year, but the service was not satisfactorily performed. During the present season a contract was arranged for, under which the company will be obliged to provide three steamships instead of two, and there are certain stringent provisions inserted in the contract to give security for continuity and regularity of the mail service. The line would run between Quebec and Pictou, touching at Rimouski, Gaspe Basin, Miramichi and

Shediac. He had every reason to believe from the arrangements entered into that the service would be performed satisfactorily and regularly during the whole summer season. No arrangements had been made for the service up the Bay Chaleur, but arrangements will be made if possible for securing the service to that port.

**Hon. Mr. Steeves** enquired if there were no arrangements made with the company in regard to Richibucto.

**Hon. Mr. Campbell** said there was no provision made for vessels calling there, and they had no information as to whether the depth of water was sufficient for them to enter that harbour. The nearest port at which they called was thirty-six miles further down.

**Hon. Mr. Mitchell** said the Local Government made provision for the service between Shediac and Miramichi, touching at Richibucto. The Canadian boats never touched there. In regard to the service in Bay Chaleur, there had been a great deal of anxiety manifested that the service should not be neglected, and no doubt every effort would be made by the Government to give them as good communication as they have heretofore had.

**Hon. Mr. Wark** said if the Government could not include Richibucto in the arrangements, there could be no difficulty in arranging with the proprietors of the steamboats to take freight for that section on as favourable terms as it was taken to other ports.

**Hon. Mr. Mitchell** replied that way boats leaving Shediac and Miramichi would be glad to take freights for Richibucto as far as they could on reasonable terms, but that was a matter the Government could not enter into.

**Hon. Mr. Steeves** referred to the Bar in Richibucto harbour, which prevented that port from receiving the benefit of these steamers.

**Hon. Mr. Wark** said the steamer *Empress* touched there all last summer. He thought all steamers which were subsidised by the Government should have a scale of charges for passage and all other services.

The House then adjourned until Thursday.

## THE SENATE

Thursday, March 26, 1868.

The Speaker took the chair at three o'clock.

After routine:

### GRANTS TO CHARITABLE INSTITUTIONS

**Hon. Mr. Ryan** enquired of the Government whether any arrangement had been made for the payment of the usual grants which had been appropriated in aid of charitable institutions which had gone into arrears owing to the change of the fiscal year from January to July. These appropriations had never been received, although included in the annual grant.

**Hon. Mr. Campbell** said this matter had come under the consideration of the Government, and it was their intention to insert an item, to pay these grants, which were accidentally omitted on account of the change in the fiscal year. It being the evident intention of the late Canadian Parliament to pay these grants, the amount would be refunded by the Provinces of Ontario and Quebec.

**Hon. Mr. McCully** said this House should have the assurance that this amount would be charged to those Provinces, on account of the amount received by them as indemnity.

**Hon. Mr. Campbell** said there was no doubt but this amount would be paid, and there could be no objection to putting it to their credit.

### SALARIES OF JUDGES.

**Hon. Mr. McCre** enquired whether it was the intention of Ministers to introduce a Bill regulating the salaries, allowances and pensions of the Judges of the Superior, District and County Courts, under the 100th section of "The British North America Act," during the present Session, and if so, whether the same will be retro-actory, so as to affect Judges who resigned their offices before the first day of July last.

**Hon. Mr. Campbell** replied that it would be necessary to have a bill passed to regulate those salaries, but he did not know whether the Government would be able to introduce a bill for that purpose during the present Session or not; neither could he state what the bill would be, as to the effect it would have in

regard to Judges who had resigned their offices before the first of July last. He hoped to be able before many days to inform the House whether or not the Government would be able to introduce such a bill during the present Session.

### NEWSPAPER POSTAGE.

**Hon. Mr. Dickey** enquired whether it was the intention of the Government to submit, during the present Session, any measure for the postponement or abolition of the postage on newspapers.

**Hon. Mr. Campbell** replied that it was not the intention of Government to introduce any measure for that purpose.

### REPORTING DEBATES.

**Hon. Mr. Hazen** said that as the report of the Printing Committee in reference to the publication of official debates, was not to be brought before the House to-day, he would beg leave to allow his amendment, "That it is not advisable in the present state of the finances of the Dominion, that a sum estimated at \$24,000 and upwards, should be applied out of the consolidated revenue of Ontario, Quebec, Nova Scotia, and New Brunswick, for reporting the speeches of Hon. Senators in questions before this House," to stand over until the Report of the Printing Committee was taken up. He said he had no objection to paying a small amount for some reasonable abstract of the debates, if any such proposition was brought forward. He could not see why it was that the reports given in the newspapers were not satisfactory to the House.

**Hon. Mr. McCully** said that his hon. friend had copied the opinion expressed by the chairman of the Committee on Printing, that the probable expense of publishing the debates would amount to double the estimated cost of \$12,000. He (Mr. McCully) had, upon enquiry, received information which was entirely reliable, that it would be impossible for the expense to be beyond \$12,000. Under the arrangements made the sum is fixed by tenders.

First on behalf of the reporter, and secondly, on behalf of the publishers, so that while it may be less than \$12,000, it is impossible for it to be more.

**Hon. Mr. Hazen** said he supposed his hon. friend had derived his information from some person who was interested in having the debates published.

**Hon. Mr. Wilmot** said he was decidedly in favour of having those reports published, as official debates could be depended upon. It had been said that we must look to this Senate as a protection to the interests of the Maritime Provinces, as they had an equal representation with Ontario and Quebec, therefore it was for the interest of the Maritime Provinces to have a record of the opinions of the members of this House.

**Hon. Mr. Hazen** considered it a useless waste of money to publish the debates in the manner proposed. He would repeat that he was willing that some provision should be made to get a report of their speeches, for which he was willing to expend a reasonable amount of money.

#### INCORPORATED COMPANIES.

**Hon. Mr. Campbell** moved the second reading of the "Bill to facilitate the winding up of incorporated companies" and said the Bill was compiled from an English Act, and from a bill which some years ago was introduced into the Legislative Council of the former Province of Upper Canada. He had added to the bill in order to adapt it to the circumstances of the country. He did not think it necessary to explain the various clauses of the Bill at the second reading, as he would have an opportunity of doing so when the Bill was before the House clause by clause.

The bill was then read a second time, and on motion referred to a committee of the whole House on Tuesday next.

#### ALIEN LAWS.

**Hon. Mr. Campbell** said when this bill was before the House for a second reading an objection was taken as to the legal right of this Legislature to deal with the subject in the mode which this Bill contemplated. He was desirous of having the advice of the Law Officer of the Crown upon those points to which objection had been made. Circumstances had prevented the Chief Justice from giving his attention to it to-day, but he hoped during the week to get the benefit of his opinion upon it. He would move that the bill be referred to a committee of the whole House on Thursday next.—Carried.

#### CONTINGENT ACCOUNTS

**Hon. Mr. Seymour** brought in the second report of the Select Committee on Contingent Accounts, as amended by that Committee. He

then read a portion of the first report of the Contingent Committee, and said that the hon. members would see that the House having adopted this report, took the ground that all the offices of the Senate were vacant, until the officers were re-appointed to their offices: that is, Confederation swept out all the employees of the establishment. The Committee have in obedience to that order submitted the report now before the House. He then read the report of the Committee, which recommended the discharge of some of the officers, giving them one and two years' salary, according to the time they had been employed, and the reduction of the salaries of some of the officers who remained. He said it was impossible that so great a change could be made, as was made in the constitution of a country, without producing hardship in certain cases, but the Committee had recommended very liberal gratuities to all those officers who had been long in the service, and had not been reappointed. The Legislative Council having been abolished by the Act of Confederation, it follows that all the employees were also discharged. In this report it is recommended that \$2,400 per annum be paid to the Clerk of the House. This seems a large reduction from the salary enjoyed by him as Clerk under the late Legislative Council of Canada. It was perhaps advisable that he should show what were the salaries fixed and recommended by former committees. In 1841 after the Union of Upper and Lower Canada a committee was appointed on the subject of salaries, and according to the scale of salaries fixed by them the Clerk was to receive five hundred pounds a year. That amount has been increased without any method, at various times, according to the reports of different committees. In the Sessions of 1854 and 1855 the salaries of the officers were increased in each year. He then read from the journals of those years showing the rate of increase of the salaries of officers, that of the Clerk being increased to £750, with a recommendation by the committee that his successor should receive only £600 per annum. In 1855 under the authority of an Act which authorized the Governor in Council, by order of the Council, to increase the salaries of employees, an increase of £60 a year more was made to the Clerk's salary, as well as an increase of the salaries of the other employees of the House. He was never able to find, although he had examined the journals, upon what authority this increase was made. He had found authority for increasing the salaries of officers in



the Departments, but none for increasing the salaries of employees of the House. In explaining the reduction of the different salaries he said they had fixed the salary of the "Gentleman Usher of the Black Rod" at \$1,000 a year. The salary of this officer had been fixed at £100 after the Union of Upper and Lower Canada, and it was considered sufficient, the office being filled by a gentleman from Upper Canada for a number of years, who had never made any application for an increase of salary. The incumbent of this office now received in addition to his salary, a residence, fuel, etc., which was worth a considerable sum. It was not really necessary that this officer should remain here longer than during the Session of Parliament, because he has no duties to perform after the close of the Session. The Clerk had the supervision of all the officers, and it was his duty to remain at the seat of Government, as his services could not be dispensed with unless relieved by one of the assistant clerks. In England the Usher of the Black Rod was the resident by order of the House of Lords; but here no such action has been taken by the late Legislative Council of Canada, or the Senate. It has been urged as one reason why the Usher of the Black Rod should have a residence in the Parliament building, because he is the principal officer in the House of Lords. Here the case is different, the Clerk being the principal officer, and his attendance being required, he should have a residence in the building. He thought the comparison which had been made between the Senate and the House of Lords would scarcely apply. In the House of Lords there were Benches of Bishops and Lords; but in Canada it was found expedient that Bishops and Judges should not occupy seats in the Senate. The circumstances of the two bodies were entirely different. What would be thought of the Lord Chancellor of England if, were it possible, he should get returned for a Local Legislature and take a seat in a Local Parliament, but here our Hon. Speaker, though holding a place similar to that of the Lord Chancellor, occupies his place in the Local Legislature of Quebec. He did not say that this was not right, but it showed that the circumstances of the two countries were entirely different. In regard to the other officers' salaries, there was no reduction made, in that of the Housekeeper. The Postmaster's situation being permanent, the acting Postmaster must be a permanent messenger. The Library messenger having to act as clerk and messenger it is proposed to make

no reduction in his salary. The assistant door-keeper has been appointed a permanent messenger, his salary was fixed at \$300 a year as Sessional messenger, but now his services having to be continued the whole year an increase is made of \$200 for that service. Sessional messengers are to be paid \$200 each. In regard to the report he did not attach so much importance to the amount really saved as to the principle involved. It was a step in the right direction and at the right time. It is a step which ought to be taken now, when we have started under a new constitution. We already see the other Branch of the Legislature following our example, and it is to be hoped the Government in organizing their Departments will introduce an efficient system of reform. If they allowed this opportunity to pass they would not be able to make any retrenchment. It was necessary that every cent should be saved, as well as all the revenue collected which can be collected from every department of the service, if the credit of the Dominion is to be maintained. We have now a very large debt considering our resources, and it is proposed to increase that debt by a very large sum, for the construction of the Intercolonial Railway, in opening up the Northwest Territory, and in the defence of the country, therefore, unless the greatest vigilance and economy be pursued, it will be utterly impossible to make the resources of the country increase the revenue enough to meet our expenses and maintain our credit. With these few remarks he would move that this report of the Contingent Committee be adopted.

**Hon. Mr. Letellier de St. Just** could not come to the conclusion that the principle upon which that report was based, was sound. It is true if you adopt that report a considerable saving will be made, but th's argument should have no weight with statesmen where principle is concerned. The parliamentary history of England, which should be our guide in this matter, presented no precedent of this kind. The Civil Service Act declares that nothing in that Act should affect the salaries of any of the officers of the Civil Service, so long as they continue in their office, and th's principle is what we have always acted upon in this House. In 1864 the Committee on Contingent Accounts of the Legislative Council reported that the salaries of the officers of the House were too high and a reduction was recommended, but only to apply to future appointments. He admitted that the salaries were too high, but if we could pay those salaries in the

late Province of Canada we could better afford to pay them now when four Provinces were united. Let us pay the present incumbents their present salaries, and declare beforehand that in future we shall not pay any such high salaries as we now pay. If they passed this report in its present form it would deal a very severe blow to a number of families, who had not done anything to deserve it. In 1864 the scale of salaries which was recommended in future appointments was nearly the same as is recommended by this committee, and that was the scale they should now adopt in regard to future incumbents. He then quoted from a speech made by the Hon. Mr. Seymour when the subject of Confederation was being discussed in which he argued that persons who held offices under the late Canadian Government could not be turned adrift without due consideration. He quoted from several reports of previous committees to show that the principle of not reducing the salaries of present incumbents was always recognized by the House, and he also referred to the English Parliament as recognizing the same principle. He thought at this moment when we were a dependency of the British Crown, we should act in accordance with the British standard. After making some remarks in regard to the officers affected by the proposed scale of salaries, he hoped certain reductions had not been made on account of national prejudice, and concluded by moving the following amendment:

That under present circumstances it is not advisable to recommend any material interference with the officers and servants who have been in possession of their respective offices as officers and servants of this House since the first of July last until the present day, but that in the event of vacancies occurring in future, the following scale of reductions in the salaries be acted upon and followed in each case:

	Present Salaries	Proposed Salaries
	\$	\$
Clerk of the House, Master in Chancery, Cashier and Accountant	3,400	2,400
Deputy Clerk, Clerk Assistant Master in Chancery and Chief French Translator	2,600	2,000
Deputy Clerk, Master in Chancery and Chief Office Clerk	2,600	2,000

Additional Clerk's Assistant, additional French Translator, Examiner for Standing Orders and Clerk of Private Bills	1,800	1,600
Additional Clerk's Assistant and Second Office Clerk	1,800	1,600
Clerk of the English Journals	1,300	1,200
Clerk of the French Journals, in 1864, \$1,390	1,200	1,200
Clerk of Committees and French Translator	1,400	1,400
Additional French translator	1,200	1,200
Assistant Accountant	600	600
English Writing Clerk	500	500
Chaplain and Librarian, not disturbing present incumbent as Chaplain and Librarian		400
Law Clerk acting as English Translator	2,600	2,000
Gentleman Usher of the Black Rod	1,350	1,000
Sergeant at-Arms		
Door Keeper	600	400
Chief Messenger	1,130	800
House Keeper and Messenger in 1864, \$700	800	700
Permanent Messengers	700	500
Sessional Messengers	380	200

Hon. Mr. Campbell said that, however unpleasant the question might be, it had to be met. It would be desirable to have had the matter settled without coming before the House, but as this had been impossible, it was necessary to decide what was to be done in reference to it. The satisfactory manner in which the duties connected with the House had been discharged by the officials, adds to the unpleasantness of the duty the members of the House were called upon to discharge. It seemed to him that they had no alternative, but to consider the facts before them without any reference to the servants of the House. Perhaps it was putting it a little too strong to say they had no more rights than persons who were the employees of corporate firms, or private individuals, because some additional consideration might be had for persons who performed duties in connection with the Senate and the House of Commons. But as we now have new machinery coming into operation, having new constituent parts of the Dominion, each having a right to bring officers into the service, we should consider the relative claims

of the several Provinces, and what they may expect in reference to the subject, as well as the rights of those persons who were formerly the incumbents of the Legislative Council of the late Province of Canada. He did not believe some of those rights existed. If it could be said that those gentlemen, who were servants of the late Legislative Council, have rights in this Parliament it can be said with equal propriety, that the servants of the Legislative Councils of Nova Scotia and New Brunswick have equal rights. He did not see how any hon. member could dissent from the scale of salaries proposed in the report. He understood that his hon. friend (Mr. Letellier de St. Just) did not dissent from it, but would not like to see it applied to present incumbents. There could be no doubt but this scale would meet the requirements of the duties to be performed by the officers of this House. Everything that was done could be measured in a general way by the length of the sittings of the Senate. If one sitting does not extend beyond an average of an hour a day it affords some insight into their duty. In order to make this more clear he would make a comparison between the duties discharged by the officials of this House, and the duties discharged by the officials of the other Branch of the Legislature, and of the Public Departments. The duties of the officials in this House terminate within four or five weeks of the close of the Session, being only occupied for a few hours daily for about four months of the year. Is that anything like the work performed in the Public Departments? The Auditor-General and the Deputy Postmaster-General get but £650 a year each, and they work the whole year round, their duties being immensely in excess of any duties performed by any officer of this House. During the early part of the Session he was anxious to have this subject postponed until the present period, in order to give a little more time to the parties to be affected by this report to look out for other situations. His hon. friend (Mr. Letellier de St. Just) may then have contemplated the course he has now pursued, but there was nothing in his motion to indicate that he contemplated putting it in its present shape.

**Hon. Mr. Letellier de St. Just** said that when this motion was proposed he had not made up his mind as to the course he should pursue, but when he reflected upon the matter he resolved to move this amendment.

**Hon. Mr. Campbell** said something had been gained by delay. One of the officers of the House he was able to give employment to in

his own Department, and another had retired altogether. Other sessional messengers had taken the sessional allowance and found employment elsewhere. It was no hardship at all to tell a young man that a certain sum was allowed him, and he could get employment as well in other situations. Since the adjournment of the House he had the satisfaction of being able to inform the Chairman of the Committee that the Government of the Dominion would assume the responsibility of sanctioning the payment of one or more years' pay to some of the older servants whose services would be dispensed with. He would ask was not this a liberal mode of dealing with them? Would any gentleman be willing to have the House pension them if they had the power? To do so would be against the public opinion of the country, and they could not possibly carry it through the Legislature. A different state of things exists here, to what exists in England, therefore the instances which his hon. friend had cited with so much force are not in point and ought not to weigh with this House. In England they have a system of pensioning, but we have no such system here, therefore if we come to the conclusion that a large staff of officers is unnecessary, and it is desirable to show them some consideration, as that consideration cannot be given in the shape of pension, it must be given as a liberal allowance to those who are likely to suffer by the practice of such economy on our part, as we think the country requires. We say we will give two years' salary to those officers who have served the House for upwards of twenty years. This in reference to two of these officers will amount to upwards of £2,000. These gentlemen are beyond the meridian of life, and they get nearly £1,200, which at their time of life would buy an annuity not to be despised. If they do not wish to buy an annuity they would have that money to see them over several years, which will allow them time to get other employment; but if there is no other employment to get it would give them ninety or one hundred pounds a year as interest upon the amount. In the absence of a system of pensioning the change to them is as favourable as is given to any one, and is beyond their anticipations. Those who have served for less than twenty years, it is proposed shall have one year's salary. Surely it cannot be a hard thing for us to say to those officers—a majority of whom have not served over six or seven years—that we will give them one year's pay on their dismissal. Shall it be said that the fact of a person's being appointed by the late

Legislative Council of Canada for the past seven years gives him a right to have a pension? He thought not. While he sympathized with those who would suffer, he could not help coming to the conclusion that if action is necessary, as he assumed every one admitted, then the action proposed in the report brought in by his hon. friend the Chairman of the Committee, was of the most considerate kind under our system of Government. In reference to the officers to be retained in the service, they are to be allowed to continue their present salaries a year from the first of July next. Under the first arrangement it was to be six months, but we have come to the conclusion that they might not be able to bring down their expenses to their reduced salaries in six months, therefore the time was extended to one year. He was in favour of adopting the report, because he acquiesced in the opinion that the expenses of the staff are unnecessarily large, and far beyond the requirements of the House. Then as to the staff retained, he believed it would not only be efficient, but in excess of the actual necessities of the work. The action of the committee was in the public interest, and they should not for mere sympathy of their own adopt this amendment to continue the present incumbents in their offices. We were acting in the interest of the country, and we ought to satisfy ourselves, whether it is for the interest of the country to continue this unnecessarily large staff during the life of the present incumbents. It was no use to adopt a scale for the future: it has been tried on several occasions, and failed, therefore it is perfectly useless for the House to say we will economize in future. Our business is with the present, and it is a waste of time for us to promise economy in the future, when certain contingencies shall happen. He had reason to believe that if the House adopted this report, it would be the means of introducing economy into the other Branch of the Legislature, and into the Departments of the Government (hear, hear). It is the object of the Government to assist in carrying out this principle of economy in all their Departments. He concluded by saying this report was arranged after every consideration had been given to the subject, and he hoped the House would adopt it precisely as it stood.

**Hon. Mr. Holmes** said he did not look upon these officers of the late Legislative Council of Canada as being officers of this House, neither did he think the Dominion should have anything to do with looking after the servants of

the Local Governments of the Maritime Provinces.

**Hon. Mr. Hazen** said it had been customary in New Brunswick for the clerks of both Houses to receive an equal salary, and the same custom was followed here; but could any hon. gentleman say the duties of the Speaker of the Senate were as arduous as the duties of the Speaker of the House of Commons. They received an equal salary, Sessional allowance, and travelling expenses, because they were paid not according to the duties they performed, but according to the dignity of the two Houses. This rule has been maintained both here and in the British Parliament. The people of New Brunswick would never be satisfied with this economy of cutting down the salaries of officers who had been so long in the service. If the committee had a report recommending that every salary in the Dominion should be cut down ten per cent, including our own, then after adopting that we could go back to New Brunswick, and say a measure of economy has been adopted which would add to the revenue some thousands a year. All we will be able to say, if we adopt this report, will be, we have dismissed a few poor messengers and left them starving in Ottawa. This is miserable economy, and there is no justice in it. Economy is one thing and injustice is another. He was quite prepared to adopt a motion for reduction if each case was brought before them separately, but as the matter stood now he was bound to vote for the amendment. He would like to have the hon. Postmaster-General explain why the Speakers of both Houses have an equal salary when one had to perform so much more duty than the other.

**Hon. Mr. Campbell** replied that it would not be consistent with the dignity of the Senate that their Speaker should receive a less sum than the Speaker of the House of Commons. He did not think that principle applied to the subordinate officers of the House.

**Hon. Mr. Ritchie** said the only question for the House to consider was, whether the salaries proposed by the Committee were sufficient compensation for the officers of the House. He said he quite agreed with a great deal said by the hon. member who moved the amendment. No one was more indisposed to interfere with salaries than he (Mr. Ritchie) was. If he had been a member of the late Legislative Council of Canada, and these salaries had existed at that time, he should not have been disposed, as a member of that body, to propose their reduction. He would have said the reduction

should be made prospective. Now we are meeting for the first time under a new Constitution, and he would ask by what right have the most of these employees to be here at all? All those officers who hold their offices from the Governor-General have a right to be here, but any other employee of the House comes here with the possibility of his services not being accepted, inasmuch as it is for this House to say not only how many employees there shall be, but who they shall be. How is it that the officers who have been employed in the Legislature of Canada are here, and no officers from Nova Scotia and New Brunswick? Why not bring our officers from Fredericton and Halifax at the same time? These persons here are the old servants, not of Nova Scotia and New Brunswick, but of Ontario and Quebec. What would be said if we should come to the House and ask pensions for the old servants of the Maritime Provinces. The question we have to consider is not whether these persons should, or should not, receive pensions, or a consideration, for if they do, they must receive them, not from the Dominion but from the Provinces of Ontario and Quebec. If it be true that the Governments of Ontario and Quebec have passed over these old public servants and employed new ones, and they have lost the opportunity of giving them situations in those two Legislatures they can have no claim upon this Dominion Senate. He would ask his hon. friend if this was not so.

**Hon. Mr. Hazen**—That is a legal quibble.

**Hon. Mr. Ritchie** was surprised to receive such an answer; it was not the language which he would use under the circumstances. He would be careful how he asked him a question again in a similar way. It was against his feelings for him to speak in favour of the report, as he would rather increase every man's salary here than take one cent from him. In the Lower Provinces they were not accustomed to pay their officers such large salaries, as they are paid here. It was very well to talk of a reduction of salaries all over the Dominion: there were men in offices of the Dominion who possessed intellectual faculties of the highest order, and who were working from morning till night every day in the year, and get less salaries than gentlemen whom this House employs two months in the year.

**Hon. Mr. Hazen** was surprised that his hon. friend should take offence at the phrase "legal quibble," which was used so often in the courts of law. He would put it before the House whether or not it was a legal quibble.

What was the point in dispute? Take the clerk for instance: what was he on the 30th day of June? A clerk of the Legislative Council of Canada. What was he on the first day of July? A clerk of the Senate of the Dominion of Canada. Is it not then a legal quibble to say he is not continued in his office? His commission is from the Governor-General of Canada, and he has been a continuous public servant for forty years; therefore he considered it would be doing injustice to displace him from office, or make a reduction in his salary.

**Hon. Mr. Chapais** said he had not the pleasure of personally knowing the officers and servants of the House, but he had heard on all hands, of their fidelity to their duties. It was unquestionably a very delicate thing to interfere with the salaries of old and faithful servants, still the House had a duty to perform in this matter, and could not escape it. Now it had become the duty of the House to appoint its servants; and if they found that there were more of the officers of the old Legislative Council than were necessary for the Senate, it became indispensable to decline reviewing the appointments of some of them. He (Mr. Chapais) had examined the subject with every desire to avoid, if possible, the unpleasant necessity of dispensing with the servants found in excess.

**Hon. Mr. Tessier** wished to know if the action was to be understood as one, the responsibility of which was assumed by the Government?

**Hon. Mr. Chapais** said if the Government had wished to assume the responsibility they would not have allowed the Senate or the Commons to take it up independently as they had. He would vote as a Senator, not as a Minister. The hon. member then said that on the 30th June, 1867, all the public servants had, in effect, gone out of office, and could pretend to no vested rights in their situations. However, sympathizing with them, he had done what he could to get them the best conditions he could from the Committee on Contingencies. He was quite cognizant of the public feeling on this subject, and it was that while Confederation was generally approved, there was as general a dread of increased expenditure and consequent taxation. The action now proposed would tend a great deal to allay these fears.

**Hon. Mr. Tessier** would like to know from the Hon. Minister what reductions he had made in his own Department?

**Hon. Mr. Chapais** said he had made some retrenchments, and that his hon. friend must know that the Government had a bill now before the other House, which would accomplish a considerable economy. With respect to the employees of the Senate who were to be dispensed with, they would have a claim upon his sympathy, and he would ever be ready to serve them so far as he could, and to give them the preference whenever vacancies occurred in the public service, always, however, remembering the claims of the Lower Provinces to have their proper proportion of men in the Civil Service.

**Hon. Mr. Ferrier** said it had been stated that the whole amount which would be saved to the country by adopting this motion would be about \$3,000. If they were going to practice economy, he would like to introduce a report that the members of the Senate should give their attendance here without receiving any indemnity. It should be thought an honour to be called to a seat in the Senate without receiving any indemnity. He had attended the Legislative Council for a great many years without any remuneration, and he would acquiesce in having the principle adopted here. If the chairman of the Contingent Committee would recommend a measure of that kind, which would have an effect upon the Legislature and the Departmental officers of the Government, then we would show some economy, but this reduction proposed is only in regard to a few offices, and would be a very small affair.

A motion was made to adjourn the debate until to-morrow, which on being put was lost. The Speaker then left the chair, it being six o'clock.

#### AFTER RECESS

**Hon. Mr. Tessier** would make a few remarks upon this subject. This question ought not to be one of money, but a question of principle. They were about to commit an act of injustice in regard to persons who had small influence, and no recourse before any tribunal, but had what he conceived to be right on their side. He did not deny but the Senate had the power of reducing salaries, and dismissing servants, but there was a rule of equity which was followed in every civilized country. In the country from which we derive our constitution there were no examples of servants being dismissed without a compensation, if they were worthy of it. It had been said that we were beginning under a new state of things, but by whom were this

new state of things brought about? By the whole people of the Dominion of Canada. If the whole people of Canada have by their will made a new order of things, and in consequence certain offices are abolished, are not the same people of Canada bound to see justice done to those parties? This is the rule adopted in England: if a judgeship or any office supposed to be permanent be abolished by Act of Parliament, the person holding that office has a right to indemnity, and according to the rules of Parliament a remuneration, or another situation, is given him, where he can enjoy the same salary as he had before. He believed the framers of the Act of Confederation never thought the officers employed in the late Legislature of Canada would be dismissed on the plea that they were not provided for by the Confederation Act. Under a clause of that Act he found that officers of the Provinces were provided for, but he was told this clause did not refer to the officers of the Legislature of Confederated Canada. He considered the principle was the same, and the reason it was not put in was because it would not be constitutional to do so. The 130th Clause of the Union Act, says "Until the Parliament of Canada otherwise provides all officers of the several Provinces, having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be officers of Canada, and shall continue to discharge the duties of their respective offices, under the same liabilities, responsibilities and penalties, as if the Union had not been made." That is the right principle, and though the framers of the Act of Confederation thought proper to fix that principle for all the officers of the Government of Canada; why should not the same principle be applied to the Legislature of Canada? The reason that clause of the Act did not include the officers of the Legislative Council of Canada was, because it is a constitutional branch of the Legislature, and it was their privilege to fix the salaries of their officers, without the action of the other branch of the Legislature, or of the Executive Government. If the framers of the Act of Union had said the officers of the Legislative Council of Canada shall be officers of the Senate of Canada, they would have intruded upon the rights of that body, therefore, that provision was not made, although the principle was established. It is better to judge the Ministry by their actions than by any other standard. Let us judge by their actions what were their intentions: were the officers dismissed or their

salaries reduced on the 1st of July? If the Ministry do not give an example of dismissing their officers, why ask the Senate to do it. Let it be settled by the Civil Service Act, that the salaries, in all the Departments of Canada shall be reduced, and he would support it. It has been said that by adopting this report we will be setting an example to the Ministry and the other branch of the Legislature; if they do not follow our example, will we have to come back and increase the salaries of our officers. He did not think the Ministry, as a Ministry, would support a measure of this kind to be applied to the House of Commons.

**Hon. Mr. Campbell** said he had stated that this question could not be a ministerial measure, although the Government were anxious to see this report adopted. He believed if it was adopted, the other branch of the Legislature, and the Government, would endeavor to carry out the same principle in the House of Commons, and to pursue the same course in the public departments.

**Hon. Mr. Tessier** said the question was not whether the Government were in favour of the policy of economy, but it was whether the members of Government, as a body, would support this measure of retrenchment if brought into the other House.

**Hon. Mr. Campbell** said they were not bound to support it; he merely indicated what he supposed would be the action of the Government.

**Hon. Mr. Tessier** said a member of the Government voted against a measure of this kind in a committee of the other House.

**Hon. Mr. Mitchell** said the principle of economy was advocated by the gentleman alluded to, but his desire was to adopt such economy in the report as would carry in the House as well as in the Committee.

**Hon. Mr. Tessier** said the Government were responsible for the Civil Service Bill, and there it was stated that no officer should be paid under a certain wage. The salaries to be the first year, \$100, and never to exceed \$1,800. The maximum rate to be not over \$500. This showed a retrenchment was to be made in public offices, but there is a clause in the Act which says, "nothing in this Act shall affect the salary of any officer in the Civil Service at the time of the passing of this Act, so long as he shall continue in office." The principle of this Bill shows that the policy of the Government is not well settled on that

point. He believed it was the true policy consonant with British practice. There was another objection made to this amendment, which at first sight appeared very strong; it was said the officers of the Legislatures of Nova Scotia and New Brunswick had the same right to an indemnity as the officers of the late Legislature of Canada. They are right in saying so; who disputes it? He liked to see hon. gentlemen standing up for their rights. If the Imperial Parliament had passed an Act abolishing the Legislatures of Nova Scotia and New Brunswick, he would like to know if their officers would not have come forward and said they had a right to indemnity. They do not claim it because they have appointments in their own Provinces; but is this the case in the late Legislative Council of Canada? Before whom have they to come to get their rights? Have they to come before the Provinces of Ontario and Quebec? In the Province of Ontario they have no Legislative Council by the Constitution, therefore these officers cannot be appointed as officers of a body which does not exist. If any of the officers of the Legislatures of New Brunswick and Nova Scotia were dismissed by the Act of Union, or by the Act of this Dominion, they would have a right to come here and complain, but if they are dismissed by their own Local Legislatures it is their own affair. What was the state of affairs before the first day of July? The Clerk of the Legislative Council was in possession of papers and money to a large amount: he filled the office and paid the officers, and being the Clerk of Confederated Canada, he would still continue his office when that Confederation was extended. There could be no question but Nova Scotia and New Brunswick had a right to their fair share of the patronage, but this must not be exercised to the injustice of any other province. If Canada has not provided for certain things to the prejudice of private individuals, we are bound to repair the damage done. The question by whom it is to be paid in the end comes afterwards. The Governments of Ontario and Quebec were formed under the sanction of the present Ministry and if they thought Ontario and Quebec were bound to take up these officers as their own, why could not they have appointed them when appointing the Ministry of the Local Governments? No one at that time thought they would be dismissed. He was afraid he had wearied the House and he would conclude with making one observation upon the question of economy itself. The staff of officers of the old Legislature of Canada would compare

favourably, as to respectability and efficiency, with the officers of any other Legislature, wherever it may exist. The Chief Clerk received the salary of £850 after 46 years service; he is now chief clerk of Parliament and the guardian of the most important laws passed in the Dominion, in which great damage could be done to the country by merely striking out one word and adding another, therefore we say he ought to be paid a higher salary than the clerk of any Court in the Dominion of Canada. The Clerk is responsible for a large amount of money which passes through his hands, and during forty-six years he has committed but one small mistake, which he made good by taking the money from his own pocket. He has not always received this large salary; he commenced with a salary of £100 a year, which has been increased from year to year, and it has only been during the last eleven years that he has enjoyed his present salary. It is estimated that his average salary has only been about three or four hundred pounds a year. To show what had been done in England when it had been found necessary to dismiss public servants, he read an extract from "Todd's Parliamentary Government," stating that when a new Divorce and Probate Court was established in 1857 provision was made to compensate the Proctors who had presided in the old court which was then abolished; this compensation amounted to the sum of \$116,000 per annum. It is the law of the English Parliament to provide compensation for its officers, and why should it not be the law of the Dominion Parliament? He believed that it was of much more importance that a good practice should be followed, and a proper principle laid down, than to economise in a small amount which would do injustice to persons who were not guilty of any impropriety, and who certainly were not responsible for this new state of things.

**Hon. Mr. Dickey** said he would take his full share of the responsibility of the report. This question was not one of sentiment; they had a duty to perform which they should discharge irrespective of sympathy, but coupled with feelings which should commend themselves to our judgment. The arguments in favour of the amendment were based upon the fact that the persons to be affected by this report had vested rights to offices in this Dominion. The grounds upon which that amendment is based have been entirely removed. The officers to be affected by this report have never been officers of this Dominion, except upon sufferance,

with the understanding that they were to take such salaries as would be fixed by the Senate. His hon. friend (Mr. Tessier) had based his argument entirely upon the English practice. He would treat the English practice with respect, but here we were not wholly bound by the English rule as regards pensions and indemnity. All those rules from "May's Parliamentary Practice" have never been acted upon here, because they are applicable to cases where officers have been removed by those who appointed them. We are arguing this question upon a state of things which has only been in being within the last year. What is that state of things? These are officers of the late Legislative Council of Canada which has passed away.

His hon. friend (Mr. Tessier) said because the people of the Dominion of Canada agreed to Confederation, they should indemnify every officer affected by that Act. This is the logical conclusion of his argument. If we adopt that argument we must indemnify every officer in Nova Scotia and New Brunswick affected by that Act. If he should come here and ask indemnification for the officers of Nova Scotia removed by this Act the reply would be that is a question which only affects Nova Scotia. His hon. friend said the Legislatures of Nova Scotia and New Brunswick were left; so they were, but they were shorn of many of their powers, and reduced almost to municipal bodies, and the consequence was that many of the officers had to be removed, but was it ever contemplated that they should come to the Dominion for indemnification? We had to cut off two departments with all their staff, but they did not come here for compensation. The Union Act gave them three legislative bodies to provide for in Canada, and if a little pains had been taken in this matter from the first of July, until the meeting of Parliament we might have been spared this trouble. Nova Scotia and New Brunswick had to make their own arrangements, but the theory was not started there that we were bound, according to the English practice to pension off these persons. At any rate, we did not act upon it. If we adopt this amendment, we will establish a principle in this Legislature which we will have to act upon, and we will have to count the cost.

**Hon. Mr. Tessier**— How many officers have been affected by this Union Act in Nova Scotia?

**Hon. Mr. Dickey** said there was quite a number of them, including the Board of Works and Receiver-General's Department.



There were many officers in Canada affected by that Act: the old Crown Lands Department had been swept out of existence. Were they not to be indemnified as well as the officers of the Legislative Council, as they have an equal claim? His hon. friend (Mr. Tessier) said he felt inclined to vote against this report because it did not include in its provisions that indemnification for members should be abolished. The Contingent Committee have nothing to do with the indemnification to members. If there had been any chance for such a motion being carried, he would give his hon. friend more credit for mentioning it.

**Hon. Mr. Ferrier** said he had suggested it, and hoped it would be adopted by the House, he for one being prepared to support it. If this House resolved unanimously not to take the indemnity, they would save \$58,200, and show to the country that they were serious in their endeavours to reduce the expenses of the Legislature.

**Hon. Mr. Dickey** said it was quite open for the hon. member to move a resolution in this House to deny himself this indemnity, but it would come with greater effect from those who had to travel a thousand miles to come to the seat of Government, and who had not free passes over the Grand Trunk Railway. We all know, it is very well for gentlemen to say "you might have done something else, but as you have not done something else, you shall not have my support in this." He had never heard of a course of economy recommended, but it was met in the same way, "why not go to some other Department, or to yourselves." We should take the question upon its own merits. He thought hon. members should be satisfied with the assertion of the Postmaster-General, that this question had more in it than the mere reduction of \$13,000 a year in this body, because it was an example which was about to be followed in the other branch of the Legislature and in the Public Departments. What will be the effect of rejecting this report? If it is rejected there cannot be another successful effort made to reduce the notoriously large salaries connected with these Departments. If this amendment was carried he would give the whole thing up as hopeless, as it postponed the operation of this scale until after the death of the present incumbents. Has not there been resolution after resolution on the Journals of the House providing for the same thing, but instead of this reduction being made, the salaries have been gradually increasing; now when we are inaugurating this New Dominion we are asked to take the

highest scale for our officers, and to pass a resolution that at some future day we will take into consideration the propriety of reducing them. He would ask his hon. friends if they give any groups to hope that any good would result if this amendment was adopted, or whether or not it would be shelving the question and doing away with any good we expect to result from it. His hon. friend who moved the amendment had said there was a question of nationality in the report. The only question of nationality he could see was that \$200 a year had been given to the French Clerk in excess of the amount given to the English Clerk. His hon. friend (Mr. Tessier) had referred to the Civil Service Act, which had been submitted from the other House; that Act did not affect this House, but was simply an Act regulating the Civil Service Departments, and if it should become law, it would afford no argument against the adoption of this report. The 131st section of the Union Act gave the Governor-General power to appoint officers to carry on the business of the country, otherwise it would have been at a stand still. The object of the 22nd clause of the Civil Service Act is to protect those persons; this does not apply to Legislative officers; but to officers in the public departments. In that Act the highest salary proposed to be given to a resident housekeeper is \$500, whereas we give \$800; there the highest salary paid a messenger is \$500, while our messengers are paid \$700 and \$800. He mentioned this to show that the Contingent Committee had every disposition to be liberal in fixing the salaries. He might say the report of the Committee was almost unanimously agreed to by them on the basis of a compromise; although they felt the new scale of salaries was still in excess of the actual requirements of the service. He regretted that with all their efforts they had not satisfied some of the hon. members of the House, and they had to fight the battle over again. He regretted he had been obliged to say what he had, but candor and fairness compelled him to take this course. All these offices were abolished by the Union Act, and no one had a right to complain. We in the Maritime Provinces do not come here with claims for compensation, we have scarcely asked for more than the appointment of two or three persons on the staff of the whole building, and these were in one or two of the Departments. We feel we have to account to the country for our action in this matter. It is a question not so much of amount, as of principle; if we adopt the amendment we will assent to the principle

that we are to adopt the officers of the late Legislative Council of Canada and the House of Assembly of Canada, and take upon ourselves to indemnify them as if it was a body that still continued in existence. His hon. friend from St. John (Mr. Hazen) when pushed for an argument said "the Clerk of this body on the 30th of June was the Clerk of the Legislative Council of Canada, and on the 1st of July he was clerk of the Senate by commission from the Governor General." Would his hon. friend say if the Clerk had not been so appointed, he would have come here for indemnification more than the Clerk of Nova Scotia? The same officers, when appointed, became new officers, and the amount of remuneration they were to receive was left entirely to the Senate. How is it possible with all their ingenuity and appeals for sympathy the members can expect to have this amendment sustained after the adoption of the report upon which this is based. We must go upon the principle embodied in a former report, that this Committee can recognize no officers, as officers of this body, at the time this Legislature first met. That principle was adopted by the solemn Act of this House without a division, and they would now stultify themselves if they set aside that principle upon the ground that they were officers of the Dominion of Canada. Having done their duty the Committee would leave the matter in the hands of the members, who would have to justify themselves to their own consciences and to the people of the country.

**Hon. Mr. Wilmot** thought if this report was adopted it would cause a great deal of hardship to those persons affected by it; he would rather see the measure apply to future incumbents. He characterized the principle and action of the Government as most extravagant and wasteful. He said that the Dominion was now in a worse condition to sustain any expenditure than the former Province of Canada. Every measure brought forward, so far as New Brunswick was concerned, was to take money out of the pockets of the poor and put it in the pockets of the rich, and to take the burdens off the rich and put them on the poor. It had always been his opinion that they should endeavor, as much as possible to employ the productive labor of the country to promote its prosperity. The saving of even \$400,000 would amount to but 10 cents a head on the population, and he doubted whether the people throughout the Dominion would be made much more prosperous by it. His principle was that while they practiced economy they should not do injustice. When he saw

salaries reduced from \$1,100 to \$800, and \$1,350 to \$1,100 he believed they were doing injustice. If economy was to be carried out, it should be carried out in every department of the public service. The same economy which was practised in New Brunswick in regard to Judges' and other salaries should be extended throughout the Dominion. The question was then taken on the amendment.

**Contents**—Hon. Messieurs Allan, Armand, Cauchon, Cormier, Duchesnay, E.H.J., Dumouchel, Ferrier, Hagar, Leslie, Letellier de St. Just, Locke, McDonald, Malhiot, Miller, Mills, Olivier, Oliver, Ross, Shaw, Tessier, Wilmot, Wilson.—21.

**Non-Contents**—Hon. Messieurs Aikins, Archibald, Benson, Bill, Botsford, Bourinot, Bureau, Burnham, Campbell, Chapais, Christie, Dever, Dickey, Dickson, Ferguson, Flint, Foster, Guévremont, Hamilton (Inkerman), Holmes, Lacoste, Leonard, McClelan, McCrea, McCully, McMaster, Macpherson, Mitchell, Odell, Reesor, Ritchie, Seymour, Simpson, Steeves, Wark, Wier.—36.

**Hon. Mr. Letellier de St. Just** spoke in favour of one of the blanks in the list of officers being filled with the name of Mr. Doucet, and asked for him the consideration of the members from the Maritime Provinces.

**Hon. Mr. Mitchell** said as an individual Senator he had no right to pledge any section of the country to forego anything they had a right to. If his hon. friend would bring the matter under the consideration of the Contingent Committee, he was sure every man in it would give the subject, not only a fair, but a generous consideration.

The question being then put on the main motion, the House divided as follows:

**Contents**—Hon. Messieurs Aikins, Archibald, Benson, Bill, Botsford, Bourinot, Burnham, Campbell, Chapais, Christie, Dever, Dickey, Dickson, Ferguson, Flint, Foster, Guévremont, Hamilton (Inkerman), Holmes, Lacoste, Leonard, McClelan, McCrea, McCully, McMaster, Macpherson, Mitchell, Odell, Reesor, Ritchie, Seymour, Simpson, Steeves, Wark, Wier.—35.

**Non-Contents**—Hon. Messieurs Allan, Armand, Bureau, Cauchon, Cormier, Duchesnay, E. H. J., Dumouchel, Ferrier, Hazen, Leslie, Letellier de St. Just, Locke, McDonald, Malhiot, Miller, Mills, Olivier, Ross, Shaw, Tessier, Wilmot, Wilson.—22.

The House then adjourned until to-morrow at three o'clock.

## THE SENATE

Friday, March 27, 1868.

The Speaker took the chair at three o'clock.

**Hon. Mr. Seymour** stated that the Rev. Dr. Adamson had resigned the office of Chaplain, and that the Committee recommended that he be paid two years' salary. They also recommend the office to be discontinued.

**Hon. Mr. Wilmot** gave notice of a resolution to make such reasonable reduction in the salary of the Governor-General and other public officers as may be necessary to carry out a system of retrenchment in all the public departments.

## OFFICIAL REPORTS.

**Hon. Mr. Simpson** brought up the fourth report of the Committee on Printing and said he did not intend to move it, but merely to place it before the House to deal with it as they saw fit. He referred to what his hon. friend from Halifax (Mr. McCully) had said in regard to the cost of publishing the debates being not more than \$12,000, and thought he had not as much experience of the difference between estimates and actual expenses as they had in Canada. He then referred to various public works in Canada, giving a statement of the estimates and the actual cost, showing that the latter far exceeded the former. He said he had spoken generally when he said the publication of the official debates would cost twice the estimated amount. When the question of Confederation was before the House, it was resolved to have a report of the debates published; after much calculation they estimated the cost at \$8,000, and although they tried to keep down the expense as much as they possibly could, the actual expense was \$14,600. The present estimate is based on a Session of sixty days, giving at the rate of fourteen columns of the debates a day, each column to contain 1,400 words. He had no hesitation in saying that if the debate which took place in this House last night was taken down substantially, it would have filled up the fourteen columns. The speech of an ordinary speaker will fill four and a half columns an hour. Sir John A. Macdonald would fill five; while Mr. George Brown, if accurately reported, would fill nearly six. The calculation here is made upon an estimate of fourteen columns a day. What we say here we would like to have reported, but if we are

restricted to three columns a day, as is proposed, it cannot be done. An interesting debate in the other House in which Sir J. A. Macdonald, Mr. Holton, and Mr. Blake take part, would require more than 14 columns a day for that House alone. It requires more than fourteen columns to give a true record of ordinary debates. Then they are to be limited to sixty days, at the same time, we propose to record all that has been done during the first part of the Session. No doubt, but this Session will last over thirty days, and you will have to increase your calculation by the number of days. He was prepared to endorse what he said that the work will not be done for \$12,000. If he was not mistaken when the location of the Intercolonial Railway is taken up, there will be a great deal of spouting, and this House could alone fill the fourteen columns. He would leave the matter in the hands of the House; if they were anxious to have their speeches reported, he would bear his portion of the expense. He would be satisfied whatever course they adopted.

**Mr. McCully** said he was not anxious to increase the public expense in order to multiply the taxes of the country. In the early part of the Session, a question came up in regard to having a record of the debates in the nature of "Hansard's" for the purpose of perpetuating the speeches of the members of Parliament, which although cut down to some extent would be a tolerably fair record of what had transpired in the Dominion. He had not taken an active part in it, not having so much as expressed an opinion upon the subject. He had heard it stated here by his hon. friend from St. John (Mr. Hazen) and saw it in print, that the expense of procuring this work would be twice \$12,000. He then made some enquiries which satisfied him that responsible persons had actually made tenders, which were in the hands of the Printing Committee. He had received information, authentic and reliable, that the entire expense of publishing this record of the proceedings of Parliament would not exceed \$12,000. He then challenged the statement that the work would cost \$24,000, and his hon. friend, (Mr. Hazen) gave the Chairman of the Committee as his authority, and he now disavows it.

**Hon. Mr. Simpson**—I stated then, as I state now, that I think double the amount would be nearer the mark.

**Hon. Mr. McCully** said that was a considerable qualification, and would leave a margin of \$5,000 in disputed territory. He did not know

whether the amount would be \$12,000 or \$20,000, all he had to say was if the amount was going to be very large he was not prepared to vote for it. Therefore, if the Chairman of the Committee could give the House satisfactory evidence that his conclusions were right, he would pause before he committed himself to such an expense, but if they could get a satisfactory record of the proceedings of both Houses at a cost of not more than \$12,000, he thought the House would be prepared, and the people of the country would sustain them in giving that amount. He thought the Senate would study its own respectability and dignity if they took care to secure a faithful and brief record, not only of the votes, but of the reasoning which the hon. members presented to this House in the course of their career, and this would influence other members in their decision of measures which would come before them. If it is the policy of the House to shut down all record of the proceedings, and pay neither reporters or printers—to allow nothing to go abroad but a mere abstract of votes in the journals, this House would soon fall into a state of disrespect. He did not mean to say the members would not be respected, but they would not have the influence before the country, it was desirable they should have. He was not prepared to go to a very extravagant expense in order to publish them, for he was always found as a general rule, not voting for the larger, but for the lesser sum, if it was sufficient for the purpose for which it was to be applied.

**Hon. Mr. Hazen** could see no reason for making this appropriation, as a very good report of the speeches of members was now given in the newspapers. He would not go for appropriating \$24,000 for reporting the debates, nor yet \$12,000. It had been said they wished the utterances of their statesmen to be preserved for future reference; he did not pretend to be a statesman, but was an humble member of the Senate, and he had no desire to have his utterances handed down to posterity. If they adopted this report three columns a day would not be sufficient for the debates of the Senate. When the banking question and the Currency Bill came up for discussion, there would be a great deal of speaking, and it might take the fourteen columns for one speech, which, after all, might contain but a single idea.

**Hon. Mr. Simpson** said he knew of a person who was willing to report three columns a day of the debates for the House for \$60 a week; this would give a very fair synopsis of the debates without much expense.

**Hon. Mr. Macpherson** said he was one of those who thought, and still think, the parliamentary business of the Dominion of sufficient importance to be preserved in a condensed form, if it could be done for a reasonable sum, but pending the action of the other House, it would not be well for us to make any move in the matter. In the meantime we can get a report of three columns a day for \$60 a week, and if the report should exceed three columns a day—as it will not do to restrict the debates, if published at all—an arrangement can be made by which any excess over three columns a day will be published at the same rate—that is four dollars a column. Until action was taken by the other House it would be well to have a brief report published, which could be done for the sum which he had named.

**Hon. Mr. Miller** thought if such an arrangement could be made, and a report of the debates of the Senate could be had for \$700 a Session, it was desirable to have it, as they would thereby effect a great saving in their arrangements for that purpose.

**Hon. Mr. Locke** was of the same opinion, but thought that the reporter should give good security that the work would be done.

**Hon. Mr. Wilmot** considered this a very important question, as he thought if this Senate wished to maintain its position it was necessary that the sayings and doings of the members should be reported. He, as one member of the Senate, wished his ideas to go abroad as to what he thought would improve the condition of the country, and he concurred in opinion with the hon. members who said we should have a record of the debates to refer to in future.

**Hon. Mr. Simpson** said he would now move that the order be discharged, and that it be taken into consideration on Thursday next, but he thought the Contingent Committee should be authorized to make an arrangement in the meantime to have the reports published in one of the daily papers.

**Hon. Mr. McCully** said he was not content that the other Branch of the Legislature should out of the public money provide a

record of their own debates to go abroad, and no record should be provided for this House, as he considered the arguments and reasoning of the members of the Senate, to be just as instructive as those of the House of Commons. Therefore until the other House took some action upon this question, it was quite right that we should remain passive. The motion to consider the question on Thursday next was then adopted.

On motion of the **Hon. Mr. Campbell**, the name of the **Hon. Mr. Dever** was added to the Committee on Commerce, Banking and Rail-

ways and the names of the **Hon. Messrs. Ross** and **Chapais** were added to the Library Committee.

**Hon. Mr. McCully** enquired when the "return" he had asked for at the commencement of the Session, in respect of judiciary expenses, would be laid on the table.

**Hon. Mr. Campbell** requested his hon. friend to allow the matter to stand over until Monday.

The House then adjourned until Monday at three o'clock.

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## THE SENATE

Monday, March 30, 1868.

The Speaker took the chair at three o'clock.

On the motion of **Hon. Mr. Campbell** the time limited for receiving petitions for Private Bills; also for presenting Private Bills, and for receiving reports of any Standing or Select Committee on a Private Bill, was extended to 20th April next.

A "return" of the Northern Railway Company, made up to the 31st Dec., 1867, was laid on the table. Also—a number of petitions were brought up and laid on the table.

**The Hon. Mr. Campbell** presented to the House a return in part to an Address to His Excellency the Governor-General, dated the fifth day of December, 1867, praying that His Excellency will be pleased to cause to be laid before this House a statement showing the total expenses of the Judiciary of the Dominion of Canada, so far as the same are chargeable on the Consolidated Revenue Fund for the quarter next commencing on the 1st July, 1867. What proportion chargeable to Ontario, Quebec, Nova Scotia, and New Brunswick respectively. To whom paid, when, in what capacity, for what services, and in what Courts respectively, distinguishing salaries from travelling or other charges. What amount for pensions, date of commencement of the same, names of each of the Provinces, names of recipients as prosecuting officers, nature of the offences prosecuted, distinguishing those for which convictions were obtained, with the punishments awarded.

**Hon. Mr. Macpherson** presented the first report of the Select Committee appointed to enquire into the causes of the recent financial crisis in Ontario, and explained, that the Committee had received evidence from many of the bankers and cashiers in the country, which it was desirable to have printed for the information of members. He then moved that the said report be now adopted and referred to the Committee on Printing.—Carried.

A message was received from the House of Commons requesting the Senate to grant leave to **Hon. Mr. Chapais** to attend and give evidence before a Select Committee of that House on elections. Leave granted.

Also, a Bill to continue the Parliament of Canada in the event of a demise of the Crown,

which was read a first time, and the second reading ordered for Wednesday.

**Hon. Mr. Simpson** presented the 10th report of the Joint Committee on Printing, and moved that it be taken into consideration on Wednesday next.—Carried.

**Hon. Mr. Mitchell** said in referring to the recommendation for the publication of Mr. Fleming's and Mr. Wilkinson's reports, that he had no objections to their being published, but as they had included the observations of Mr. Wilkinson the House should have the benefit of Major Robinson's reply. He intended to ask on Wednesday that this reply be added.

**Hon. Mr. Tessier** said as this was a joint committee, if the report was then amended, it would have to be referred back to the other House. It would be better to make the motion at once; therefore, he would move that Major Robinson's reply to Wilkinson's letter on the Intercolonial Railway be referred to the Joint Committee to report on the advisability of printing such letter.—Carried.

**Hon. Mr. Campbell** moved that a Select Committee be appointed to consider and report whether, by any alterations in the forms and proceedings of this House, the despatch of public business can be more effectually provided. He said that during the early part of the Session, very little business came before the Senate; but during the latter part of the Session, Bills were brought before them so rapidly that they did not have time to give them that consideration which they should have. This he said could not be remedied altogether, but at the same time it was possible that something might be done. In England, under similar circumstances, they have Separate Committees on the part of each branch of the Legislature, who discuss the subject and suggest some mode by which the public business may be so managed as to give each Branch a full opportunity of considering and deciding upon the various points submitted for their judgment. Upon this committee he had ventured to put the names of those members who had been Speakers of the House, and the others selected were gentlemen of great experience. He had no doubt but some decision would be arrived at by this Committee, which would place the business of the House in a more satisfactory position than formerly. He would move that **Hon. Messrs. Ritchie, Kenny, Ross, Duchesnay, Tessier, McCully, Dickson, Aikins,** and the mover, compose the said Committee.

At the suggestion of the **Hon. Mr. McCully**, the name of the **Hon. Mr. Botsford** was added to the Committee.

The motion was then adopted.

**Hon. Mr. Simpson** moved that the 9th Report of the Committee on Printing be adopted; and referred to certain irregularities in the mode of distributing the papers and documents of the House. This report recommended a better mode of performing that duty. He

also referred to the catalogue of the Library being printed upon the responsibility of the Librarian and having cost a much larger sum than if it had been printed under the direction of the Printing Committee. A great many cases like this had occurred and the Committee now desired that no officer of either House should command any document to be printed until it passed through their hands.

The report was then adopted, and the House adjourned until three o'clock tomorrow.

## THE SENATE

Tuesday, March 31, 1868.

The Speaker took the chair at three o'clock.

A message was received from the House of Commons for the organization of the Department of Secretary of State, to be read on Thursday next.

Another message, also from the Commons, informing the Senate that Messrs. Chauveau and McGee had been added to the Committee on Library.

The notices of motion were to stand for the present.

### INCORPORATED COMPANIES.

**Hon. Mr. Campbell** moved the House into Committee upon "A Bill to facilitate the winding up of the affairs of Incorporated Companies."

**Hon. Mr. Leonard** in the chair.

After a number of the clauses of the Bill had been passed, **Hon. Mr. Campbell** asked the House to report progress, and ask leave to sit again, as he desired to consult some members of the other Branch of the Legislature on Bankruptcy and Insolvency.

**Hon. Mr. McCully** read the second clause, "the word Court, when used in this Act shall be construed to mean the Court of Chancery for Upper Canada, when proceedings shall be taken under its provisions in Ontario; the Superior Court for Lower Canada, when proceedings shall be taken thereunder in Quebec; the Supreme Court, when proceedings shall be taken thereunder in Nova Scotia; and the Supreme Court of Judicature of New Brunswick, when proceedings shall be taken thereunder in New Brunswick; and the jurisdiction of such courts respectively under this Act shall be determined by the situation in such Provinces respectively, of the chief places of business of the respective companies to be wound up under this Act." He said the machinery of this Act was more easily carried into operation through that branch of the Supreme Court in Nova Scotia that conducts the equity business. This court stood in the same relation to this kind of business as the Court of Chancery in Canada. These two courts are amalgamated in Canada. The Equity and Supreme Courts were also amalgamated in Nova Scotia, but since then it has been the policy to reconstruct the Equity Court in that

Province. He thought as this question was of much importance, they had better allow it to stand over for further consideration.

**Hon. Mr. Dickey** would call the attention of the Postmaster-General to this bill, as to whether it did not interfere with the civil rights left to the Local Legislatures. He believed it not only dealt with subjects which belonged to the General Parliament, but it affected Joint Stock Companies, incorporated by the Provincial Legislatures before the first day of last July. He thought it important that the Postmaster-General should take time to consider the bill before it was passed.

**Hon. Mr. Campbell** said the bill related to two classes of companies. It included any company incorporated by any Act of the Parliament of the Dominion of Canada; and also any company not being a company with Provincial objects, incorporated before the first day of July, 1867, by any Act of Provincial Parliament. The words are limited in their meaning, the Acts of Nova Scotia relating to these companies being repealed, though not repealed altogether, but only so far as related to those companies that can be wound up under this Act. Those companies which cannot be wound up under the Nova Scotia Act will be wound up under this. He wished to report progress in order to give his attention to a suggestion that the jurisdiction in these cases which the bill proposes to give to the Superior Courts in the Provinces of Quebec be given to the Court of the Queen's Bench.

**Hon. Mr. Tessier** said these causes should be given to those judges, who kept a registry of the proceedings in insolvency causes, instead of giving it to those who are not accustomed to them and who have no time to attend to this business. He referred to the reports which had been circulated to the disadvantage of the Judiciary of Lower Canada, and said they were utterly untrue. He believed there was not to be found a body of men who fulfilled their duties better than the judges of Lower Canada.

**Hon. Mr. Letellier de St. Just** desired to add a few remarks in corroboration of what fell from the hon. member who last addressed the House, (Mr. Tessier,) regarding the efficiency and character of the Judiciary of the Province of Quebec. He was pained to read exaggerated statements made in another quarter lately, detracting from the merit and usefulness of these hon. judges. There may be some grounds of complaints arising from infirmity and old



age, but he for one did not believe in the other causes alluded to in the newspaper reports. He spoke with knowledge of his own section of the Province of Quebec, where he resided. Progress was then reported and leave asked to sit again.

#### ALIEN LAWS AMENDMENT.

On motion of **Hon. Mr. Campbell**, the House went into Committee of the Whole (**Hon. Mr. Bureau** in the chair), on the above Bill.

**Hon. Mr. Campbell** said that observations had been made both in and out of the House that we had not power to legislate upon the subject. The Legislature of the Province of New Brunswick up to this time have objected to the passage of a law of this description, the people of that Province not being satisfied that it was for their interest to allow aliens to hold and transmit land. If we have the power, it is a matter for consideration how far we should force that legislation upon them, which they have upon several occasions pronounced against. Under these circumstances he had thought best to give way upon this point, and would make such changes in the bill as related to aliens holding and transmitting land. In reference to all the Provinces in the Dominion, except New Brunswick, the state of aliens would remain as at present. In New Brunswick they will retain the law they have thought most conducive to their interests. **Hon. gentlemen** would of course differ as to the wisdom of the course pursued in New Brunswick in regard to bringing in persons who would not otherwise come and spend their money in enterprises in that Province. Whether they are right or not they have pronounced against the principle of this bill on several occasions, therefore he had omitted from the bill all that part which related to aliens; as the bill now stood, it was simply a Bill regarding naturalization. We enact a Bill by which when a person becomes naturalized in one Province of the Dominion, he will have the same rights in all the Provinces of the Dominion.

**Hon. Mr. Wilmot** approved of naturalization laws which allowed foreigners on coming into the country to become naturalized, but he did

not approve of allowing them to hold property while they continued to be aliens.

**Hon. Mr. McCrea** thought the object they should have in view was to facilitate the naturalization of aliens. He believed the law they had in Upper Canada, in reference to this subject was a very judicious one.

On motion of **Hon. Mr. Campbell** the Bill was ordered to be printed and taken into consideration on Friday next.

The consideration of the 5th report of the Select Committee on Contingent Accounts.

On motion of **Hon. Mr. Seymour** the consideration of the report was deferred until Thursday next.

#### DIVORCE BILL.

**Mr. Whiteaves**, Bill for a divorce (from **Julia Wolf**) was then introduced by the **Hon. Mr. Ferrier**, and on motion of **Hon. Mr. Ritchie** it was ordered to be read on the 15th day of April next.

**Hon. Mr. Campbell** said under their constitution they had no more powers and privileges than the House of Commons and as they had not the power to administer and examine witnesses under oath, it was necessary before proceeding with this case to have an Act of Parliament giving them the necessary powers.

**Hon. Mr. McCully** said since the previous Session of the House he had prosecuted two cases of divorce in Nova Scotia, although divorce cases were not common there. When the necessity for these cases did arise in Nova Scotia the process was very simple, the whole proceeding not occupying more than ten days. In the Dominion it was of much importance that they should have a court for marriage and divorce, instead of going back to the law which they had in England one hundred years ago and which was substantially a denial of justice.

**Hon. Mr. Ritchie** observed that there had not been more than four divorce cases in Canada in twenty-five years.

The motion was then carried and the House adjourned until to-morrow at three o'clock.

## THE SENATE

Wednesday, April 1, 1868.

The Speaker took the chair at three o'clock.

Mr. Montizambert received the title of "English Translator," as well as "Law Clerk."

The petition of Mr. Fortier, late Sergeant-at-Arms, was read and referred to the Contingent Committee.

After some other routine business the Bill for continuing the Parliament in case of the demise of the Crown, was read a second time and referred to Committee of the Whole tomorrow.

### PRINTING.

**Hon. Mr. Simpson** moved that the 10th Report of the Committee be adopted. He said the substance of the report was not very important, except in regard to the work performed by the Queen's Printer by mistake, for the Librarian, and for which they charged \$2,100. The Committee had taken steps to prevent any recurrence of any mistake of this kind in future, and they had recommended that \$1,548 be paid the Queen's Printer for this work.

**Hon. Mr. Ross** said he must bear testimony to the attention which the Chairman of the Committee had bestowed upon this subject, in order to cut down the expenses of the public printing, but he did not think the Chairman of the Committee or the members generally, understood what the effect would be if they adopted this report as it now stands before the House. They could not always get this particular kind of work done in as satisfactory a manner, by contract, as they could by the Queen's Printer, on account of the contractors not having the necessary machinery for this purpose. The work referred to, which was now placed before the members for their use, was of a superior character, both in type, paper and binding. He had never seen any work of this kind so well done by contractors for printing. He supposed the Librarian was desired to get the best work done, and therefore took it to the Queen's Printer, following the example of the Government in this matter.

**Hon. Mr. Simpson** said this printing ought to be done by contract, it being no object to have the work done at any great expense, as this catalogue has to be republished every two years. The catalogue they had published two

years ago, was very good both as regards type and paper, although the binding was not quite as good as the present. All contracts for printing should be managed by the Committee, and if we have not done our duty, we can be displaced; but if we have accomplished a service for the country, our report should be adopted, and all contracts for printing pass through our hands. The charge made by the Queen's Printer for printing this catalogue is \$2,100, while according to our contract we could have had it done for \$1,250. Now the Queen's Printer had no better mode, or in fact any other way of getting paid, but through the sense of justice of this Committee, as the Librarian had no power to order the work or certify the account, and the Government, much to their credit, refused to interfere with the functions of our Committee. We were so desirous of acting fairly and honourably in the matter, that we called in men of great experience from Montreal and elsewhere, who agreed that the offer made was most liberal and handsome under the circumstances.

**Hon. Mr. Steeves** agreed with his hon. friend (Mr. Simpson) in his remarks. The charge made by the Queen's Printer for the catalogue was \$2,085, but they had allowed the matter to stand over for some time, in order to get information from a person acquainted with printing and the prices that should be charged for work of this kind. From that information we came to the decision to allow the Queen's Printer \$1,500 for the work, which was a sum considerably in advance of the amount we would have had to pay if it had been done by the parties who had contracted for the public printing. If the contractors had done the work it would have cost \$1,247, but in order that there might be no complaint we agreed to recommend that the sum of \$1,500 be paid to the Queen's Printer.

**Hon. Mr. Aikins** would like to know whether the Queen's Printer had agreed to accept this sum; if not it would place the Librarian in the position of being responsible for the difference between \$2,000 and the amount proposed to be paid, while at the same time the committee acknowledge that he acted under a misapprehension of his authority. They ought to be extremely careful in adopting the report, if it placed the Librarian in that position.

**Hon. Mr. Simpson** said the committee held that the Librarian did know that the work ought to be done by contract. In regard to the price they were to give for the work, the

committee did not depend upon their own judgment, but they had a gentleman of experience to measure the work and certify to its correctness.

**Hon. Mr. Allan** thought there was a necessity for their observing the rule to have their printing always done by contract, and then if the Librarian took the responsibility of getting this work done by the Queen's Printer, he should take the consequences.

**Hon. Mr. McCully** said there could not be much misapprehension in regard to the matter, as it was well known both to Parliament and to the public, that their printing was done by contract. He was surprised that the Queen's Printer should not know it, but should print this catalogue without discovering whose duty it was to do it. If any one had a right to complain, it was the Parliamentary Printer, as he had provided material, and might well have anticipated that he would have had this work to do.

**Hon. Mr. McCrea** said there was no one responsible for the payment of the amount claimed; the Queen's Printer could not get any part of his claim unless the House gave it to him.

The report was then adopted.

**Hon. Mr. Simpson** presented the 11th report from the Joint Committee on Printing, which was adopted.

#### ADJOURNMENT—EASTER HOLIDAYS.

**Hon. Mr. Ross** said as the House of Commons intended adjourning for two or three days during the Easter holidays, he thought it was advisable that the adjournment of this House should take place tomorrow evening, instead of Friday evening, as several members wished to reach home this week, which they could not do, if they adjourned on Friday.

**Hon. Mr. Campbell** said the responsibility of the adjournment rested with the House, and not with the Government. It was his opinion that it would be for the advantage of public business, that this House should remain until the House of Commons adjourned. If they adjourned tomorrow a portion of the business of the other House might come up to the Senate in their absence, and public business be thereby retarded. He believed the other House would adjourn from Wednesday until the following Tuesday. If the Senate remained in session until next Wednesday, it would then be for the members to say wheth-

er to return on Tuesday, or postpone their meeting for a day or two after. If there was to be any difference in time between the adjournments of the two Houses, it would be more convenient to have that difference after the Easter holidays than before, because now they could be advancing the business which came before them; but after the holidays it would be some time before they would have anything to do.

**Hon. Mr. Dickey** said it was understood that the adjournment of the Senate was to be for a longer period than that of the House of Commons, and he thought the time had better be taken off the early part of the session, because the business to come before them would, in the latter part of the session, be in a greater state of forwardness than it was now. Then there was an order of the day for the 15th of April on a delicate subject, and he did not know but it might interfere with this separating a man from his wife.

**Hon. Mr. Steeves** said he regretted to oppose any measure that was intended for the accommodation of the members from Ontario and Quebec. He thought it was as well to understand at once whether we were to have a longer adjournment than necessary for the purpose of accommodating members to visit their homes. If so, the adjournment would have to be much longer to allow members from the Maritime Provinces to avail themselves of the same privilege. He did not think it was desirable or wise for this Branch of the Legislature to assume that it was not necessary for them to be here all the time the other branch was in session. They should not now establish such a precedent. Some of the hon. members were anxious that this Session should be brought to a close in the early part of May; this adjournment of ten days would not facilitate business, or add to the shortness of the Session. The Government were getting their measures prepared, and they would soon be brought before the House of Commons. The Minister of Militia had a very important measure before that House yesterday in relation to his department, therefore it was necessary, in order to close the Session by the 1st of May, that they should turn their attention to the business of the Session, instead of adjourning for ten days.

**Hon. Mr. Ferrier** had no very strong feeling on the subject, but thought as an adjournment admittedly must take over the Easter holidays, that the public business would not suffer any inconvenience for twelve days.

**Hon. Mr. Wilmot** thought from the past experience we had, that all the legislation is hurried through at the end of the session, that it would be desirable if we did not allow the business to accumulate.

**Hon. Mr. Bureau** hoped that a little reflection would convince hon. members of the inutility of prolonging the adjournment beyond Thursday of this week. The House could only sit at most, three times in Holy Week, viz., Monday, Tuesday, and Wednesday, as on Holy Thursday and Good Friday (being holidays of obligation) no hon. member pretended the House should meet. He appealed to the Government if the bills from the other House would probably be delayed.

**Hon. Mr. Chapais** said that the ministerial measures were ready to be submitted, but thought it unlikely that the debates on them would be finished, or the measures sent down to this House before their return to their duties.

**Hon. Mr. Wilson** considered it a custom from time immemorial, that we should have a recess over Holy Week, and the difference of the few days added would be required for the hon. members of Ontario and Quebec Provinces to reach their homes and return, and he could see no possible ground of objection—the despatch of public business could in no way suffer from it.

**Hon. Mr. Macpherson** opposed strongly the adjournment of this House whilst the other Branch of the Legislature was in Session. Of course by adjourning from day to day we could attend to any bills sent to us from the other House, but these long adjournments he felt were inconvenient.

**Hon. Mr. Ross** did not desire any other adjournment than the three Easter holidays, but having understood that an adjournment was to take place, he had mentioned the matter in order to know at what time the House intended to adjourn, so that he could make his arrangements accordingly.

**Hon. Mr. Christie** said the adjournment would have to extend over some five days as Easter holidays, but this would not give time to members from Ontario and Quebec to go home. This was an unusually early spring, and as they were aware spring operations had begun in Ontario, therefore a few days before Easter was of great consequence to those engaged in agriculture in that Province, and would in a great measure insure the success of their coming crop. If the public business was not to suffer, and he did not think it would,

they had better have a few days before Easter than afterwards.

**Hon. Mr. Campbell** said if it was the desire of the House to adjourn he should not oppose it, but he had not changed his opinion that the business of the House would be in a more forward state if they did not adjourn until the adjournment of the House took place.

**Hon. Mr. Simpson** thought it would be very important for the farmers to be at home for a few days, in order that they might give directions to their men. He did not think it was right that this House should at any time, or under any circumstances, give up its rights and allow public business to be retarded for the personal convenience of members, but as it was the intention of the House to adjourn for some days, he thought it would expedite business more by having them before than after Easter. It was the custom in England to adjourn for a fortnight at Easter, and he thought we, out of respect for our Roman Catholic citizens, should adjourn during the whole week.

**Hon. Mr. McMaster** thought the proper despatch of public business would be in no way interfered with by the proposed adjournment.

**Hon. Mr. Wark** regretted to see the feeling so strong, and so general, that this House can abandon their posts at pleasure during the sitting of the other House, and felt it was injurious to their reputation out of the House, and lead to the general impression that their duties were of routine, and of little importance under the constitution.

**Hon. Mr. Dickey** gave notice of motion for to-morrow, that when this House adjourns it stands adjourned until Tuesday, the 14th inst.

**Hon. Mr. Simpson** moved, seconded by Mr. Christie in amendment, that it stand adjourned until the 15th inst. (Wednesday.)

**Hon. Mr. Steeves** gave notice of motion for to-morrow, that during the proposed adjournment the deduction prescribed by law of five dollars per day, shall be made from the sessional allowance of hon. members for each day such adjournment shall continue.

**Hon. Mr. Mitchell** introduced the Bill intitled a Bill for the "Navigation of Canadian Waters," which was read a first time. The second reading was fixed for Monday next.

The House then adjourned until to-morrow at three o'clock.

## THE SENATE

Thursday, April 2, 1868.

The Speaker took the chair at three o'clock. After routine,

**Hon. Mr. Allan** presented the seventh Report of the Committee on Private Bills.

### COURT OF APPEAL.

**Hon. Mr. Sanborn** enquired "whether the Government have any intention to provide during this Parliament, for a General Court of Appeal for Canada."

**Hon. Mr. Campbell** said the subject had been taken into consideration by the Government, but more particularly by the Minister of Justice, and he hoped to be enabled to announce to the House after the adjournment that it was the intention of the Government to introduce such a measure during the present Session, but of this he was not quite certain.

### ADJOURNMENT.

**Hon. Mr. Dickey** moved "that this House on being adjourned, will stand adjourned until Tuesday, 14th April, at half-past seven o'clock, p.m."

**Hon. Mr. Letellier de St. Just** wished to remark, that under all the present circumstances, he thought that this House might well remain in session for eight days more, when in all probability the facilities of travel in the Province of Quebec would be increased. Of course the members from Ontario did not experience the same difficulties, as the seasons were much earlier. He thought the recess much too long, and might reflect rather unfavourably on the usefulness of this Branch of the Legislature. The session will be prolonged too far into the summer, and this long adjournment in place of advancing them, must necessarily retard them. Of course he would be very sorry to inconvenience any member of this House, but they could absent themselves for the few days mentioned, without injury to the public business, to attend to their private affairs. The holidays of obligation were only two, Good Friday and Easter Monday. He remembered the House sitting on Holy Thursday in Toronto, and also in Quebec if he was not mistaken. He thought the Government should inform the House frankly of their wishes, as representing the public interests of the country, and take the responsibility.

**Hon. Mr. Locke** did not see any reason why the House should adjourn for so long a period. They should not adjourn until the adjournment of the other House, because we were here to transact the public business in connection with that Branch of the Legislature, and it was very improper to leave them to do business alone without any personal communication with us.

**Hon. Mr. Ferrier** understood the Postmaster-General to say yesterday, that if the House wished to adjourn to-day he would assent to it, in order to allow members time to return home.

**Hon. Mr. Campbell** replied that he had said that he would assent to what was the wish of the House, but he believed the public business would be better served by our remaining. He had information since then that there is a possibility of some bills coming up very shortly from the House of Commons, but he could not inform the House whether or not these bills could be as well taken up when this House re-assembles. So far as the Government was concerned, we feel a desire to attend to the public business of the country, and we think we can advance that business better by remaining here until the other House adjourns.

**Hon. Mr. Simpson** said his hon. friend (Mr. Letellier de St. Just), had made a very nice speech, and he seemed to think that the Province of Ontario would have some advantage in this matter. He (Mr. Simpson) thought if they did get the start of their friends from Quebec on one occasion, it was time they had some advantage. They did not have much work to do at present, therefore it was very desirable to adjourn now, and they would overtake the work when they returned. He had been told that a gentleman who had spoken eloquently yesterday against the adjournment, had already made arrangements to go to Detroit. (Mr. Steeves—Name him), and another hon. gentleman desired to go to Chicago. If the business of the House was going to be interfered with, he (Mr. Simpson) would be willing to remain, but if they were satisfied that the despatch of the business before them had kept up with the progress of the other House we had better adjourn (hear, hear). He thought their friends from Lower Canada had some respect for some of their Saints' days, and they wished to adjourn over next week, therefore, he hoped the motion would be carried.

**Hon. Mr. Botsford** thought that from the statement made by the Postmaster-General there would not be much public business to come before them for some time. To adjourn now would be following the precedent established by the Parliament of the mother country. If this was simply an adjournment to allow members to go home, but not on account of the Easter holidays, it would put the subject in a different light. This adjournment would not interfere with the public business of the country, and he was quite willing to vote with the majority of the members to suit their convenience.

**Hon. Mr. Benson** said the difficulty appeared to be not in regard to the time of the adjournment, but whether the additional days should be before or after the adjournment of the other House. He should like to hear what were the views of the members of the Government upon this point.

**Hon. Mr. Mitchell** said he did not think until now that he was bound to speak upon this matter at all, but when the hon. member places the responsibility upon the Government, he would say that the Government had not much responsibility in matters of this kind. It was a question of convenience to the House, and whatever the feeling of the House is upon this question, the members of the Government will not oppose it. but so far as he individually was concerned, he did not think they ought to adjourn longer than they could help. Comments would be made throughout the country, after this question goes abroad, that while the Government were ready and willing to go on with the work, the House were not willing to remain until the adjournment of the other House. He thought a great deal of work from the other Legislature might come before them very soon, and they should not be absent. He was opposed to any adjournment beyond what the law gave, but he did not wish to place himself in opposition to a majority of the members of the House.

**Hon. Mr. Steeves** thought it was useless to oppose this motion as it was the feeling of a large majority of the members that they should adjourn for this long period, but at the same time he thought it unwise and impolitic to adjourn now when business was shortly to be brought before them from the House of Commons, as they had been told by the Postmaster-General, and when they had no information when that House would adjourn. What object hon. members could have in adjourning this House he was unable to discov-

er. His hon. friend (Mr. Simpson) had said that two hon. members had made eloquent speeches yesterday against the adjournment, while at the same time they had actually made arrangements, one to go to Detroit, and the other to Chicago. That charge could not apply to him as he never made eloquent speeches. He did not think his hon. friend would assist his cause by making this public: it was no reason for them to adjourn because one or two members had arranged to go on a pleasure excursion. During this discussion there had not been one good reason given why we should adjourn before the House of Commons. The Senate should be here in Session to receive such measures as came from the House of Commons and deliberate upon them. It was quite possible he might be in error, but these were the views he had always held upon this subject.

**Hon. Mr. McCrea** had abstained from taking any part in the debate for the purpose of knowing what the opinion of the majority were; if the members of the House wished for a few days adjournment he would not oppose them; but the proceedings of this Legislature being jealously watched in certain Provinces, his impression was that we ought not to adjourn this House unnecessarily. There would be no objection in any of the Provinces to their adjourning during two or three days for Easter holidays, but to adjourn for thirteen days would be very objectionable. Then there was something to be said on the other side; in his own Province the Legislative Council had frequently adjourned over for two or three days; therefore as an abstract principle there could be no great harm done to the public service, although there was a jealous feeling in the country that we should not be wandering about the Dominion when we are supposed to be at the seat of Government. If a majority of the House are disposed to adjourn he would go with them, but if it was to be a trial of strength he would vote against the motion. He would not like to see the House divided upon the question, therefore he would offer no opposition.

**Hon. Mr. Wark** was not going to oppose the adjournment at present, but he hoped when they re-assembled, the Government would have their measures in a forward state, so they could get through the session as rapidly as possible. His hon. friends from Ontario frequently took a run home to see their families, and to attend to their business, but the members from the Maritime Provinces could

not have that pleasure on account of the distance they were from home. Our friends from Ontario and Quebec should remember that we have our business of various descriptions, to attend to there, and we would like to have the session to close as soon as possible.

The motion was then adopted.

**Hon. Mr. Steeves'** motion (regarding members' indemnity during the proposed adjournment) stands over until then.

**Hon. Mr. Tessier** introduced a Bill to amend and prolong the National Bank; second reading fixed for the 16th inst.

**Hon. Mr. Tessier** gave notice of motion to Governor-General (on the subject of navigation) for 16th April.

**Hon. Mr. Simpson** moved, seconded by **Hon. Mr. Sanborn**, that the consideration of the fourth Report on printing be discharged from Orders of the Day.—Carried.

#### DEPARTMENTAL BILL— SECRETARY OF STATE.

**Hon. Mr. Campbell** moved the second reading of the bill respecting the Secretary of State's Department, and explained that some of the provisions of the bill were the same as those in force in the late Province of Canada, in relation to that office, then called the office of Provincial Secretary. To these duties were now added the management of the Indian Lands and Ordnance Lands. He thought there was nothing in the bill which called for any special remarks from him; he would move the second reading of the bill, and then refer it to the House after the adjournment.

**Hon. Mr. McCully** said the bill referred to the Indian Lands throughout the Dominion, but he did not see any reference to the laws they had in Nova Scotia at the present time, in respect to those lands. He had not read the bill carefully, but they should see that there were no Acts in force in Nova Scotia which are really controlled by this Act.

**Hon. Mr. Campbell** said anything of that kind could be rectified when the bill came before a Committee of the whole House. There was a section in the bill which repealed the laws in Nova Scotia and New Brunswick which were inconsistent with the provisions of this Act.

**Hon. Mr. Steeves** said the Government should carefully consider this matter, as there

were large tracts of land reserved for the Indians in New Brunswick. This property still belongs to the Crown, but there was some regulation made by the Government of New Brunswick by which the proceeds of those lands go to the Indians.

The motion was then carried.

#### INCORPORATED COMPANIES WINDING UP FACILITY.

**Hon. Mr. Campbell** moved the House in Committee, (**Hon. Mr. Ryan** in the chair) on this Bill, and said that since the Committee sat on a previous occasion he had had the opportunity he desired of consulting some of the members of the other branch of the Legislature who have charge of matters of Bankruptcy and Insolvency: he also had an opportunity of consulting with gentlemen from the Province of Quebec, and at their suggestions he had altered some of the clauses of the Bill. He had also adopted the suggestion of a member of this House from Nova Scotia, as to the proper tribunal to take charge of these causes in that Province. He had made several changes, though they were not of much consequence, yet they all tended to improve the Bill, and render it more serviceable and applicable to all the Provinces of the Dominion. The first change was in respect to companies which are to come under the operations of this Bill: it is provided that those companies which are incorporated by the Bill, and those companies which are not Provincial shall come under the provisions of the Bill; it also provided that any Provincial company if it should become insolvent should be wound up under this Act, but not for any other cause. The 19th clause provides that a curator appointed can sell any property, and convey the title the same as if the sale was made by the company. He then explained the alterations made in this section to meet the requirements of the Province of Quebec, and referring to the subsections of that clause, he said difficulties might be raised where railways, roads and piers were owned by companies, if all the rights and obligations in reference to the original companies should be continued to their successors. That he thought was going too far. A railway or other public work might fall into the hands of two or three persons, and they should not be obliged to continue all the obligations connected with using the work under which the original company held it; obligations not particularly connected with the work should fall into abeyance. After re-

ferring to several other changes he said one of the hon. members had called his attention to an Act in New Brunswick in reference to this subject which had not been repealed. This had escaped his attention as there was no volume of the Statutes of New Brunswick here which contained that Act when this bill was drafted; he had now inserted a clause to repeal it. Having made these amendments he would ask the House after they were adopted to have the Bill printed and allow it to stand over until the House reassembles, the members would then have an opportunity of considering it.

**Hon. Mr. Aikins** would like to ask if the bill applies to mining companies?

**Hon. Mr. Campbell**—Yes.

**Hon. Mr. Aikins**—Would it increase the liabilities of stockholders?

**Hon. Mr. Campbell**—No, not in any way.

The Bill with amendments was then reported, which Bill as amended, was ordered to be printed and considered on the 16th instant.

The House then went into Committee of the Whole on "Bill for continuing the Parliament of Canada in case of the demise of the Crown," (**Hon. Mr. Shaw** in the Chair), and reported same without amendment, which bill was then read a second and third time and passed, and reported to the House of Commons.

The House was then adjourned until the 14th instant at 7.30 o'clock, p.m.

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## THE SENATE

Tuesday, April 14, 1868.

The Speaker took the chair at eight o'clock p.m.

**Hon. Mr. Mitchell** said the painful announcement of the death of the **Hon. Benjamin Wier** had taken them all by surprise: none of us last evening expected we would now be speaking of him as of the past. He was sure when he expressed his sentiments, he expressed the desire of every member of the House, that every respect should be paid to one whom all esteemed, and one whose life has left pleasing associations with those who were acquainted with him. His death following as it did upon the public calamity which so recently marked the other branch of the Legislature, has added a deeper shade to that gloom which has overspread the community. He felt that on an occasion like this, it ill became him to speak at any length, he would now, out of respect to the memory of their departed friend, move that when this House adjourns, it will stand adjourned until Thursday, at three o'clock in the afternoon.

**Hon. Mr. McCully** in rising to second the resolution, moved by his hon. friend from the Ministerial benches, said he felt unequal to the duty he had to discharge, but he could not let this opportunity pass without making some remarks as a tribute of respect to one he had long known. Their late lamented colleague from the Province of Nova Scotia, was a man whose acquaintance he had had the happiness of enjoying for many years. He had sat in the Government of Nova Scotia with him for four years, and perhaps there was no man in the House who more deeply deplores the loss—not

this Senate alone, but the Dominion, and especially Nova Scotia sustains in the death of our departed friend. He was a man of great ability, energy and perseverance, in the discharge of the duties devolving upon him, and it was difficult to see where a successor, as devoted as he, was likely to be found. He had been called away very suddenly from among us, and he (Mr. McCully) would not detain the House further than to say, that there was no man of any profession, or class of opinion, who will not receive these tidings with deep sorrow. They will, indeed, cast a shadow over the length and breadth of the Provinces.

**Hon. Mr. Ritchie** said this sad event had come suddenly upon them, and they could hardly yet realize their loss. He (Mr. Wier) was a man who had always taken a deep interest in the affairs of our own Province, and also in the affairs of the Dominion. There was no man from the Province of Nova Scotia who had a larger or more extensive experience in legislation, or who was better fitted for a Senator of the Dominion than their departed friend.

**Hon. Mr. Locke**, as a member from Nova Scotia, said he would say a few words in respect to his late colleague. He had known him for twenty years, and during sixteen years they had sat together in the Councils of their country. He had always known him as a firm, honest, consistent man, both in a legislative capacity and in private life. Whatever course he took in public life he was always sound and consistent, and when such a man left them it was a loss to the country. He knew that the public, and especially the Province of Nova Scotia, would feel that they had lost a good and generous man.

The House then adjourned until Thursday at 3 p.m.

## THE SENATE

Thursday, April 16, 1868.

The Speaker took the chair at three o'clock.

The Speaker reports receipt of the following telegram from Prince Edward Island relative to the assassination of the **Hon. T. D. McGee**:

"The Legislative Council of Prince Edward Island having learned by recent telegrams that the Hon. Thos. D'Arcy McGee, a member of the Parliament of the Dominion of Canada, was assassinated on the morning of the 7th of April, when returning to his lodgings from the House of Commons;

"Therefore, resolved, that this Council takes the earliest opportunity of expressing its horror and detestation of the atrocious crime which has thus suddenly deprived the people of Canada of an able and patriotic statesman, and a wife and family of their natural protector; to the Parliament and people of Canada, and to the bereaved widow and children of the deceased, the Council desires to express its heartfelt sympathy on this melancholy occasion. Resolved, that the President communicate the resolution of this House to the President of the Senate of the Dominion of Canada, and also to Mrs. McGee.

(Signed,)

"Donald Montgomery,  
"President."

**Hon. Mr. Mitchell** moved that the Senate give an answer to the telegram which they had received from the Legislative Council of Prince Edward Island, in relation to the death of the late Hon. Thomas D'Arcy McGee.

**Hon. Mr. Letellier de St. Just** said they had had no opportunity to express their sympathy for the family of the deceased, or to join in the general grief which his death had caused in the country. He would say on the part of the members of the Senate that if it was in order to move a short adjournment in respect to the deceased they would do it to express their grief at this awful calamity. Mr. McGee was in his life a statesman, philosopher, poet, and editor, and devoted his best energies to advance the interests of his adopted country, while at the same time he did not forget his native land. In Montreal and throughout the Dominion every effort had been made to do honour to his memory. He hoped that every means would be taken for the safety of society and to bring the guilty parties concerned in this sad event to justice. He was not aware

that this question was to be brought up to-day and was not prepared to speak upon it. He suggested that it should be allowed to stand over.

**Hon. Mr. Mitchell** said it had been the desire of the Senate to take some initiatory steps in reference to this subject, but they had been prevented by the great calamity which had fallen upon the House by the death of the **Hon. Mr. Wier**. He approved of the suggestion that the question should stand over until tomorrow.

The motion was accordingly allowed to stand over.

**His Hon. The Speaker** said a bill with amendments had been sent from the House of Commons, entitled an Act respecting securities to be given by officers of Canada.

**Hon. Mr. Mitchell** moved that the amendments to the bill be adopted, and at the request of the **Hon. Mr. Ross** he explained the alterations which had been made, which he said were merely verbal alterations.

**Hon. Mr. Wilmot** said that when the bill was before them on a previous occasion it had been explained that bonds to the Crown in New Brunswick were liens on real estate, and that it was not so in the other Provinces. It was then said that the subject would be brought before the Government in order to have a similarity of action in all the Provinces. He would ask whether anything had been done, or will be done, to bring about this similarity of action. It was but right to New Brunswick that this information should be given. He was not aware whether the same law existed in Nova Scotia as in New Brunswick on this subject.

**Hon. Mr. Ritchie** said the Courts of Nova Scotia had decided bonds of the Crown have no priority over other bonds in that Province.

**Hon. Mr. Mitchell** said the bill had been discussed here and agreed to, and he thought they should not object to the Act which they had passed into Committee. He said that the second subsection of the fourth section of the Bill gave the information required, which was as follows: For the purpose of so registering bonds or securities under this Act the Secretary of State of Canada shall provide a separate Register Book, every page of which, and every bond or security recorded therein, shall be numbered; and the day of the month and year when every such bond or security is registered, shall be entered in the margin of

the said Register Book, and in the margin of the bond of security.

**Hon. Mr. Hazen** said it appeared from this section that office holders should give bonds to the Crown. He had stated that bonds had always been given to the Crown in New Brunswick, and those bonds had been a lien on the estate of those office holders. Subsequently he had suggested to the Postmaster-General that the same law they had in Canada should be extended to New Brunswick, and the Postmaster-General had agreed that it would be desirable to insert a clause in the bill that those bonds should not be a lien on estate. As that clause must have been struck out in the other branch of the Legislature, as it is not in the bill, he would suggest that the matter stand over until the Postmaster-General was in his place. In regard to the Courts in Nova Scotia declaring that a bond of the Crown did not in any way operate as a lien on land, he could only say that in New Brunswick the Courts held quite the reverse. It had been admitted in New Brunswick that a bond of the Crown operates as a lien on the real estate of the party giving the bond, and a case of real hardship took place not long since in consequence of the operation of this law. He would now ask the Minister of Marine to allow the matter to stand over until the Postmaster-General was in his place.

**Hon. Mr. Mitchell** had not the slightest objection to allow the bill to stand over, but he would say that the hon. gentleman was wrong in assuming that the other Branch of the Legislature had altered that part of the bill, as the clause just read covered the whole ground.

**Hon. Mr. McCully** said there must be some great mistake in regard to the law in New Brunswick, as he could hardly suppose that any bond given to the Crown and not registered in any registry of deeds, could be held as a lien upon real estate.

**Hon. Mr. Hazen**—It is unquestionably so.

**Hon. Mr. McCully** said it was most extraordinary that in any county where there was a registry of deeds kept, that Crown bonds were registered somewhere else. No attorney would know whether a Crown bond was registered in the Secretary's office, or in the office of the Registrar of Deeds.

**Hon. Mr. Steeves:** He would have to search both places.

**Hon. Mr. McCully:** He would be obliged to search the registry of the county and the Secretary's office at Fredericton, too. In regard to the observation that bills had been passed here without reading, he would say we had to take a great many of the measures of the Government upon trust, and the responsibility of those measures should rest upon those who brought them in, but he was glad to find the Minister of Marine so ready to give explanations when required.

**Hon. Mr. Mitchell** said he was happy at all times to give information, and he could only regret that his hon. colleague the Postmaster-General was not here to give fuller explanation than has been given. The amendments made by the House of Commons were merely verbal, and of no serious importance. The point to which his hon. friend from St. John had taken objection had never been in the bill. If the House wished the bill to stand over he would have no objection.

**Hon. Mr. Wilmot** said he had brought the question up in consequence of great complaints having been made in New Brunswick that according to the terms of the Excise Law parties there would have to give security which would affect their real estate. The Postmaster-General had said that he would call the attention of the Government to the matter in order to relieve the parties who had given those bonds. It is a very important question, and it is very desirable that parties in New Brunswick who gave those bonds should be relieved from this responsibility, as they were in other parts of the Dominion.

**Hon. Mr. Hazen** said that in New Brunswick they had no registry at all for those bonds and he believed that was according to the common law of England. They are not registered at all, but are in the archives of the Crown. He believed this was the common law of Nova Scotia, too. They had very learned men on the bench in Nova Scotia who had decided in one way, and they had very learned men on the bench in New Brunswick who had decided the other way, and for this reason he had pressed the matter upon the Postmaster-General, and he now wanted the matter to be enquired into as to whether what had been adopted in Canada should extend to New Brunswick.

**Hon. Mr. Steeves** said to allow time to look into the law as regards New Brunswick, the matter should stand over. He did not see why we should take these Government bills upon trust and allow them to pass through without giving members an opportunity to look into

them. It was the duty of this Branch of the Legislature to look carefully into all bills, whether they emanated from the Government or from any other source. He was sure there could be no objection to allowing the question to stand over.

**Hon. Mr. Mitchell** said that upon the only point that had been raised he had shown conclusively that no change had been made in the bill from what it was when passed in Committee. The extract which he had read covered the very ground of objection in reference to New Brunswick, and entirely removed it. His hon. friend (Mr. Hazen) had stated the construction that had been put upon the law relating to these bonds in New Brunswick, and however singular it may appear, such is the fact, that those Crown bonds did not require to be registered in the county registry. We will suppose that when the laws relating to them were established, the Crown wished to place as little duty upon the Crown officers as possible, and they adopted a system which, though it was not a verbatim registry, yet it was a record from which any person could find whether or not a bond was in existence. If they had had a record of these bonds in every county, there would have been fourteen records, and every one of these would have added additional labour to the Crown officers; therefore, they arranged the law to put the onus of ascertaining whether these bonds existed upon the individual, and not upon the Crown. He would like in any case where Government Bills were under consideration, to receive every assistance to make those bills as perfect as possible. The objections made were covered by the section he had read, and he hoped the hon. House would not allow the matter to stand over without there was some real objection made.

**Hon. Mr. Hazen:** What is the registry for?

**Hon. Mr. Mitchell:** It is to establish some systematic means by which a person can, by applying to that department, ascertain whether the property of an individual has any charge or lien upon it. This was the most secure method that could be adopted for this purpose. He hoped the bill would be allowed to pass as the alterations were merely verbal.

**Hon. Mr. Aikins** would like to ask if this clause was amended in the House of Commons, otherwise they could not go back and reconsider it.

**Hon. Mr. Hazen** would like to ask whether there was a registry provided, which was not

in the bill when it went to the House of Commons.

**Hon. Mr. Mitchell:** There is not.

**Hon. Mr. Hazen** would say that the Minister of Marine was in error in regard to the registry of Crown bonds. They were never registered in New Brunswick. There was no record given, or book of registry kept. He knew the section read covered the ground of objection, but he wished to know whether this clause for registry had been added in the House of Commons.

**Hon. Mr. Mitchell** said there had not been a provision in the bill by the other House for the registry of Crown bonds. That provision was made and agreed to by this House. He did not see how they could bring up a point for discussion now here upon which no amendment had been made by the House of Commons. In regard to this registry of Crown bonds in New Brunswick, his hon. friend (Mr. Hazen) would see that he had put a suppositious case; he said if the second was kept at the Secretary's office, it would place much less responsibility upon the Crown. The Government now thought it desirable to create a registry of bonds, so that any man could see by a glance whether or not there was a lien upon property. The bill meets the objection made in regard to New Brunswick, and places the Crown in reference to the bonds in the same position as private individuals.

**Hon. Mr. Miller** said that as a clause had been added giving to New Brunswick all she wanted, and as no alteration had been made in the House of Commons to that part of the bill to which objection had been taken, he could see no reason why it should be postponed.

**Hon. Mr. Hazen** said as no amendment had been made to that portion of the Bill which provided for registry of bonds, he had no wish to postpone it.

The Bill as amended was then adopted.

The consideration of the amendments to Bill J, Alien Laws amendment, as amended, was then proceeded with.

**Hon. Mr. Macpherson** called attention to the increased obstacles that were placed by this bill in the way of parties desirous of naturalization, by requiring them to make oaths before the Judge of a Court of Record, instead of before a Justice of the Peace, as required by the law now in force in Ontario.

He said that the policy should rather be to facilitate naturalization not to interpose new obstacles.

After a few words from the **Hon. Messrs. Mitchell, Sanborn, Aikins and McCrea**, the further consideration of the Bill was postponed until Tuesday next.

**Hon. Mr. Mitchell** moved that the Bill relating to the navigation of Canadian waters be now read a second time. The object of the bill, the hon. mover explained, was to extend the provisions of the bill applying to the late Province of Canada, to those of New Brunswick and Nova Scotia, which contained provisions and clauses much more comprehensive than the Acts in force in New Brunswick and Nova Scotia, and the present bill would assimilate the laws of the whole Dominion of Canada, which was a great advantage. After consulting with mariners and others interested in the shipping trade of the country, he found that it worked very satisfactorily, and hence he wished to have a similar law in force in all the Dominion, and would prove of incalculable benefit if extended to the Maritime Provinces. The hon. gentleman went on at great length to explain its provisions, such as to prevent collisions, lights they were to carry when under way and at anchor during the darkness of night, on what side the lights should be carried, and the course they were to steer on meeting, to prevent collisions. The bill only applied to vessels navigating the inland waters and not outside the three marine mile limit and was convinced the bill would work very satisfactorily in the Lower Provinces, as it had in the Provinces now composing Ontario and Quebec.

**Hon. Mr. Hazen** opposed the extension of the clauses of the bill to the Lower Provinces, and said that they could never be worked satisfactorily in New Brunswick, and enumerated its inconveniences in various particulars in the navigation of the inland waters of that Province. What was suitable for the large lakes and rivers of the Upper Provinces were badly, or not at all, adapted to the small streams and creeks of his Province. He ridiculed the idea of the smallest steamer and tug and ferry boats being obliged to carry the same large and expensive lights as the largest steamers, such as the Cunard and other large sea-going steamers, which would work a great hardship, and would never give satisfaction besides it being quite impossible for these small vessels to comply with the law, and

amidst some merriment expatiated at length on the magnificent system of blue, red, white, and all the other lights imaginable.

**Hon. Mr. Mitchell** defended the bill, and explained that the only doubt he had was whether ferry boats should not be exempt, but on further consideration considered it better to make its provisions general. He considered it much more necessary in smaller inland waters, where there was very little sea room, to have wise and stringent regulations, than in open sea, though he would not agree in the estimate put on the rivers in New Brunswick by the hon. member who last spoke, (Mr. Hazen) but that if they were much smaller than they are he considered the urgency of the case greater to enforce a regular system of lights, signs, &c., as provided for in the present bill. But he denied there were such paltry, insignificant boats on the River St. John as the hon. gentleman described, and regretted to hear him belittle his own noble rivers. He said the hon. gentleman may be, and he no doubt was, a very clever lawyer, but he understood nothing of the subject on which he was speaking. The formidable lights and their cost were entirely imaginary, as they could be supplied at \$2 or \$3 each. He was not obstinately bent on carrying the bill against any well founded or reasonable objections, and would be willing to accept any amendments or improvements which hon. gentlemen might suggest.

**Hon. Mr. Hazen** replied, denying many of the passages attributed to him by the last speaker (Mr. Mitchell) and said he never intended, and was certain he never did here or elsewhere, try to belittle the River St. John or anything else in New Brunswick, and certainly much less than the hon. gentleman himself, who unfairly imputed motives, and put words in his mouth which he never entertained or expressed. The debate was prolonged for a considerable time.

**Hon. Mr. McCully** regretted the tone of the debate between the two hon. members; he would be sorry to see the principles of the British Navigation Act, by the proposed bill, enforced on foreign vessels, though he believed they had been applied in Nova Scotia to the bays and ports. But what was the use in passing the present Act if they were actually in force in Nova Scotia? He did not wish to be understood as giving an unqualified opposition to the bill, but asked this merely for the sake of information.

**Hon. Mr. Mitchell** explained that New Brunswick had legislated on the subject, and so had set aside the Imperial Statute, but surely if the provisions of the Imperial Act are now in force in Nova Scotia, there could be no valid or well grounded objection to the present time for formally enacting it.

**Hon. Mr. Skead** had considerable experience going up and down the river St. Lawrence, and was satisfied the old Canada Act had given great and universal satisfaction, and he had yet to learn that any well grounded, or any, complaints had ever been made of its provisions. He hoped, therefore, the Minister of Marine would not consent even to exempt ferry boats. He had some interest in several tow boats on the Ottawa, and would concur with the Hon. Minister of Marine in saying that the cost of lights was very trifling. The hon. gentleman explained fully how rafts were required to be lighted to avoid doing damage to vessels, and on the whole highly approved of the bill.

The bill was then read a second time, and ordered to be considered in Committee of the Whole to-morrow.

**Hon. Mr. Chapais** brought in a Bill relating to agriculture, which was read a first time, and the second reading ordered on Tuesday next.

The consideration of the Whiteaves Divorce Bill was postponed until Tuesday next.

The "Banque Nationale" Bill was postponed until to-morrow week.

The House then went into Committee of the Whole on the Secretary of State's Departmental Bill. Mr. Miller in the chair.

**Hon. Mr. Macpherson** called the attention of the Government to the fact of persons having bought certain Indian lands in the Saugeen Peninsula at from eight to ten dollars per acre, to be paid by instalments, and the land not being worth that amount those settlers had made application to the Government to make a reduction in price, but they were met by the statement that the Government had not the power, because the lands are held in trust for the Indians. In some cases several parties agreed that their first instalments should apply to one or more lots, and thus release the other lots held by them. This did very well for the speculators, who having bought more than one lot consolidated their first instalments and liquidated all they owed to the Government, but it was of no use to the settler who had

only one lot. The object of the Government should be to relieve the settler, rather than the speculator. To show the hardship of the settlers having to pay this amount for their land, he would state that the land adjoining sold for one dollar and half per acre. The Government should have power to extinguish the Indian claims altogether, and to deal with the settlers as they may deem equitable and right in each case. His object was to give the Government power to set a value upon those lands and to exchange a landed trust for a money trust on behalf of the Indians, and at the same time deal liberally with them. He would ask whether the Government have this power under the bill.

**Hon. Mr. Mitchell** said he was obliged to his hon. friend for calling the attention of the Government as to whether they had sufficient power under this bill to carry out the object proposed. He would suggest that they had better go on with the bill until they came to the section it was proposed to alter, and then let it stand over for further consideration.

**Hon. Mr. Aikins** had no objection to proceeding with the bill, as had been suggested by the Hon. Minister of Marine, but at the same time he agreed with the remarks made by his hon. friend, (Mr. Macpherson.) He had some knowledge of the hardships experienced by settlers upon those lands. He had known many individuals who had purchased those lands with the intention of becoming *bona fide* settlers, and who had to pay more for those lands than they were worth, while the Government would not give them that consideration to which they were entitled. He had known many cases where they had forfeited their first payments and given up their lands. It was very desirable in the interests of the public generally that this trust should become a money, instead of a land trust. The Government of the Dominion should be the trustees to sell the land, and hold the money on behalf of the Indians. Owing to the manner under which those lands are held at present, they are not occupied, but if they were held under a different system they would soon be settled.

Several sections of the bill were then passed, when

On motion of **Hon. Mr. Mitchell** progress was reported, and leave asked to sit again to-morrow.

The House then adjourned until three o'clock to-morrow.

## THE SENATE

Friday, April 17, 1868.

The Speaker took the chair at eight o'clock.

After routine.

The Speaker submitted a telegram he had received from the Duke of Buckingham in these words:

Downing Street,  
December 11th, 1867.

(Circular).

Recent circumstances have directed my attention to the expediency of assimilating, as far as possible, the law of the different Colonies respecting treasonable offences to the law of the United Kingdom. There can, I think to be no doubt but that on a subject thus concerning the interests of the whole Empire, the laws of the Empire ought, if possible, to be uniform, and with this view I desire to call your attention to the provisions of the Imperial Act II Vic., Chap. 12, intituled "An Act for the better security of the Crown and Government of the United Kingdom," by which you are no doubt aware, the offence of treason [except in the case of offence against the person of Her Majesty] is made a felony and may be tried as such. This Act has been for some time in operation here and has been found to work well, and I am anxious that enactments similar to that Act should be passed by the several Legislatures of Her Majesty's Colonial possessions.

I desire therefore that you will cause this circular despatch to be brought under the notice of your Legislature with a view to the passing of such a measure.

I take this opportunity of reminding you that if any person commit an overt act of treason in the colony under your Government and escapes from the Colony, it would be your duty to avail yourself of the provisions of this Act for the better apprehension of certain offenders 6 & 7 Vic. Chap. 34, as extended by 16 & 17 Vic., Chap. 118, so as to secure the apprehension of such offender in that part of Her Majesty's Dominion in which he may have taken refuge and his reconveyance to the Colony for trial.

I have the honor, &c.

(Signed), Buckingham and Chandos.

Hon. Mr. Mitchell brought up a message from His Excellency as follows: The Governor-General, deeply impressed with the

severe loss the country has sustained in consequence of the murder of the Honourable Thomas D'Arcy McGee, and being desirous of marking his sense of the public and private virtues of Mr. McGee, and of affording relief and assistance to his afflicted family, recommended to the Senate to concur in such measures as may be necessary for enabling His Excellency to make such provisions for the widow and family of the late Hon. Thomas D'Arcy McGee, as to the liberality of Parliament may seem proper.

Hon. Mr. Mitchell moved that an address be presented to His Excellency the Governor-General in answer to the said message, and remarked that the consideration of the loss which this country has sustained in the foul crime committed upon the late Mr. McGee—which is the subject of the message received by this House—had been at his request allowed to stand over since yesterday, in order to give time to the hon. members of the House to consider what expressions of sympathy and what remarks might be made upon this subject. He felt a hesitation in speaking upon a subject of this kind for although some days had elapsed since the abhorrent crime was perpetrated, he could scarcely bring his mind to look back upon that abhorrent act without giving way to his feelings. Every hon. member of the Senate feels that although Mr. McGee was not a member of this Branch of the Legislature, but occupied a prominent position in the other House, they have sustained a loss in being deprived of him. They feel, not only from the manner of his death, but from the fact itself that the country has been deprived of one of the most eloquent men—not in British America alone—but on this Continent. He was not only eloquent in words, but in thoughts, diffusing happiness and geniality in his social and domestic life. He felt assured that this House would unanimously sustain the Government in providing for his family, who should receive that aid which has always been afforded to talent. They should more especially be provided for when we consider the noble, manly, and disinterested course taken by the late Mr. McGee, for the purpose of sustaining the Crown in the relationship we entered towards the Queen of England, and when we believe, as he imagined they all believed, that the Hon. Thomas D'Arcy McGee's end was hastened, he could almost say was brought about, by the noble and manly expressions which he had given utterance to in connection with an organization which he felt had obtained a foot-hold in

this country to some extent, and which was rampant in the neighbouring Republic. The Government have submitted a proposition to the other branch of the Legislature, by which the widow of Mr. McGee will receive during her life an annual sum and the two daughters will receive a specific sum of money each, with a view not to allow them to be dependent upon the charity of the world. The provision to be made will be a respectable competency, but not extravagant in amount, considering the great services Mr. McGee has rendered to Canada. After what has been said in the other Branch of the Legislature, and from the warm feeling entertained by many gentlemen in this Senate Chamber, who have known Mr. McGee longer than he had known him, and who have had a better opportunity of appreciating his talents and worth, and who desire to speak upon the subject under consideration, he did not desire to continue to occupy the attention of the House, but he felt as a member of the Government of the Dominion, and as one who had taken part with Mr. McGee in the incipency, working out, maturing, and bringing to fruition this scheme of Confederation, it would ill become him to allow this opportunity to pass without paying a tribute of respect to his memory, not alone for his talents, brilliant as they were, but for the kindly feelings which prevailed in every action of his life, and for the manly independence which made him speak out nobly, when the interests of his country required it, in order to resist treason and prevent its gaining ground in Canada. We should show to the public that when a statesman by a course of uprightness and manly independence suffers for the cause of his country, the Senators of Canada appreciate what is right, and are ready to make such provision for his family, as will show to the public that such statesmen need not fear that they will leave their families in want if they are suddenly cut off. If there is one act which will recommend itself to the whole Dominion, from the Western point of Lake Superior to the Eastern point of Cape Breton, it will be the act which gives a competency and independence to the widow and orphan daughters of the late Mr. McGee. If you take up any paper published in the extreme West of Canada, where you would suppose there was not so much regard for Mr. McGee's nationality, you will find a lamentation expressed for him, and a deep sympathy for his family, and at the other extremity of the Union you will find that a respected

and venerable Archbishop who occupies a prominent position in the Maritime Provinces, and who occupies a prominent place in the minds of the people of British North America, having to defer the delivery of a very important service for which he had appointed a day, and ask the people to allow it to stand over for another day, as his feelings in consequence of the death of Mr. McGee, whom he respected so much, would not warrant him to proceed with it. Then if we look at the United States we will see that almost all the leading papers which represented the nation, though some had referred to his antecedents, express a horror at the deed which has been done. He meant all the respectable papers, for he did not speak of those in the interest of any secret society or conspiracy. In conclusion he would say that after the Government made a proposition to provide for the family of Mr. McGee, and had passed it through the other Branch of the Legislature, they would have to bring the matter under the consideration of this House, when he hoped every hon. member would cordially assent to the views submitted for their action on this very serious question, and that it would receive the unanimous support of every member in this Legislature.

**Hon. Mr. Chapais** (in French) begged to add his tribute to the memory of the great and good man whom this hon. House honours and mourns, on this melancholy occasion. This House and the whole country has heard with indignation and grief of the assassination of such a true and able missionary of peace, who devoted his great and varied talents to the role of peacemaker and a union of all nationalities in this Dominion: we all know with what success. It is amazing that at the moment when the dreams of his boy-hood, and the earnest wishes of his heart, were about being realized by the introduction of measures into the Imperial Parliament by which justice would have been secured to his fatherland, which he loved with such pure, ardent affection, that the hand of a dastardly assassin should have cut him off in the midst of his career of usefulness, and in the prime of life and vigor. The death of the late President Lincoln, in the neighbouring Republic, by the hand of a cowardly assassin, (though not even so cowardly and tragic as the one we now lament), when he too had about fulfilled his role of consolidating and uniting the different States of the North and South, and proclaiming an amnesty to the political offenders, was almost a parallel case. If we look for sympathy we see it on all sides of this vast extent of



continent. Montreal, the first and greatest commercial city in British North America, did itself honour in honouring the illustrious deceased. If all places and all the people with one common accord do justice to the memory of this great man, the Government too has its duty to do, as well as this hon. House. The whole country, without one single dissentient voice, will approve of the just and reasonable provision which the gracious message from the head of the Government proposes to the Legislature of this Dominion, to make for the independence and comfort of the bereaved widow and children of the illustrious patriot, who are left to us as a precious legacy. The hon. gentleman concluded an able and touching eulogy by expressing his hearty concurrence in any vote which might be proposed to make a liberal provision for the family of the deceased martyr.

**Hon. Mr. Allan** said, I shall venture to trespass for a few brief moments on the time of the House, to express the very strong feeling which I as a Canadian entertain—a feeling which I am sure is shared in by all my fellow countrymen—that of all who have ever come to us from our Fatherland, and have made Canada their home, none have done worthier or better service to their adopted country, than the hon. gentleman whose untimely death we have so lately been called upon to deplore. His warm and unceasing advocacy of British principles and British institutions—his patriotic and untiring efforts to promote a spirit of unanimity and concord among the people of these Provinces, and thus to lay the best and surest foundation for that fabric of Confederation of which he was so earnest and ardent an advocate, ought to secure for his memory the grateful and affectionate respect of every British American. In him we have lost one whose influence for good, amongst those of his own creed and nationality, can hardly be over-estimated—one whose place it will be found almost impossible to fill. While he earnestly sought to promote kindly and cordial feelings amongst all classes of his countrymen, he never ceased to denounce that insidious organization which was endeavouring to extend itself into his adopted country, and to uphold to the utmost, by his tongue and by his pen, loyalty to the Crown, and union among ourselves. He spoke and wrote on these subjects, from that strong sense of conviction, which experience and mature reflection had produced; and it was this which gave an earnestness, and force to his teaching, which could not be resisted, and as they could not

meet him on the fair field of reason and argument, those misguided men to whose wicked designs he was so strongly opposed, doomed him to be silenced forever by the assassin's bullet. But in Mr. McGee's death, honourable gentlemen, we have not only to deplore the loss of the patriotic and eloquent statesman, but of the accomplished man of letters, whose voice and pen were ever ready at the call of those who were endeavouring in this new country to foster and encourage the love of literature, and the desire for mental culture amongst our people. Few of those who have listened to his admirable lectures and addresses upon the many subjects which his extensive reading and wonderful intellect enabled him to treat so clearly and forcibly, but will feel the pangs of sharp—but alas! unavailing—regret, that those eloquent lips have been for ever closed, and that he whose mental powers seemed to have just attained their fullest and ripest proportions, is now gone for ever from among us. I rejoice that an opportunity has been afforded us by the message of His Excellency, which has been brought down to us this afternoon, of joining with the members of the other Branch of the Legislature, in expressing our sense of the loss which the country has sustained—our detestation of the atrocious act by which the true patriot and statesman has fallen a martyr to the sacred cause of loyalty and order—and our hearty, most hearty, concurrence in such measures as may be necessary to make due and fitting provision for his afflicted family. And now, honorable gentlemen, I shall not trespass longer on your time. I should feel, indeed, as if it were almost presumption in me to have addressed the House at all, on a subject to which I can do such scanty justice, were it not that upon an occasion like the present, men, I think, look not so much for eloquent speeches, as for the expression of the *feelings of the heart!* and I could not therefore allow this opportunity to pass of expressing, however imperfectly, what I feel in my heart of hearts, that Canada has sustained an irreparable loss, in the cruel death of the warm-hearted, loyal, and accomplished gentleman, who has been so suddenly and fearfully taken from our midst.

**Hon. Mr. McCully** wished to express his opinions and bear his testimony to the worth of this great man, who had been called away from our midst. He had known him for eight or ten years, but had been intimately acquainted with him only during the last four years. He had had the honour to sit with him in Quebec at the time the subject of the

Confederation of the Provinces was first brought into public notice. He had met him previously to that in Charlottetown, and he saw him again in London, where he had sat with us a short time and took part in the deliberations of the Delegates previous to the passing of the British North America Act. He had known him in public life, and from speeches delivered by him on several occasions he could bear testimony to the greatness of his mind, and the soundness of his opinions. He must say that although he had heard many public men, some of them the ablest men of the age, in England, but few, if any of them, more deservedly obtained the high position of being an accomplished orator than the late Hon. Thos. D'Arcy McGee. He was a man familiar with history, and ready to give information on any point, as his memory was very retentive. He (Mr. McCully) had never seen his equal: he was a ready man; he was a learned man; he was an orator; and he (Mr. McCully) though he might be pardoned if he said he was a philosopher, for there was scarcely a subject on which any person could talk that Mr. McGee did not seem to be always ready and able to express himself creditably to a man of letters. That man has been suddenly taken away from our midst, and we can all bear testimony that a great man has passed away from the Dominion. It was only left for him to express his grief at the loss the Dominion had sustained, and to express his sympathy and condolence for his family, whom he never had the happiness of knowing. It would be a long time before his equal would be found to take the place that has been made vacant in this Dominion by the ruthless and dark midnight assassin. He would not further occupy the time of the House, but he felt that he could not allow this opportunity to pass, as a member of the Senate, coming from a distant part of the Dominion, without expressing his views on this occasion, and he trusted that when the Government were prepared to make a generous provision for his widow and children, they would receive the unanimous support of this House.

**Hon. Mr. Ross** thought as much had been said on this subject in the other Branch of the Legislature in the public press, and in this House, for him to express his horror at this act, which had already been so strongly expressed throughout the Dominion, would be only occupying the time unnecessarily. He could only say how heartily he concurred with the expressions which had been made in this

House in regard to the sorrow expressed for the loss which the country had sustained in the death of the late Hon. Mr. McGee, and of sympathy for his bereaved family. The talent of the deceased, and the services which he had rendered to the country, were well known and acknowledged, and he wished the country to understand that it was only because this House was not in Session at the time of his assassination, that we have not before expressed an opinion upon this subject. It was only to-day the message was brought before them, and this was the first opportunity they had had to discuss the virtues of the deceased, and the services which he had rendered to his adopted country. This had now been done so much better than he could do it, that he would say no more than that he heartily concurred with the motion now before the House.

**Hon. Mr. Benson** could not allow this occasion to pass without saying a few words upon this subject, and thought he might not have the capacity to express his feelings, he could assure the House that nevertheless his feelings were no less strong on that account. A few weeks ago he thought such an occurrence as this could not possibly take place in this country, but the act had been done and they could now only express their abhorrence of it. He concurred with all that had been said in regard to the virtues and talents which had been attributed to their departed friend, and he hoped that when a proper time came they would do all that was left for them to do to ameliorate in some measure the calamity which had fallen upon his family.

The motion was then put and carried.

**Hon. Mr. Mitchell**, seconded by **Hon. Mr. McCully**, moved that a Committee be appointed to draft an address, founded on the resolution; said committee to be composed of Hon. Messrs. Mitchell, McCully, Hazen, Ross, Létellier de St. Just, Allan and Benson. The House then adjourned during pleasure. The House having resumed, reported the following address:

**May it Please Your Excellency:—**

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada, beg leave to return Your Excellency our grateful thanks for Your Excellency's gracious message.

We assure Your Excellency, that we deeply participate in the severe loss the country has sustained in consequence of the murder of the Honourable Thomas D'Arcy McGee, member of Parliament for the electoral district of

Montreal West, of which most atrocious act we cannot, in terms sufficiently strong, express our abhorrence; and being desirous of marking our sense of the public and private virtues of Mr. McGee, and of affording relief and assistance to his afflicted family, we beg leave to assure Your Excellency, that we shall feel it a grateful act of public duty, under the melancholy circumstances of this afflicting case, to enable Your Excellency to make such provision for the widow and family of the Honourable Thomas D'Arcy McGee, as may be

consistent with the justice and liberality of Parliament. Adopted unanimously, which was ordered to be engrossed, signed by the Hon. Speaker, and presented to His Excellency by such members of this House as are members of the Privy Council.

**Hon. Mr. Hamilton** moved, seconded by **Hon. Mr. McCully**, that out of respect to the memory of the late Thomas D'Arcy McGee, this Hon. House do now adjourn until Monday next, at 3 o'clock p.m.—Carried unanimously.

The Senate then adjourned.

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## THE SENATE

Monday, April 20, 1868

The Speaker took the chair at three o'clock.

After routine,

The Speaker read the following reply from the Governor-General:—

Gentlemen,—

I thank you for your loyal address, and for the expression of your willingness to concur in any measure which may be necessary to secure a suitable provision for the widow and children of the late Thomas D'Arcy McGee.

The circumstances of this sad case are such as not only justify, but invite Parliament to mark at once its approbation of the able discharge of public duty, and the abhorrence of the detestable crime by which the country has been deprived of one whose talents, energy, and self-devotion enable him to confer lasting benefits on his fellow-subjects.

Amongst other notices of motion to the Government, the **Hon. Mr. Ryan** gave notice of motion for Wednesday next, that he would then enquire if the Government had appointed or contemplated appointing, a successor to the late Mr. Buchanan, as Immigrant Agent at the port of Quebec. And also, what steps the Government are about to take, or have taken, to facilitate and encourage Immigration to this Dominion.

**Hon. Mr. McCully** notified the House that on Wednesday next, he would move a resolution on the subject of legal interest within the Dominion. At the present time the laws of interest relating to Canada proper, are different from the laws in force in New Brunswick, which again differ from the law in Nova Scotia. It is desirable that the rate of interest should be made uniform throughout the Dominion during the present session.

### CANADIAN WATERS NAVIGATION.

On motion of **Hon. Mr. Mitchell** the House went into Committee of the Whole (**Hon. Mr. Bureau** in the Chair) on a Bill regarding the Navigation of Canadian Waters.

**Hon. Mr. Hazen** said it was impossible that the provisions of this bill could be carried out, as every small vessel on the River St. John could not carry those lights. If the law was passed to apply to all the Lakes and Rivers in

New Brunswick it would be totally inoperative. He did not wish to make any amendment to the Bill, as he considered if it passed the responsibility would be upon the Government.

**Hon. Mr. Wilmot** said he had some knowledge of the navigation on the River St. John. They already had a law in New Brunswick which required that all vessels should keep a good signal light at their mast heads. If the provisions of this law which they now proposed to pass were to be carried out on each of those small vessels which navigate the River St. John it would cause a great deal of bad feeling among the boatmen and raftsmen on that river. Nearly all of these men are voters, and the result of this law will be to add to the feeling of opposition which already had a very extensive existence in New Brunswick. To comply with the provisions of this Bill raftsmen will have to keep a large fire burning on their rafts during the night. He thought so far as the navigation of the River St. John was concerned this Bill was entirely unnecessary. They might have the general law to apply to the Bay of Fundy, but the River St. John and the Grand and the Washademoak Lakes should be excepted. In regard to Nova Scotia the law did not affect that Province as much as it did New Brunswick, because their rivers were small, and there were not many vessels passing up and down on them.

**Hon. Mr. Mitchell** observed that his hon. friend from St. John (**Mr. Hazen**) had said this law cannot be carried out in New Brunswick. He (**Mr. Mitchell**) would like his hon. friend to tell him why it could not be carried out. He had consulted many of the members of this Legislature, and had endeavored to get all the information he could from those connected with navigation in regard to the Bill, but he had not yet found one person but had stated to him that this old Canadian Act had worked well. Then if it had worked well in Canadian waters, and those lights are wanted, where there is plenty of sea room, they are much more wanted where there is but little sea room. It is well to be guided by the experience of those countries who have had those laws in existence and adapt them to our country. It is a wise course to take the experience of England in regard to this law, improved upon and adapted as it has been to the wants of Canada. This law having been in operation in Canada for some years, and having worked well, he could see no reasonable objection to its provisions being extended to the Dominion, or why it was assumed that it would not work well in New Brunswick. His hon. friend (**Mr. Wilmot**) had said this law would be very irk-

some to the raftsmen and navigators of small vessels on the River St. John, and would influence their votes. He (Mr. Mitchell) thought no desire for votes should prevent us in this Legislature from passing such a law as this, if the exigencies of the case required it. The New Brunswick law to which his hon. friend (Mr. Wilmot) referred, requires raftsmen to keep a light burning during the night at an elevation of ten feet, under the penalty of \$20. The objections of his hon. friend (Mr. Hazen) were two-fold, he first objects to the class of vessels which navigate the river St. John being brought under the provisions of this Act, on account of their size. He (Mr. Mitchell) said there were between one hundred and two hundred vessels, ranging from between fifty to one hundred and fifty tons, constantly employed going up and down the river St. John, and he asked would it be right to except those vessels from the operations of this law, and thus endanger the lives of passengers by the liability of collisions. His hon. friend next objects to the Act as being too elaborate to be carried out, and to the lights as too expensive. In this he was entirely wrong, as the cost of these lights would be very small. This Bill was meeting with the same opposition it had met with some time ago when first introduced into the former Canadian Legislature but now the Act is very popular and the people of Canada would not desire to do without it. Nothing very serious will result when this law is applied to a class of vessels in New Brunswick, which are nearly the same as those to which it has been applied in Canada. In regard to rafts, he thought this method was a cheaper mode of lighting than was provided under the old New Brunswick Act, where they were required to elevate a light upon a pole, as during four or five months of the year every raft has to have a fire built upon it for cooking purposes, warmth and light. He thought it would be wrong to attempt to alter the Bill without any just cause, for the purpose of adapting it to the old New Brunswick law, but at the same time he would be happy to meet the views of his hon. friends as far as possible.

**Hon. Mr. Wark** said he had looked carefully over this bill, and he thought at the present time it would not work very well on the lakes and rivers of New Brunswick. There they already have laws well adapted for this purpose. On the River St. John steamboats carry one light under the bow, and another light ten feet above the deck. Woodboats, which are very numerous there, are required to have a

light at the mast head, whether they are under sail or at anchor. Passenger steamboats are required to carry a white light on their bows, while steamboats towing rafts are required to carry a red light, and this is all perfectly understood, but the bill under consideration requires all this to be changed. The Hon. Minister of Marine, I think, has made no provision in the bill in reference to steamboats towing rafts; if they are required to carry only white lights it will lead to more confusion. His impression was that this bill would cause the irritation to which his hon. friend from Lunenburg (Mr. Wilmot,) alluded. When Confederation was under consideration it was said that a great many benefits would accrue to the people of the Lower Provinces if they went into the Union. They had experienced none of those benefits yet, on the contrary the legislation here had caused a great deal of dissatisfaction, therefore the Government should be careful not to increase that dissatisfaction by passing any Bills that would be obnoxious to the people of those Provinces. All that is now required in regard to this matter, is for the Government to bring in a short bill transferring the powers vested in the Local Government to the General Government of the Dominion, and then the different laws could be made uniform after the consolidation of the laws by commission. This bill provided that every law conflicting with it shall be repealed, therefore the summer will be over before a person would know under what laws he was sailing his vessel, as he would have to find out how much of the New Brunswick law remained in operation.

**Hon. Mr. Mitchell** said the chief objection made by his hon. friend (Mr. Wark) was that instead of having two white lights they should have one red light on tow-boats, so that it would be known that a raft was in tow. The Bill provided that steamships when towing other ships shall carry two bright white mast-head lights vertically, in addition to those side lights, so as to distinguish them from the steamships. He (Mr. Mitchell) did not know but they would be distinguished as well by having two lights, one above the other, as by a red light, but if his hon. friend desired it, he would have no objection to provide that one of those lights shall be red.

**Hon. Mr. Wark** said he had stated the law at present required that passenger steamboats on the St. John River shall carry one light in the bow, and another light ten feet above, and that steamboats towing rafts shall have a red light. There was nothing in the present bill which referred to steamboats

towing rafts, it only referred to steamboats towing steamboats. If they were now required to carry a white light it would be some time before the object of the light would be well understood. That was one reason why it was best to leave the law as it was at present, until all the laws were consolidated.

**Hon. Mr. Hazen** thought the Hon. Minister of Marine was mistaken when he said the lights which vessels were required to carry, under the bill, could be bought for one or two dollars. He did not think they could be purchased for ten pounds, and these expensive lights had to be supplied to vessels of every description. He did not at all object to the use of those lights on the steamships which sail on the Great Lakes of Canada, but he objected to every description of steamboat being obliged to carry them on small rivers. The Minister of Marine was determined to pass the bill, but he knew it could not be carried into operation in New Brunswick. The most brilliant lights which can be constructed on a locomotive can only be seen about two miles, but these lights will be required to be seen five miles on every description of vessels. He did not think these lights could be obtained, and if they could they would be very expensive. What effect this bill would have upon Confederation he would leave those who were so anxious that Confederation should take place to settle among themselves. He did not wish to prolong the discussion, he objected to the bill because it was impracticable, and it would be found impossible to carry it out.

**Hon. Mr. Allan** said as the chief objection of his hon. friend (Mr. Hazen) was that these lights, which would have to be procured to comply with the requirements of the Act, would be too expensive, it would be well for the Minister of Marine if he had the proper information to state what the cost of the lights would be which could be seen for upwards of five miles.

**Hon. Mr. Mitchell** said he had been for the past fourteen or fifteen years actively engaged in the building and sailing of ships, and every year he had to purchase those very lights, as under the Imperial Act we could not send our vessels to England without them. He believed those lights cost from two to three dollars. He had imported his direct from England at that price, but in some localities where parties buy them second hand from the brokers they may cost more.

**Hon. Mr. Hamilton (Kingston)** said the lights used in the steamboats on the lakes and

rivers of Ontario cost from four to five dollars, and the best description could be seen for six or eight miles.

**Hon. Mr. Macpherson** said these lights were really necessary for the safety of vessels, and it was all important that the provisions of the bill should extend to all parts of the Dominion. They had narrow rivers in this part of the Dominion, as well as in the Maritime Provinces, and all on the steamboats navigating those rivers, these same lights were used. He considered it essential to the safety of vessels that uniform lights should be carried, and he hoped the Minister of Marine would endeavour to adopt a uniform regulation for all parts of the Dominion.

**Hon. Mr. Mitchell** did not wish to excite his hon. friend, (Mr. Hazen) but he had no right to say the Minister of Marine was determined to carry the bill. He (Mr. Mitchell) had stated that though he wished to make the bill as perfect as possible, yet he did not wish to make any change unless the House decided that it was based on sound principles. His hon. friend (Mr. Walsh) has suggested that it should stand over until next year. He differed with his hon. friend; he did not think because the bill would be unpopular at first, it should be postponed. He had been told that when this bill was first introduced into the Legislature of Canada, it was very unpopular, and it was thought that it would be a great hardship upon the trade and navigation of the country; but now after it has been tried, the people of Canada are in favour of continuing this system, which has worked so well. He would call the attention of his hon. friend to the many disasters that have occurred, not only in Canada, but on New Brunswick waters, in consequence of there being no efficient system of signals in force. He would adopt the suggestion made, and after the words "steamships when towing other ships," he would add, "or rafts."

After the different sections of the bill were passed,

**Hon. Mr. Mitchell**, in answer to a question put by the Hon. Senator Wark, stated if the hon. gentleman would examine a bill before the House of Commons to regulate the duties of Steamboat Inspectors, Engineers, &c, he would find the desired information. In the Province of Ontario the power was now vested in the Board of Surveyors, he believed, which was formerly held by the Board of Works Department, which were now again transferred to the Department of Marine and Fisheries.

The Committee then rose, reported the bill with some amendments, which were concurred in, and the third reading was fixed for next Wednesday, when

**Hon. Mr. Mitchell** invited the members of the House to be prepared with any reasonable or useful amendments which might make the bill more perfect, and give greater satisfaction to the country, and he would be quite willing to accept them.

The House then went into Committee of the Whole on the Bill from the House of Commons—"Secretary of State's Department Bill," (Hon. Mr. Allan in the Chair.)

**Hon. Mr. McCully** wished to express his strong disapprobation and objection to the vast and dangerous powers, as he thought, which the bill gave to the head of the Department, respecting the administration of the Indian Lands and taking the functions and powers of the ordinary tribunals of the country, which would be alike dangerous and unwise, such as the arrest and imprisonment of trespassers, &c. Such vast and extraordinary powers were unheard of in any free and civilized country, where British laws were administered.

**Hon. Mr. Ross** replied that these powers which seemed so alarming to his hon. friend, had been possessed and exercised by the late Government of Canada for years, and never exerted any suspicions or alarms of dangers, and had never been complained of to his knowledge. In fact he thought these extraordinary powers the only safe and wise mode to adopt. In case of the Indians, who were infants in the eye of the law, some guardian had to be appointed, and who so well suited and likely to act so fairly as the Government, who could have no motive or inducement to do wrong between them and the public domain. He knew it as a fact, until the Government got that power, there were perpetually cases of complaint and hardship occurring to those poor people by trespassers on these Indian lands, which the Government could only settle by some such powers granted as those under the present Act, which were not new in Canada, having always been the law of this part of the Dominion.

**Hon. Mr. Mitchell** defended the provisions of the bill as not open to the objections of the hon. member (Mr. McCully). The Governor in Council was authorized by the bill to take cognizance of any such cases as might be petitioned against. In whose hands could the remedy be placed with as much security to

these poor people, (who wanted all the protection the Government could give them,) as in a Minister of the Crown, responsible to the country for his administration of these, as well as all other matters.

**Hon. Mr. Sanborn** argued that he thought it of the last and greatest importance that the Government should be invested with full summary powers, to reach and punish trespassers on Indian lands, which powers were quite compatible with the liberty of the subject; which of course he was no advocate for restricting or interfering with. The hon. member referred to instances in his own immediate neighborhood, in a township composed nearly all of Indian lands, where he contended that it was absolutely necessary that the Government should possess such powers in trust, as would enable them to deal with speculators summarily. Of course the case was of its nature exceptional, and so should the powers be, which would be more honoured in the breach than in the observance, but he had no doubt, that in future as the past, the wisdom and moderation of the Government would enable them to steer clear of difficulties and well-grounded complaints, and enable them to administer justice to all parties.

**Hon. Mr. Ritchie** felt strongly the danger of investing any one Minister of the Crown with such extraordinary powers as in this bill. It is no security that in future some Minister may not abuse these powers, which the subordinates, it appears, up to this time, have not fortunately done. He felt strongly against assisting in granting increased powers to the Secretary of State. While heretofore the authority was only granted to the employees of the Department by instructions from the Governor in Council, now we empower the head of the Department directly under this bill.

The debate was prolonged at considerable length by Messrs. McCully, Ritchie, McCrea, and Wark, against this clause, and Messrs. Mitchell, Ross, Sanborn, Macpherson, Hazen, Dickey and Tessier in support of the provisions contained in the said clause of the bill.

**Mr. Tessier** dwelt at some length on the right of petition which every British subject had of petitioning the Crown for redress of any wrongs. He could not see where the Act authorized imprisonment summarily, which could only follow persistence in illegal trespass or occupation on these lands, which was surely not too great power to give the Government against squatters in bad faith on

lands belonging to these poor Indians, who are minors in the eye of the laws and must have guardians. He concluded an energetic and able address by expressing the clauses of this bill as eminently in keeping with British institutions and laws. And under all the circumstances of the case would much prefer giving the power to the Government than being obliged to have recourse to the courts with all the delay, uncertainties and loss attending an appeal to these tribunals.

**Hon. Mr. Dickey** suggested a proposition giving the Government the summary powers wished for; but that there should be an appeal so that any injustice done by haste or inadvertence might be remedied. He hoped this might be accepted as a kind of a compromise, and the measure would be improved by it he felt convinced, and meet the views of both sides of the House.

**Hon. Mr. Mitchell** wished to consult his colleagues on the subject, and begged the clause might be passed over for the present, and to-morrow he would be able to state if the Government could accept the amendment, and so meet the wishes of this House.

**Hon. Mr. Sanborn** did see how the right of appeal could be allowed unless several other clauses of the bill were altered so as to harmonize with the proposed change, which would alter the whole complexion and principles of the bill, and if the House decided to accept the amendment he would suggest that the Bill be referred to a Select Committee to make the required changes.

**Hon. Mr. Mitchell** then explained, in answer to questions by some hon. members, that it was the intention of the Government to change the land to a money trust, and felt some change was required for the investments of these trust funds, but assured the House the Government would give the matter their earnest attention during the recess; and would thereupon bring in some measure providing for the education of the Indians, and whatever other measure might be deemed wise and advantageous to their interests and ameliorations physically and morally.

The Committee then (it being six o'clock) rose, reported progress, and asked leave to sit again to-morrow.

The House thereupon adjourned until to-morrow at three o'clock p.m.

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## THE SENATE

Tuesday, April 21, 1868.

The Speaker took the chair at three o'clock. After routine,

## RETRENCHMENT.

**Hon. Mr. Wilmot** in moving "that this House having on the 26th day of March instant, adopted the Report of the Contingent Committee, recommending the dismissal of several of the employees of this House, and the reduction of the salaries and emoluments of others, that in order to make such retrenchment general and beneficial to the public, in the opinion of the Senate it is the duty of the Executive Government to take immediate steps to carry out a policy of retrenchment and economy in the several Public Departments, having a due regard to the efficiency of the public service and making such compensation as may be just, equitable and reasonable; and that such action be taken, by address or otherwise, for such reasonable reduction in the salaries of the Governor-General and other officials as may be deemed necessary, as well as in the indemnity to Members of Parliament," said it could not be supposed that the principles of economy to be carried out would simply rest upon the employees connected with the Senate or with the House of Commons. To advance the principles of economy and retrenchment they should commence with the fountain head and carry it out in every part of the public service; but to meet the views of the hon. member for Ontario he would strike out the latter part of the motion, which provided "that such action be taken by Address or otherwise for such reasonable reduction in the salaries of the Governor-General, &c. He would leave with the Government the responsibility of carrying out that principle of economy. He referred to the expenditure for the year ending June 1867, being far in excess of the income, and when he looked at the state of trade throughout the Dominion, his impression was that there would again be a large deficit this present year. In an individual capacity, each of the hon. members, if he found his expenditure was in excess of his income, would endeavour to retrench in some way, and they should apply the same rule in the affairs of the Government. When the report of the Contingent Committee had come up he had said they should begin the work of retrenchment with the large salaries, but that the old employees of the House should continue to receive their present salaries.

(A Member—Who employed them?)

If they were to be discharged because the new Dominion was just started, the same principle would apply to every official throughout the Dominion. He would draw no distinction between those employed in the public departments, and those employed in the service of the Senate. When these Provinces were first confederated the employees of the Legislature of the old Province of Canada should have been provided for by the Provinces of Ontario and Quebec; then this Senate would not have had to discharge men who have been thirty years in the public service in order to make a saving of \$13,000. If there was any principle involved in this it should extend to the whole Dominion of Canada. He could say so far as his own Province was concerned that all that has been received from Confederation so far was simply an increase in the amount of taxation, and an increase in the number of officials employed. So far as he could judge the people of New Brunswick had derived no benefit whatever from this Union. He regretted to have to say that there was now a strong feeling in New Brunswick against this Union. The City of St. John at the last election returned himself and colleague by a majority of 700 over their opponents, but now this same constituency had returned a gentleman, for whom he had the greatest respect, but who was opposed to Union, by acclamation, because no man coming forward on the Opposition ticket could have run in opposition to him.

**Hon. Mr. Mitchell** said he would reply to this by and by, lest his silence might be misconstrued.

**Hon. Mr. Wilmot** never knew his hon. friend to remain silent when there was a chance to reply. He (Mr. Wilmot) had been one of the representatives for the city and county of St. John nearly continuously for 20 years, and his father had been a representative of the city for an equal length of time before him. He received letters from both the Confederates and the anti-Confederates, and he knew the opinions of the people were such that no man in favour of Confederation could come before that constituency—which is the whole commercial power of New Brunswick—without having an enormous majority against him. He has also information from the county in which he resided, and which county his family had been connected with since the American revolution, that they would elect a man to represent them in the Local Legislature, who would go for a Repeal of the Union,

to fill the place of the man from that county, who had been appointed to this Senate. He thought if Confederation was to be continued, it was time for the Government of the country to change their policy. He had pointed out during the first part of the session what would be the result of that policy in New Brunswick. This extravagant expenditure and increased taxation was part of that policy, but to cut down this or the other salary would not do much towards bringing about a change of feeling in the Maritime Provinces: they must have a general system of retrenchment, and it should be their policy to find some way by which the people could get remunerative employment. They had all the elements of wealth in this Dominion which could be found in a temperate climate. In the United States their taxation was some \$30 per head, while ours does not amount to \$4. He did not suppose that the country was going to be made prosperous by the reduction of the salary of this one or that one, but it must be made prosperous by giving the people remunerative employment and to carry out retrenchment they must begin at the fountain head and carry it out in all the Departments.

**Hon. Mr. Dickey** remarked that in supporting the report of Contingent Committee he said that it would be powerful in the way of example; he had ventured to say that this example would be followed up, and the result would be that a great saving would be effected. To show the correctness of this reasoning he would say they had succeeded in making one convert in the gentleman who had just sat down. (Hear, hear.) He (Mr. Dickey) was in hopes something practical would be carried out. He did not think these abstract resolutions were of any use at all, and when anything practical did come up his hon. friend who has now made a declaration in favour of economy was always found voting on the wrong side. His hon. friend had proposed to strike out the last part of the resolution, and at the same time he says to practice economy they must begin at the top and go to the bottom. Some little explanation was due to the House why he has withdrawn it. This resolution was of no practical use whatever unless they had a bill upon the subject. They soon would have before them bills upon all the public departments, including the salaries, and they would then be in a position to deal with the subject practically. His hon. friend had referred to the St. John elections, and he draws the conclusion from it that this is a vote of the whole people of the Province against Confederation. In January, 1865, the

people of New Brunswick decided against Union, in March 1866, it was carried by a great majority of the people, and now if the conclusion of his hon. friend was correct, the people of New Brunswick must be a very changeable people (laughter). His hon. friend, (Mr. Wilmot,) too, had been against Union in 1865, for it in 1866, and now he would have us to believe he has changed his mind again. He would not say that his hon. friend was wrong either in the first or second instances, but he would say that it was a matter of regret that such a great question as the Union of these Provinces should depend upon trifling circumstances. He had been struck yesterday with what fell from the hon. member (Mr. Wilmot) and another hon. member, when the subject of lights for vessels was before the House; his hon. friend had said that it was an important matter and if it was not settled satisfactorily it would cause a strong feeling against Confederation.

**Hon. Mr. Letellier de St. Just** objected to the debates going on, as there was no motion before the House.

**Hon. Mr. Wilmot** moved the resolution, seconded by the Hon. Mr. Armand.

**His Hon. the Speaker** said there was a preamble to the motion, and the debate could not go on.

**Hon. Mr. Hazen** thought they had better proceed with the resolution and strike out the preamble.

**The Hon. Speaker** said the mover should make his motion in writing.

**Hon. Mr. Mitchell** said the resolution was a breach of the rules of the House, and the mover ought to amend it.

**His Hon. the Speaker** thought as the motion proposed was not the one of which notice had been given, the mover had better give notice of his motion as amended.

**Hon. Mr. Campbell** said his hon. friend had better withdraw his resolution altogether as it could be of no practical benefit and would not advance the public interest. The hon. gentleman lays down a certain proposition which has already been agreed to by both Houses and by the Government. When the question of the number of employees in this House was under consideration, it was stated that it would be the precursor of a similar movement in the other Branch of the Legislature, and that the Government intended to follow that up in

the various Departments. After a declaration of that kind is made by the Government there is no occasion for this resolution to be passed to re-assert that which the Government have already admitted, and which the members of the Government have said they would endeavour to carry out. The hon. mover would see that no particular good would result from the general assertion that economy was necessary. The Government have said without any pressure that what the resolution says ought to be done, will be done, and after this assertion this resolution would only be a want of confidence in the Government, who would be driven into opposition to it in asserting their self-respect.

**Hon. Mr. Wilmot** said that after what had fallen from the Postmaster-General, he would withdraw his resolution, but in doing so he would say that if this retrenchment is to be carried out, it should be general and not partial. In reply to his hon. friend, who tried to show his incompetency,

**Hon. Mr. Mitchell** said if the hon. gentleman went on to make a speech, other members would have to reply.

**Hon. Mr. Steeves** rose, amid cries of order, and said he was not going to inflict many words upon the House; he thought he should have the same privilege to speak as those who had spoken. They had now pledged themselves to carry out this work of retrenchment.

**Hon. Mr. Letellier de St. Just** rose to a question of order.

**Hon. Mr. Sanborn** said there could be no question of order without there was a question before the House. It was unfair that this important question should be crushed in the way it has been. He was anxious to show his views upon that question, as it has been his misfortune to be absent when the report of the Contingent Committee was under consideration, and he now hoped an opportunity would be afforded him to state his ideas.

**Hon. Mr. Steeves** complained that he was called to order, and then the discussion was allowed to go on.

**The Hon. Speaker** said he could not call to order, as there was not anything before the Chair.

**Hon. Mr. Steeves** said if the discussion was now to be stopped, he had no desire to say another word. He then sat down amid repeated cries of "go on," and the subject was dropped.

## ENQUIRIES

**Hon. Mr. Anderson** enquired what action, if any, has been taken by the Canadian Government in regard to the conveyance of the mails between Halifax and Great Britain, after the expiration of the present contract made by the British Government with Messrs. Inman Co., and which will terminate in June next?

**Hon. Mr. Campbell** said tenders would be invited for the continuance of that service, after the first of July, from the owner of the Cunard Line, and from Messrs. Allan Co., and he hoped the result of that negotiation would be that they would be able to make a contract with one or the other of those firms for the continuance of that service from Halifax to England.

**Hon. Mr. Anderson** also inquired if any arrangement can be effected by the Canadian Government with Messrs. Allan Co., so as to have one of their steamers call at Halifax fortnightly, on the voyage to and from Great Britain?

**Hon. Mr. Campbell** replied that he did not think any arrangement could be made for vessels to call at Halifax, at least not during the summer. The competition is so great with steamers going direct to New York, that to call at Halifax would entail upon them serious loss both as regards travel and the postal service. The loss of time by calling at Halifax is greater than at first sight supposed, as it was impossible the service could be regulated as regards hours, and great delay would be occasioned by the vessels arriving at night, and other contingencies. The only way of having an efficient service was to have a direct line. The Government propose to establish a line from Halifax, and although the vessels will in all probability commence their trips from New York, yet the principal object in view will be to accommodate Halifax.

The orders of the day were then taken up.

**Hon. Mr. Benson** on moving the second reading of the Bill "Niagara District Bank Charter Amendment," said the main object of the Bill was to obtain powers to increase the Capital stock of the Bank, which was only now \$400,000.00 and for some other ordinary power usually allowed Banks in this part of the Dominion.

The said Bill, on motion of **Hon. Mr. Benson**, seconded by **Hon. Mr. Dickson**, was read

a second time, and referred to the standing Committee on Banking, Railways and Commerce.

**Hon. Mr. Campbell** moved the House in Committee of the Whole on Bill J "Alien Laws Amendments as amended." (The Speaker called the Hon. Mr. Sanborn to take the Chair.)

**Hon. Mr. Campbell** moved that the Bill be amended by giving powers to the Government to name Commissioners who would be empowered to take the affidavits of Aliens.

**Hon. Mr. Dickey** thought it would conduce more to the public interests, if the ordinary Justices of the Peace were named, as they would be more accessible over the country to the great mass of the Aliens, and besides being more convenient would be less expensive to the parties and the Government.

**Hon. Mr. Campbell** said that the Commission of the Peace had been conferred of late years on a number of persons who might not be qualified to give all the required information to the Aliens, however capable in other respects. This being a new duty to many of them, he thought the duties would be more correctly and efficiently performed by special Commissioners, appointed with that view, than by the original Magistrates of the country, who might not know the formalities to be observed. The motion was then carried.

**Hon. Messrs. Dickey and McCully** objected to 3 years as too long a term before Aliens could be naturalized.

Only one year was required in the Province of Nova Scotia, and no inconvenience was found with the law there, which seemed to invite and encourage immigration, of which the country stood in so much need; and urged that one year be substituted for three years' residence.

**Hon. Mr. Campbell** explained that in the old Province of Canada first 7 years residence was required, then 5 years, and now the bill proposed 3 years; but if the sense of the House was in favour of a shorter period he would not object.

**Hon. Mr. Reesor** felt quite convinced that a period of one year was ample. The country wanted to encourage immigration on our wild lands and forests, and the shorter the period

was when foreigners could be naturalized the more immigrants would flock to these Provinces. We had nothing to fear from that class of people, however strange it might appear; it was British born subjects who seemed now to trouble us the most.

**Hon. Mr. Campbell** thought two years would meet the views of all the hon. members of the house.

A general conversation here occurred and at the urgent solicitations of almost all the members,

**Hon. Mr. Campbell** inserted one year in the Bill, which was carried without opposition.

The Committee rose, reported the bill with several amendments, which were concurred in by the House, and on motion of the **Hon. Mr. Campbell**, seconded by **Hon. Mr. Mitchell**, the bill was ordered to be read a third time tomorrow.

**Hon. Mr. Chapais** moved the second reading of the Bill P—"Agricultural Department Organization."

The bill caused considerable discussion about the division of the duties under the bill, some members contending that the Minister of Marine and Fisheries should have the management of the Marine Hospitals in Quebec, and complaining that the Local Governments were not called on to contribute their fair share of the expenses of those institutions, which they used so much.

**Hon. Mr. Steeves** objected to the number of thirteen departments, and the expenses of maintaining such a numerous staff of officers. Of course the costs of the Ministers were nothing near so alarming to those in the Maritime Provinces, as the numerous highly paid officers employed in these various departments. He could never see the necessity for such a staff of employees, and he knew the people of his part of the Dominion felt strongly on this question of what they considered unwarrantable extravagance. He hoped, after the resignation of the head of one of these Departments, viz: the Secretary of State for the Provinces, that that Department at least would be abolished as unnecessary; and also that some other Departments might profitably and easily be united with the Hon. Minister's Office who has charge of this bill, and so get

rid of a number of the clerks and staff now supported by the hard earnings of the poor people of these Provinces, but after looking over the estimates, it is evidently the intention of the Ministry to retain all the officers, and he called the attention of the Government to these facts, though he feared it would have no effect. We seem to be providing the Governmental machinery for a country of twenty millions, instead of a young, poor country of three to five millions. He warned the Government of the danger of continuing the present state of things, which must bring

on general and wide spread dissatisfaction amongst the people of this country.

**Hon. Mr. Chapais** answered that as far as his Department was concerned, he felt he had quite enough to do. The Immigration Department in itself was a very important part of the Public Service of the country, and entailed a great amount of labour on his office.

It being now six o'clock, **Hon. Mr. Campbell** moved the adjournment of the debate until tomorrow.

The House then adjourned until three o'clock p.m., tomorrow.

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## THE SENATE

Wednesday, April 22, 1868.

The Speaker took the chair at three o'clock.

The Speaker reported a member waiting to be introduced.

**Hon. Mr. Glasier**, from the Province of New Brunswick, was then introduced by Hon. Messrs. Mitchell and Steeves, and took the oath and his seat. And the Speaker reported that the Hon. Mr. Glasier had made declaration of qualification.

**Hon. Mr. Hamilton (Kingston)** from the Banking Committee, reported the Niagara District Bank Bill without amendment. He then moved, seconded by the Hon. Mr. Dickson, that the 60th Rule be dispensed with. The said Bill was then read a third time and ordered to be sent to the House of Commons for concurrence.

**Hon. Mr. Ryan** enquired whether it is the intention of the Government, in anticipation of the opening of navigation, and of the arrival of ships with passengers from abroad, to appoint a chief immigrant agent at Quebec, in place of the late Alexander Carlisle Buchanan, Esq.?

**Hon. Mr. Chapais** replied that it was not the intention of the Government to fill up that vacancy, but that care would be taken that the interests of immigrants should not suffer in the meantime.

**Hon. Mr. Ryan** enquired whether the Government are in possession of any information showing the probable extent of immigration to the Dominion of Canada, during the approaching summer, and whether any and what steps have been taken, or are contemplated, for the purpose of affording additional inducements to foreigners to settle in this country? And said he made this enquiry because emigration, or immigration rather, by the British North America Act was put under the management of the Government of the Dominion. The great inducement to bring immigrants into a country was to make such arrangements in regard to public lands as would make the country attractive to them. The sole control of these lands now belonged to the Local Governments, and the General Government had no power to make a grant of land without their assistance. This enquiry was made with a view of calling the attention of the Executive Government to this point.

**Hon. Mr. Chapais** said the Local Governments, at their last sessions, had passed laws which would aid as much as possible the settlement of the country. Some of the Local Legislatures had passed Homestead Laws, which would not only help to induce the young men to stay in the country, but would attract immigrants from other countries.

A message was received from the House of Commons—"Treaty for apprehension of Offenders' Bill," which was read a first time, on motion of the **Hon. Mr. Campbell**, seconded by **Hon. Mr. Kenny**, and ordered to be read a second time on Friday next.

Also a message to the return—"Oaths of Allegiance and Office Bill," with amendment, which was read a second time and adopted, and the Clerk was ordered to inform the Commons thereof.

**Hon. Mr. Bill** enquired:

If it is the intention of the Government to supply the Magistracy of the Dominion with the Statutes? If not, what mode they intend to adopt to enable the Magistracy to administer the laws of the land in their respective jurisdiction?

**Hon. Mr. Campbell** said the Government had that subject under consideration. The former Government had distributed copies of the Statutes to Magistrates, but now the number of Magistrates was so large that the Government were not yet prepared to say whether they could distribute them, but he would give them the information as soon as the Government had decided upon it.

**Hon. Mr. Bill** enquired:

What facilities have been afforded by the Government to the inhabitants of Nova Scotia to obtain stamps for Notes and Bills of Exchange?

**Hon. Mr. Campbell** said these stamps had been sent to the various Post Offices, but objection was made that this was not affording the people facilities enough to obtain them. To meet this objection, instructions have been sent within the last fortnight to extend this facility to all the way offices. He did not think further facilities could be extended as there was no other way in which they could be more thoroughly distributed than through the post and way offices of the Dominion.

**Hon. Mr. Bill** said that when the Stamp Act came into operation, there were not more than one-quarter of the inhabitants of King's County, (N.S.,) knew what the law was or

where the stamps could be obtained. In some localities they had not a regular post office within thirty miles of them, as the mail accommodation was supplied by way offices. He would suggest that, as the inhabitants did not have a knowledge of the law, and did not have facilities for obtaining stamps, and as even those few who knew how to use them, only obtained their information through the newspapers, and not from the Act itself, that the Government should legalize the Notes drawn up to this time to which stamps have not been affixed.

**Hon. Mr. Campbell** said the suggestion made to legalize certain Notes drawn since the Stamp Act came into operation should receive due consideration, but he was not able to say whether a bill of that kind would be necessary or not. He would make inquiry upon that point, and he would then be able to give his hon. friend the necessary information.

**Hon. Mr. Simpson** said the Notes could be made all right by doubling the value of the stamp.

**Hon. Mr. McCully** said he should ask the consent of the House to allow his motion, "to resolve that in the opinion of this House, it is desirable that the law on the subject of interest should be made uniform throughout the Dominion during the present Session," stand over until Friday, as he received information from the Ministerial benches that a measure of this kind was now under the consideration of the Government. If the Government took any action in the matter it would render his motion unnecessary, but if not he would bring the subject before the House.

**Hon. Mr. Hazen** moved to amend the fifth Report of the Select Committee on Contingent Accounts as follows:— After "accordingly" in the third paragraph, leave out the words "and no successor be appointed."

**Hon. Mr. Seymour** said the latter part of the fifth Report of the Committee on Contingent Accounts was carried by a small majority, and as several of the members of the Committee wished it to be considered again in Committee, he would ask leave of the House to have the report referred back to them.—Leave granted.

**Hon. Mr. Hazen** moved to resolve that the practice which prevails in the Parliament of England, and which has been adhered to by the Legislative Councils of Canada and other Provinces now forming the Dominion, since the establishment of their Constitutions, of

opening their daily sittings with prayer to Almighty God, should not be discontinued by the Senate.

**Hon. Mr. Allan** said he heartily agreed with the resolution, and was quite prepared to second or support it, but he thought they had better allow it to stand over.

**Hon. Mr. Hazen** expressed his willingness to allow the motion to stand over, but expressed his intention to divide the House upon the motion when it came up.

**Hon. Mr. Campbell** brought in a bill entitled "Oaths to Witnesses in either House of Parliament".

**Hon. Mr. McCully** asked the Postmaster General the reason why this bill was not incorporated with the "Privileges of Parliament Bill." He thought there should be some good and sufficient reason for making that a separate bill, as it would be more convenient to have all these matters comprehended in one bill.

**Hon. Mr. Campbell** said they had made this a separate bill because the draft of the original bill took up the clause of the Constitutional Act, giving us such powers as were enjoyed by the House of Commons at the time that bill was passed. The hon. gentleman at the head of the Government thought it was best to keep that bill distinct, and as it was incorporated into the Constitutional Act he did not think it desirable to introduce any clause to which some objection might be taken by the Imperial Government. At that time the House of Commons did not enjoy any power of administering oaths except before committees on private bills, therefore it might be concluded that this bill was going beyond the powers conferred upon the House of Commons, and for this reason the two bills were not incorporated. It was very essential that this power to administer oaths should be given as provided for in the present bill. It was not proposed that these oaths should be administered by the Senate or by the Speaker, but by the Clerk. There could be no illegality in conferring upon an officer of this House the power of administering oaths. The bill was then read a first time and the second reading ordered for Friday.

**The Hon. Mr. Campbell** presented returns and address relative to Customs tariff and Excise duties.

On motion of **Hon. Mr. Mitchell** the "Canadian Waters Navigation Bill" was ordered to be read a third time to-morrow.

**Hon. Mr. Campbell** moved that the order of the day be discharged in reference to the "Alien Laws Amendment," and the bill be referred back to a Committee of the whole House to-morrow. He said that the hon. members would recollect that when the bill was before the committee, the time an Alien should reside in the country before becoming entitled to the privileges of the bill, was reduced from three years to one, at the suggestion of the hon. members from Nova Scotia. Since then, it has been thought that limiting the time to one year, might have the effect of allowing parties to go into the North Western Territory for the purpose of controlling affairs there for a time. He did not think it was prudent to afford them the facilities the bill did in its present shape. At the proper time he would have the bill amended to meet the case of Nova Scotia, so that 3 years' residence there would have the same effect under this bill as it would have under the laws of Nova Scotia.

**Hon. Mr. Hazen** asked whether they intended to make one law for Nova Scotia and another for the rest of the Dominion.

**Hon. Mr. Campbell** said that was not the intention, but a provision would be made that those persons who are Aliens in Nova Scotia, and who may have expected at the beginning of the year to become naturalized according to the laws of Nova Scotia, shall not be deprived of this privilege by the operation of this bill, but in reference to all others the law will be the same all over the Dominion.

The motion was then put and carried.

**Hon. Mr. Ferrier** moved that the "Whit-eaves Relief Bill" stand over until to-morrow.—Carried

**Hon. Mr. Bureau** gave notice, that on the order being called for the second reading of the bill, he will move, seconded by **Hon. Mr. Dumouchel**, that the bill be not now read a second time, but that it be resolved that in the opinion of this House, the divorce *a vinculo matrimonii* destroys in marriage those two characters of unity and indissolubility which Christian communities have always deemed to be essential safeguards of moral and family ties.

The consideration of "Incorporated Companies' Winding up Facility Bill," as amended in committee of the whole, was then taken up and further amendments were moved by the Postmaster General.

**Hon. Mr. McMaster** could not see why this act could not be supplied to the Bank of Upper Canada as well as a special act. He would ask the Postmaster General whether the double liability clause, would apply to the Bank of Upper Canada.

**Hon. Mr. Campbell** said it would not apply to that Bank, as it was being wound up under a special Act.

**Hon. Mr. McMaster** said that principle ought to apply to all the banks, as they had no special Act for that purpose.

**Hon. Mr. Campbell** did not think it fair to apply the provisions of this bill to a bank which had already failed, and for which a special provision had been made.

**Hon. Mr. Odell** said the 46th section provided that this Act should not apply to or affect suits now pending, or to any companies which have discontinued business, or which have dissolved before the passing of this Act. This would meet the case of the bank in New Brunswick which was now being wound up; if it did not then the amendment moved by the Postmaster General would be quite in order.

**Hon. Mr. Campbell** said it was very true that the 46th clause would not apply to suits now pending against such companies as were now being wound up, but there was another clause in the bill which repealed all the old laws, therefore it was necessary to say that they should not be repealed so far as regards that bank.

**Hon. Mr. Dickey** said this bill went farther than to provide for the winding up of companies which were insolvent; it provided for winding up companies where business had been suspended, or where it had never been commenced, and he would ask whether this Parliament was competent to regulate a mode of procedure which would affect civil rights of parties outside of those companies. The 92nd clause of the Union Act provides that the administration of justice in the Province, including the constitution, maintenance and organization of Provincial Courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those Courts, should belong to the Provincial Legislatures. Under this bill we not only regulate procedure in cases of insolvency, but in cases of business suspended, or charters expired. He considered he had discharged his duty in calling attention to this, and he would now leave the matter in the hands of the House.



**Hon. Mr. Campbell** said his hon. friend had raised that point when the bill was before the House on a former occasion, but he (Mr. Campbell) believed that it was within the Constitution for them to pass such an Act as they now contemplated passing. The objections to the bill had been under the consideration of the members of the Government, and under the consideration of the members of the Legislature, who are familiar with such legal subjects as the rights of this Parliament, and they believe that this Parliament has the power to deal with those subjects provided for in this bill. It only deals with three classes; they are, companies which are now being wound up, companies which are Dominion in their character, and companies to be incorporated by the Dominion Government. Some legislation must be had upon these subjects, and until it is otherwise decided, Parliament must act upon the assumption they have the power, and make provision for cases which must necessarily arise.

The amendments were then adopted, and the Bill concurred in, read a third time, passed, and sent to the House of Commons for their concurrence.

#### DEPARTMENTAL BILL

On motion of the **Hon. Mr. Campbell**, the House went into Committee of the Whole on "Secretary of State's Departmental Bill,"

**Hon. Mr. Hazen** in the chair.

**Hon. Mr. Campbell** said he desired to make some remarks upon the 8th clause of the bill for the organization of this Department. This Bill proposes to give to the Secretary of State the charge of the Indian affairs, which has formerly been exercised by the Minister of the Crown Lands, in the late Province of Canada. He had been four years in that Department, and had an opportunity of seeing the working of the bill, and forming an opinion as to the necessity of its provisions being continued. Its provisions at first sight seem to be arbitrary, but they must bear in mind that the Indians are very frequently surrounded by a set of lawless white people, who seem to consider Indians as having no rights of property at all, and invade their possessions, and treat them with a high hand. There is a large tract of Indian land in Lower Canada, which for the most part is wild land, covered with half wood and half brush. This was once covered with wood which the Indians did not wish to sell, and unless it was sold by their

Council it could not be lawfully sold. Some of the Indians premising that they had a right, sold this wood to some parties there who wanted it, for which they did not receive an adequate compensation, and their land was injured thereby. Then again a similar case occurred in regard to some Indian lands at the West near Brantford. In spite of all the resistance which could be made all the white oak timber was taken off this land. The Indians there farm only eight or ten acres, whereas the tract of country belonging to the tribe is half a township, and at the outskirts of this land where there is no one to look after it, everything of value is taken off. Therefore, if there are some extraordinary provisions in the bill, it is in order to meet any emergency such as has been described. The same difficulties often arise on public works, such as the construction of canals or railways. Such a case occurred in the construction of the Lachine Canal, where there was no order, and people would go in and take what they wanted. A general law was passed, by which this public work was put under an especial Act by Order of Council, as the provisions of the Act were arbitrary, and gave the Government the same power as it is proposed to give them by this bill. This is not a normal law, but an abnormal provision by which certain Indian lands shall be brought under its provisions after a proclamation is made by the Governor in Council, "these provisions shall extend to such Indian lands only, as the Governor from time to time, by proclamation published in the *Canada Gazette*, declares and makes subject to the same, and so long only as such proclamation remains in force." This is the security for these provisions, which he admitted were severe and arbitrary: they cannot be put in force, unless the Governor in Council sees a good and sufficient cause for it. No reason can be assigned why the House should apprehend that this power will be abused. Would the Government bring any portion of this territory under the provisions of this law if no circumstances rendered it necessary for them to do so? He could not believe it possible that under any circumstances the Government would proclaim any tract of land as coming within the provisions of this clause unless the circumstances warranted it. A great deal of the valuable products of those lands could be removed before the ordinary laws of the land could be put in force. There would be considerable difficulty in putting them in force, as in reference to some of the Indian lands the patent is in the Crown, and in others the title is in certain Indians, some of these being dead

their titles are in the hands of the trustees, which would cause great delay in the Courts dealing with the matter, and is another reason why the Government should be armed with this power. He could see no reasonable apprehension that it would be abused, as the Government were responsible to Parliament for all their acts done in the country. The proclamation of the Governor must issue before the law could be put in force, therefore, he trusted that the Committee would concur in the clause, which he could vouch for as being essential to the welfare of the Indians.

**Hon. Mr. Bureau** (in French) could see no cause for alarm at the summary powers given in this bill to a member of the Government, and instanced the case of the Indian reserve at Caughnawaga, where timber and cordwood had been removed by trespassers; these lands at the door of Montreal being of immense value, the Government should have power to deal summarily with such trespassers. This tract comprised some of the best lands in the parishes of St. Constant and Caughnawaga. The late Sir George Simpson, Governor of the Hudson Bay Company, was empowered by the Government of the late Province of Canada to try to negotiate some arrangement with this tribe of Indians to concede these lands *à titre de service*, and invest the proceeds for their benefit.

**Hon. Mr. Chapais** (in French) advocated the emancipation of some of the most intelligent of the Indians, many of whom, if not all, were more intelligent than the negroes emancipated long since by Great Britain in several of her colonies. They were generally loyal, peaceable subjects, if properly treated by the white man. They should be ensured by the Government the benefit of their lands free and unmolested, and to ensure this the powers under this bill were none too large or comprehensive. If their emancipation were effected gradually, giving the leading and best educated amongst the tribes their freedom firstly, and continuing to train and prepare them to enjoy the rights of freemen, no danger to society would be apprehended, but great benefits to themselves and the Dominion generally.

**Hon. Mr. McCully** said he had thought this matter over with a great deal of care, and had given it considerable consideration, but he must say in reply to his hon. friend who spoke in a language which he (Mr. McCully) but imperfectly understood, that he, coming from another part of the country, seemed to be getting connected with a class of people who,

if they are as they are described, will set all justice at defiance, and can only be controlled in this arbitrary manner. If this was the case he was sorry he had not understood it at an earlier period. He could not bring himself to believe that at this time, under any circumstances, they should be required to seize a man, take him to jail by force, and become judge, jury, and executioner; that he should be held, and that it should not even be lawful for a judge of the Supreme Court, or of any court in the land, to hear the cause or to consider the case. The Postmaster-General has conferred these powers not merely upon the Secretary of State, but he is about to confer these powers upon a class of those persons distant probably, some thousands of miles from his office of Secretary of State, and with whose qualifications, for the exercise of those high powers, the Secretary of State must be but imperfectly acquainted. These persons will have the power to seize a man because he continued upon these Indian territories and hurry him into jail, while no *habeas corpus* can issue, and no judge of the tribunals of the country can be permitted to hear the cause. If there should be such a case as a man being committed for trespass who was not the cause of that trespass, an innocent man would be kept confined in jail because he could not be relieved, as the Deputy appointed by the Secretary of State is judge, and no court in the Dominion can re-hear the case or consider it. He had thought that practice had been for ever abandoned. He was sorry that the state of society in Canada was such as to make it necessary to confer upon any Secretary of State the powers sought to be conferred by this bill. No such powers as this existed in England, although an attempt to take such power was made two hundred years ago, in the time of Charles I. It was said that neither Her Majesty nor the Privy Council have, or ought to have, any jurisdiction in such matters, but that they ought to be tried and determined in the ordinary courts of justice, by the ordinary courts of law. He did not think the position he took upon this question was such an extraordinary one, as some who had spoken on the subject allowed. He did not ask that the Secretary of State should not have large powers, but he did ask that such a provision should be made, that when the Deputy-Secretary of State made a mistake, it should not be a final judgment, but the courts of law should correct it. It may be necessary that the Government should control the rights of the Indians, but he presumed any Justice of the

Peace could try those cases, subject to review in the courts of law in the Province, and then every man could be heard. In this class of cases he said the law they sought to enact was the legislation of a by-gone period, which was swept off the Statute Book of England two hundred years ago. We have the right to suspend the Habeas Corpus Act, but it can only be done where the rights and lives, perhaps, of whole classes of people are involved, but we do not arbitrarily take away a liberty without judge or jury, on account of a few oak staves or shingles being taken from wilderness land. It was not so much in regard to this particular Act that he took up the time of the House, but it was the principle which was being introduced of giving Secretaries of State the power to take away a man's property and personal liberty, and allowing no Judges of the Supreme, or other Courts, to re-hear the case or consider it. We find that the decisions of high tribunals are not as final as the decisions of the Secretary of State will be under this Act, because these decisions often call for the exercise of the prerogative of the Crown in consequence of some mistake being made to which everyone is liable. He would ask the Postmaster-General if he knew men in the distant Province of Nova Scotia to whom he would be willing to confer such a power; he could only know them by report, and if having conferred this power it came to his knowledge that some man had been grievously oppressed, no man would be more willing to give redress than he would, but under this Bill if an innocent person was committed to jail, the operations of the warrant could not be arrested until he had made an application which would satisfy the Governor-General in Council, that it was a wrong act, and then he would receive pardon, but in the meantime his feelings would be very much lacerated by any such misfortune. He would ask the Postmaster-General to strike out the two last lines of the 21st Section, "and such judgment shall not be removed by *certiorari* or otherwise, or be appealed from, but shall be final." The whole thing was wrong; the Judges of the Supreme Court were as able to protect the Indians as any one else, as they have no motive in allowing the laws to be frustrated. He did not think this was the period in the world's history when they ought to be passing laws in the Dominion of Canada by which deputies of the Secretary of State would have the power to seize the most respectable men in the community, and cast them into the common jail, and hold them there for at least

thirty days; this officer not being amenable to the law, no proceedings can be taken against him. He could not understand what necessity there could be in regard to the case of the Indians, or Indian lands, which made it necessary to enact such a stringent law, and to put such a power in the hands of any subordinate of the Government to execute it. He did not know what acts they may have had in force in Canada, but he knew that no such Act was ever placed on the statute book of Nova Scotia. They had made every provision for the Indians, but they did not give the Government power to seize upon persons and property, because a few trees had been cut down within the Indian territory. He would raise his voice against this measure, lest it should be said hereafter that he had consented to allow a measure to be passed in this first Parliament of the Dominion which gave up the rights of the subject. Many of the most serious difficulties have arisen in consequence of arbitrary powers assumed by Secretaries of State. He as a public man coming from a liberty-loving Province, where men's rights are passed upon by tribunals in which we have most unbounded confidence, would ask the Postmaster-General not to put this law upon the statute book, for by doing so we would say to our people, we have connected ourselves with a country whose law cannot be enforced unless such arbitrary power is given to the Secretary of State. If his hon. friend would so amend his bill, that although it might give summary powers to be exercised in a summary way, yet in case a mistake should be made the bill should provide that it might be remedied by submitting the case to the highest courts in the land, then nothing would give him greater pleasure than to assist in passing the Bill.

**Hon. Mr. Bureau** (in French) in answer to the remarks of the hon. member, (Mr. McCully) felt that the Government were only the *Dépositaires* or guardians of the domain set apart for the benefit and support of the Indians, and consequently should be of necessity invested with all requisite powers to protect these lands from speculators and trespassers. He could not understand how hon. members would feel more security to the liberty of the subject if the remedy were referred to the adjudication of any one man, Justice of the Peace, or Judge, than if these same powers were conferred on the Government, who are directly responsible to this Parliament for all their acts. He could apprehend no danger in leaving the summary power sought for by this

bill in the hands of the Secretary of State and the Government, who could not be actuated by any private malice, but would necessarily act in the public interests. Let the opponents of the bill suggest some amendments which might meet the difficulties of the case, and then he could appreciate their reasoning. It is very easy to find fault, but not easy to frame a measure that will give universal satisfaction, and meet the requirements of this exceptional case. The only defence that any trespasser on these Indian Reserves should possibly be allowed to make, that the lands occupied by him, were not a portion of this domain, and this would necessarily give rise to an action *en bornage*, to have the lines drawn and established. If the Hon. Postmaster, (who has charge of this bill), could possibly see his way to allow the decisions to be brought up for revision before the Courts by writ of *Certiorari*, it might end all the opposition to the bill, and give general satisfaction, though, as he said before, he would willingly support the bill in its entirety, having full confidence that all interests will be safe in the hands of the Government of the country.

**Hon. Mr. Ritchie** said although he was willing to go very far in giving the Government power to protect the Indians, he was not willing to put the liberties of white men under their control. He thought the difficulty would be removed by proceedings being taken in a summary way before a judge at the instance of the Secretary of State. It was inconsistent with the due administration of justice, for a person's property to be subject to injury, and his liberty to be taken from him without his having an opportunity of being heard. Under this bill a person could be imprisoned upon an *ex parte* statement without his having any chance of defending himself, or even of knowing upon what ground he has been imprisoned. If this power were given to the Secretary of State, his Deputy may do something wrong, or it is possible he may be deceiving himself and thinks he is doing right when he is doing wrong, and the aggrieved person would have no redress. There should be a provision for an appeal to the Courts of Justice, but the parties making this appeal should give good security for all expenses attending this appeal. The case would not be between a white man and an Indian, but between a white man, supposed to be an offender, and the Government. If the Crown prosecutes a man for infringing upon the Indian lands, surely, it is not wrong to say, he shall have an opportunity of defending himself.

**Hon. Mr. Sanborn** thought that after what had been said, it would be well for the Hon. Postmaster-General to allow the 19th and two following sections to stand over for another day, to see if any remedy could be devised to meet the objections made. It was true that this was a most extraordinary power which it was proposed to give the Secretary of State, but there was another objection—that the writs should be issued out in the ordinary course, and the Sheriff of the county would be called upon to perform duties of a most extraordinary character. The bill also raised the difficulty which was continually coming up, that it interfered with the rights of property which came under the jurisdiction of the Local Legislatures, because here they would have to decide in regard to boundaries between the Indian lands and private lands. He thought proceedings against trespassers should be taken through the ordinary channels, by summary proceedings, at the instance of the Secretary of State or his Deputy.

**Hon. Mr. Campbell** had listened with the greatest attention to the views advanced by the hon. members, but he thought they laid undue stress upon the character and provisions of certain sections of the bill. In the first place, those provisions were not law, but could only be brought into effect when a case should arise of such importance as would induce the Government to issue a proclamation giving effect to them. It was an exceptional provision, only to be resorted to when circumstances rendered it absolutely necessary as was the case of the exceptional law in regard to labourers on public works.

**Hon. Mr. McCully:** Did the Government of England ever enact a law of that kind?

**Hon. Mr. Campbell** said it was a Canadian Act, only to be put in operation when the necessity arose. In regard to this bill, the Secretary of State, or some one authorized by him, has to visit the locality and ascertain if those persons are really there, and if so, they would insist upon their leaving those lands, and it is only when they return to them that the Sheriff can issue his warrant for their apprehension. This can only take place after a section of the country has been put under the force of the Act by proclamation, which will not be issued without a necessity should arise. What earthly motive could the Government have for issuing such proclamation, unless the circumstances of the country called for it? When the Act is put in force parties can only

be arrested after they go back upon those lands wilfully, knowing what the penalty is. The Secretary of State can then send them to jail for thirty days. His hon. friend said, why not allow them the right of appeal? Because it would destroy the possibility of remedying the evil promptly. He then related the case of an Indian being put out of his house by force of arms, and said they must have abnormal laws to deal with such cases, and you could not provide for appeal as you could in a more civilized country. To do prompt justice to the Indians, you want an officer armed with prompt power. He referred to the difficulty in bringing these cases before a Court of law in localities like the Island of Manitoulin, where there was no judge within nineteen or twenty days travel. White persons go there at certain seasons of the year, and if they find anything valuable, or any advantage to be gained, they will not remove, but use their intelligence to the prejudice of the Indians. Surely the experience of sixteen or eighteen years in the operation of the law was sufficient to justify the House in coming to the conclusion that no evil can arise from a provision of the kind. We have found that no evil has resulted from it to the white people, while it has been a benefit to the Indians, and we can favourably contrast their love for our constitution, with the sympathies of the Indians in the United States with that Government. In no country is the law better administered for the protection of the Indians than Canada, and in no country are they more firmly attached to the Crown.

**Hon. Mr. Letellier de St. Just** remarked that it was all very well for the Postmaster-General to say that up to this time, this power had not been abused. Suppose a case should arise in which great injustice would be done, would there be any means of redress? There would be none whatever, as the aggrieved person could not take his case before the courts of law.

**Hon. Mr. McCully** said that according to the arguments of the Postmaster-General they were to have these laws which were necessary for a half civilized country, to extend to a country where there was not the least ground for that state of things.

**Hon. Mr. Campbell**—They will only be put in force by proclamation when a necessity arises.

**Hon. Mr. McCully** said his hon. friend asserted that the Government would not do it, but he does not know what future Governments may do.

**Hon. Mr. Campbell** asked if his hon. friend thought that any Government would put the law in force in any section of the country where it was not absolutely required?

**Hon. Mr. McCully** said when they put that law on the Statute Book they would introduce a principle which no man in Nova Scotia, educated as they have been, could support for a single moment. It was an exceptional state of things that required a law for Manitoulin, a perfectly uncivilized country, and he would not be found opposing a measure to protect the Indians in that Island, but he would oppose so obnoxious a law being passed in a civilized country. A man should know what offence he is charged with, and be able to meet his accusers face to face. It is provided in the Bill: "If any person after having been removed as aforesaid returns to, settles upon, resides upon, or occupies any of the said lands, or roads, or allowances for roads, the Secretary of State, or any officer or person deputed, and authorized as aforesaid, upon view, or upon proof on oath made before him, or to his satisfaction, that the said person has returned to settle or reside upon, or occupy any of the said lands, or roads, or allowances for roads, shall direct and send his warrant, signed and sealed, to the Sheriff of the proper county or district commanding him forthwith to arrest such person and commit him to the common jail." Suppose a person has been removed beyond that territory, and was afterwards seen upon it. There might be some ill feeling between him and the Deputy Secretary of State, who would be glad of a chance to arrest him, and would now take advantage of his happening to be upon the land.

**Hon. Mr. Campbell**—It is only when he returns and settles upon the land that he can be arrested.

**Hon. Mr. McCully**—He has come back, he has returned, that is the language, and the deputies would take the literal interpretation of it. He would say, "I have seen you here, and I arrest you, and commit you to jail for thirty days without bail." He did not wish to prevent their removing a man from those lands, but he wished the man to have the right of appeal by giving security for five times the amount of costs if necessary. When a man is arrested, he does not care so much for the amount as for the indignity to which he is subjected, and he would sometimes rather give all he is worth rather than submit to it. In consideration then of the wrong done he should have an

opportunity for redress. If they gave power to remove the person trespassing upon those lands they would attain the object of the Bill, without stamping the statute book of Canada with this most disgraceful principle, which has never been heard of in the Lower Provinces. In regard to disturbances on public works in other countries, the criminal law takes charge of such outrageous characters.

**Hon. Mr. Campbell** objected to the defence mentioned or suggested, as all the trespassers would be prepared to deny that they occupied the Indian lands, and so defer the decision for months, and get delay, and in the meantime pillage the lands and put the Government to all the expense and trouble of a contested suit at law.

**Hon. Mr. Dickey** objected to the arbitrary powers of the bill. He thought some redress or means of justification should be allowed to the parties who might be accused of occupying these lands, and urged at length the danger of such arbitrary and exceptional powers, entirely at variance with the spirit of our laws.

**Hon. Mr. Tessier** thought it much safer to refer the exceptional remedy of this class of cases to the Secretary of State and the Government, than to any judicial functionary, either Magistrate or Judge. The right of petition remains to the subject, and surely this House, or the country, will not be deaf to such cases of hardship, if by any possibility any member of the Government could be guilty of any injustice to parties affected by this bill. He for one, felt no fears of any such alarming results under this bill.

The Committee then reported progress, and asked leave to sit again to-morrow.

**Hon. Mr. Seymour** moved, seconded by **Hon. Mr. Simpson**, that the order for consideration of the fifth report of the Contingent Committee be discharged and referred back to the same Committee for further consideration.

The House adjourned at 6 o'clock until three o'clock tomorrow afternoon.

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## THE SENATE

Thursday, April 23, 1868.

The Speaker took the chair at three o'clock.

After routine,

**Hon. Mr. Seymour** moved the adoption of the 6th Report of the Contingent Committee, which provided that Mr. P. Miller be appointed English clerk at a salary of \$1,000 per annum.

**Hon. Mr. Hazen** said this office was filled up against his wishes. The late incumbent was dismissed against his consent, but after the office became vacant Mr. Tucker and Mr. Miller became candidates for it, but he had no desire to see it filled, or the salary of \$1,000 attached to it. He considered the appointment of Mr. Miller a most extraordinary proceeding, and one in which he did not feel disposed to concur.

**Hon. Mr. Odell** said it had been well understood that the members of this House from New Brunswick and Nova Scotia were to make the appointments to fill up the vacant Clerkships in this House, if it was found necessary to fill them up at all. With regard to the gentleman in question, he did not know him by sight, and therefore was not prepared to say whether he was competent to fill the office or not, nor yet was he able to understand what the duties of the office were. It was true he had been called upon by one of the members of the Contingent Committee, a few days ago, to ask if he had any objection to the appointment of Mr. Miller or Mr. Tucker, or whether he had any desire that any one else should be appointed. He had replied that he thought that it was not best to fill up those vacancies at present, that it was the better course to allow them to remain vacant, and as the work was now being performed he thought they could get through this Session without making any appointment at all. Then, hereafter, if there should be any necessity for the appointments they could be made. He believed the gentleman appointed by the Committee was holding an office under one of the Departments, he thought under the Minister of Marine and Fisheries. He thought it was hardly right for the Committee to have made this report without having had the sanction of the members of this House belonging to New Brunswick. If a majority of the members think the office ought to be filled up, he would

agree to it, but he thought as the object was to economize as much as possible, the members of New Brunswick should waive their right for the purpose of allowing those vacancies to remain as they are.

**Hon. Mr. McCully**, as one of the members of the Committee, would say that the practice adopted in this instance was precisely the same as was adopted on a former occasion. The Committee made the recommendations which were adopted by the House. In regard to Nova Scotia, the gentlemen on that committee having talked the matter over among themselves, and made such enquires as they deemed necessary, concluded not to make any recommendation, but the gentlemen from New Brunswick recommended a person to fill up the vacancy belonging to New Brunswick. He did not think it was expected that the members of the Contingent Committee should go around the Senate and make enquiries, as they supposed the members from New Brunswick represented New Brunswick, and upon that principle they acted.

**Hon. Mr. McClelan** said that in the early part of the Session this matter was under consideration, and they came to the conclusion to decline to make the recommendation, as they did not know of any suitable person to fill the situation, and the matter remained over until the present Session. When it was determined to fill up the vacancy he had consulted with several members from New Brunswick, and they had recommended Mr. Miller as a man who would discharge the duties very efficiently; other gentlemen recommended Mr. Tucker, and others again declined to make any recommendation, saying that they thought it was necessary to use economy and retrenchment, and it was better not to fill up those vacancies. He had considered it his duty, as a member of the Contingent Committee, when the members from New Brunswick made this recommendation, to support this appointment.

**Hon. Mr. Miller** would like to know upon what principle the patronage of this House was distributed. Are the Committee alone, or are the members of the House, to have a voice in filling up those offices? It had been distinctly stated that in filling up those vacancies either for New Brunswick or Nova Scotia, the members of the Senate would be consulted, and not the members of the committee alone.

**Hon. Mr. Seymour** said it had been the usual custom for the Committee on Contingencies to nominate such persons as are to be

appointed for the approval of the House, and it was the privilege of the House to say whether those nominations should be confirmed.

**Hon. Mr. Miller** thought the hon. gentleman from New Brunswick had reason to complain, as it was distinctly understood that before a recommendation would be made to this House, the members from New Brunswick would be consulted. It would have been better to have allowed some of the old officers to have retained their offices, and they would have saved the amount given to the retiring officers. If the vacancies were to be filled up, they might as well fill up the one assigned to Nova Scotia. He wished to have it understood whether the appointments of these officers were to be made by the House or by the Committee.

**Hon. Mr. Wark** said the patronage was to be exercised by the Senate. It was the duty of the Contingent Committee to make the recommendations, but it was left to the Senate to accept, reject, or modify that recommendation as they think proper. The members of the Committee should consult the members of the Senate from the same section of the country from which they came. He had been asked to recommend a person to fill one of the offices, but he had declined: he said perhaps he would see a Senator from New Brunswick upon that committee, but he did not wish to hamper him, and whatever their decision might be he would be satisfied.

**Hon. Mr. Mitchell** said there was no room for discussion, hon. gentlemen would recollect that in the early part of the session this question excited a great deal of dissatisfaction, not on the part of the members from New Brunswick, but around the House. The name of the gentleman recommended by the Contingent Committee was then the subject of considerable discussion. He had then stated that he was in an unpleasant position, because he was somewhat answerable for the fact that this gentleman's name was before the Committee for one of the vacant clerkships. He has stated that it was distinctly understood between the gentlemen representing the late Province of Canada, that a fair distribution of the patronage of the Dominion should be given to the Maritime Provinces. It was then said that two clerks and two messengers should be appointed from each of the Maritime Provinces for each branch of the Legislature. It was also stated that we should submit the names of the persons we intended to appoint at the opening of the session, and that they

should be here in order that they might be added to the staff of the House. He had taken the liberty in accordance with the suggestion of the Government to name two persons, one of them was employed as a messenger and the other name was in connection with the vacant clerkship left for the Province of New Brunswick. It was his misfortune not to be in a position to consult his confreres, not having had an opportunity to do it. He was expected to submit the names at the opening of the Legislature, and he did so, and the persons whom he expected would be appointed to fill those offices at his suggestion came on from New Brunswick. He said he would not go into the vexed question of patronage, but one principle he had laid down on that occasion he would repeat now, that upon entering this Dominion the Maritime Provinces had a fair and just right to claim from the legislature of this country as fair a proportion of the patronage as Ontario and Quebec, and that the staff of officers occupying positions in the House had no more right to those positions than those coming from other sections of the Dominion. We did not persist in claiming what we had a right to claim; we heard the feeling on both sides of the House, and we felt that whatever might be the right of the Maritime Provinces to a fair and proper representation, the fact that certain persons were in attendance to perform duties connected with this branch of the Legislature, induced us to consider their claims, and we did consider them when the committee had the matter referred to them. A sub-committee of five was appointed who were to submit to the Contingent Committee the staff necessary for the House, and the names of the persons to fill those offices; that committee reported to the Contingent Committee the names of the officers it was desirable to have in attendance upon this Senate, and the salaries they were desirous to give them. He would ask the House to recollect the large number of names of officials before the committee, and out of that there was but one clerkship for New Brunswick, and one for Nova Scotia, and three messengers for the Maritime Provinces. In place of filling up those clerkships, the sub-committee stated that they thought it desirable that they should ascertain the sentiments of hon. gentlemen from the Lower Provinces before they were filled. He had agreed to that and had made a selection from a gentleman of the legal profession possessing every qualification to fill the position. After that gentleman had been waiting here for five or six weeks, the question was brought before



the Committee, and the hon. gentleman who made the objection to-day, took the ground that the Senators of each Province should be consulted. He at once assented to it, and said let the matter stand over, and let them be consulted. It did stand over, and the gentleman was temporarily attached to the staff of the Marine and Fisheries, because he (Mr. Mitchell) had been the means of bringing him from his home to occupy this position to which he has a right. He believed every Senator from New Brunswick had been consulted in this matter, and if they have, where are their grounds of complaint? If they have other names to recommend let them bring them forward; but they should not say they have had no opportunity for expressing their opinion. The hon. member from St. John (Mr. Hazen) says he never was for turning one man out and putting another man in. That hon. gentleman persisted in resisting the reduction of salaries, or the reduction of the staff, and he now objects to filling up this office reserved for New Brunswick. He says it should not be filled up this session. If not at this session why at any time? If he thought it necessary at the first part of the Session that this office should be filled, upon what principle can he resist filling it now when reserved for New Brunswick, when it is filled by the best man among the names put forward as candidates for that office. In regard to the objection made by his hon. friend from Nova Scotia, he would say that because the members from Nova Scotia could not agree upon a nominee for their vacancy, it was no reason why the vacancy for New Brunswick should remain over too. The Contingent Committee are entitled to some consideration for the efforts they have made to economise in connection with the efficiency of the staff, and for performing the unpleasant duty imposed upon them of refusing to employ many gentlemen in connection with the staff of the old Province of Canada. He considered their recommendation should be carried out, unless they could find some gentleman better qualified for the position.

**Hon. Mr. Wilmot** said that when his hon. friend from the county of Albert (Mr. McClelan) consulted him concerning this appointment, he (Mr. Wilmot) told him that he was opposed to appointing any person, that they should economize instead of making new appointments. He had stated that the Minister of Marine, not only arrogated to himself the right to make appointments in the Government, but he arrogated to himself the right, when certain employees connected with this Senate were to be appointed, to take the

responsibility of naming the persons, without consulting the members from New Brunswick. It has been understood and agreed to, that when any appointment was to be made, the members from New Brunswick were to be called together to express their opinions upon it. When his hon. friend (Mr. Mitchell) charged him with extravagance in connection with retaining the employees of the House, he should remember that the Government when they put the machinery of this Dominion in motion, should have provided for these officers in the Legislatures of Ontario and Quebec. He regretted to see such an anxious desire for public offices; it was the last thing he wanted to see any of his friends get. He had always advised his own connections to have nothing to do with public offices.

**Hon. Mr. Dickey** thought if the hon. members from New Brunswick could not agree among themselves, the best thing they could do was to fill the office from Nova Scotia. We in Nova Scotia did not think it necessary to make any appointment, but on the representation of the members of the Committee for New Brunswick, we acceded to their wish and recommended a gentleman every way qualified to fill the office, taking it for granted that the House would adopt the recommendation. The hon. member from Albert (Mr. McClelan) had consulted the members from New Brunswick in regard to the appointment, and he did not think the House should now for the first time set aside the name of a person selected by the Committee, unless there was some very strong objection made.

**Hon. Mr. Hazen** did not think respectable men should be turned out of office to make way for aspirants from New Brunswick, and he would protest against it. The Minister of Marine had provided for two or three of his friends at Ottawa. He did not object to this because he, as a member of the Government, had a perfect right to dispose of his patronage as he thought proper, provided he was satisfied he could justify it before the country, but he denied his right to appoint a gentleman to an office in this House with the salary of \$1,000 a year, and say that it had received the sanction of the members of the Senate from New Brunswick. No such proposition was ever made to him; he had had two names put before him, one was the gentleman who was appointed, and whom he did not know, as he lived in a different part of the country; the other he should have preferred, as his name was that of a most respectable family. It was

not the desire of the people of his Province to turn out of office a respectable person to make room for a person from New Brunswick. He understood something had to be given to New Brunswick, and he thought if this practice went on they would by and by have separate officials for each Province, then if he asked a door-keeper to open a door for him he might be met with the reply, "I don't belong to New Brunswick." If we are to remain as a Confederacy those distinctions ought not to be kept up, but we should all be united as one people. He thought the power of the committee had been indiscreetly exercised, but he would not protest against the adoption of the report, though he would repeat that this appointment had not been made with the assent of the members of the Senate from New Brunswick.

**Hon. Mr. McClelan** said he had consulted the hon. member from St. John (Mr. Hazen), who stated he was in favour of the other applicant. He had felt it to be his duty to consult the Senators from New Brunswick, and he did so with a great deal of satisfaction. Three of the members were in favour of not filling the vacancy, but the majority were in favour of making the appointment, but would not agree upon the individual to be selected, therefore we did the best we could to meet their views. He regretted that there should be any dissatisfaction, but he did not think there was any just cause for it, as those who had taken objection failed to recommend any name in place of the one now appointed.

**Hon. Mr. Boisford** said there were two very substantial reasons why this report should not be adopted. In the first place there was no occasion to appoint this officer until they found a necessity, as the duties could be performed without his appointment. In the second place he should not be appointed because four of the members from New Brunswick have decided against it, and it was desirable that they should agree upon the appointment.

**Hon. Mr. Hazen** said the report could not be adopted to-day, as it was against the rules of the House.

**Hon. Mr. Mitchell** replied there was no rule against it.

**Hon. Mr. Odell** thought a most extraordinary course had been pursued. When the first report of the Contingent Committee was made it was distinctly understood that these vacancies should be filled up by persons selected by

the Senators of the Dominion. Now it is stated by the hon. gentleman from Albert (Mr. McClelan) that he consulted the members from New Brunswick. He consulted them in a very informal way; if members were to be consulted they ought to be asked to meet and come to some unanimous conclusion, or pass a resolution by a majority. It could not be called consulting the members for a gentleman to go to the members singly and ask their opinions, and then from what he has gathered to form his own conclusions. He complained because the members from New Brunswick were not consulted, and also because they were not made aware that such an appointment was to be made. The Minister of Marine said he brought Mr. Miller up here.

**Hon. Mr. Mitchell** observed that he brought him up here by direction of the Government, as all the offices were vacant.

**Hon. Mr. Odell** asked what the Minister of Marine, or the Government, had to do with the action of the House? Why should they take this matter out of the hands of the House? That gave him no claim whatever. Not only did the Minister of Marine bring him here upon speculation, but he puts him in his own Department until he can find an opening for him. He will always have somebody ready, and the patronage will be taken out of the House, and placed in the hands of the Minister of Marine. He did not blame him for providing for his friends in this way, but he did not think it was fair to the Province of New Brunswick. He had now explained his reasons for opposing it, and he did not think there was any occasion for putting the question off, as they might as well settle it to-day as to-morrow.

The motion was then carried on division.

**Hon. Mr. Seymour** moved the adoption of the fifth report of the Committee on Contingencies, recommending that as the Rev. Dr. Adamson has not been appointed Chaplain to the Senate, his appointment as Librarian be cancelled, and that he be allowed to avail himself of the provisions of the second and third sections of the committee's report of the twentieth day of March last, which had been adopted by the House.

**Hon. Mr. Dickey** said the adoption of this report should depend upon whether or not a Chaplain was to be employed by this House. It had never been contemplated to give Dr. Adamson a retiring allowance of two years' salary, and then appoint another Chaplain.

**Hon. Mr. McCully** spoke in favour of the adoption of the report.

**Hon. Mr. Seymour** said that Dr. Adamson received the principal part of his salary as Librarian, and in retiring from that office, he was entitled to the same privileges as the other officers.

It was then moved that the report be taken into consideration to-morrow.

**Hon. Mr. Malhiot** (in French) raised the question of order, that under the Constitutional Act all proceedings should be translated into French, if demanded by any member of the House, and, as this was rather an important matter, he insisted on the rights guaranteed him and his compatriots under the Constitution.

**Hon. Mr. Chapais** (in French) entirely sympathized with the objection taken, which he considered fair and reasonable, and suggested that the Report be translated in French and laid over until to-morrow.

A general discussion here arose amongst the members as to the utility or right of having all the proceedings of the House submitted in the two languages. Some objecting to the delays and expenses of double printing; whilst the minority insisted on their rights on all important questions of having the proceedings submitted to them in their mother tongue.

**Hon. Mr. Letellier de St. Just** recommended that the delay asked should be granted, if only to prevent any bad feelings.

**Hon. Mr. Sanborn** thought the demand quite reasonable and simple justice to the members who may not thoroughly understand the English language, and thought that if deferred until to-morrow the minutes would appear in both languages, so then all the members would understand the matter.

**Hon. Mr. Bureau** (in French) complained that the French language was completely ignored, and wished the Speaker to decide the question of order raised by the Hon. Mr. Malhiot.

**Hon. Mr. Campbell**, Postmaster-General, said the rules of the House only required the records of the House to be printed in both languages, but he thought the Clerk could translate the present report at the Table, and meet the wishes of those hon. members who desired to have it translated into French, and thus save time and the expense of printing these matters in the two languages.

**Hon. Mr. Malhiot** (in French) objected to a verbal translation by the Clerk at the Table, as insufficient to enable hon. members to catch the full meaning and signification of such documents as might enable them to vote intelligently on their merits. He had a right to have them printed in French, and he felt strongly on the subject, and could not yield to the point in dispute.

**The Speaker** decided that a document was a record, whether printed or not, and therefore the reports of committees were records, and consequently he must decide that the demand of the Hon. Mr. Malhiot was in order, and so it was decided.

**Hon. Messrs. McCully, Dickey and Ritchie** entirely disapproved of the decision given by the Speaker, and thought it would be most inconvenient in the despatch of the business of this House, and considered such doctrine unheard of, and hoped the House would oppose the ruling of the Speaker.

**Hon. Mr. Bureau** attempted to speak, but "spoke, spoke," was called by several members, when he sat down.

**Hon. Mr. Sanborn** entirely coincided with the ruling of the Speaker. All documents submitted to the House were printed in the minutes and entered on the journals of the House, and of course became matter of record, and were records of the House, whether passed by the House or rejected, the same as all papers filed in a case in the courts of laws were matters of record.

**Hon. Mr. Seymour** then moved that the report be considered tomorrow, and that it remain over until then.

**Hon. Mr. Dickey** was surprised at the opinion of the hon. member (Mr. Sanborn), and entirely dissented from the Speaker's decision as a dangerous precedent.

**Hon. Mr. Letellier de St. Just** rose to a question of order. The hon. member could have appealed from the Speaker's decision, but was now too late to do so, and was out of order in discussing the ruling without an appeal.

**Hon. Mr. Dickey** moved as an amendment to the motion, that the ruling of the Speaker in the matter of the Contingent Committee Report should not be adopted by this House.

**The Speaker** declared the amendment inadmissible and out of order. Cries of "Chair," "Chair," on all sides.

Then the motion of **Hon. Mr. Seymour** was put and carried.

**Hon. Mr. Odell** enquired whether it is the intention of Government during the present Session to take any measures for equalizing the salaries and allowances of the Judges of the Superior Courts throughout the Dominion, and to make any and what provisions for pensions to the present incumbents?

**Hon. Mr. Campbell** replied that arrangements had been made for making a fair arrangement of the salaries of the Judges throughout the Dominion. Not an equal distribution, but a fair one has been made which will meet with the approval of all.

**Hon. Mr. Odell** said the Postmaster-General had not informed them in regard to provisions for pensions to the present incumbents.

**Hon. Mr. Campbell** said no arrangements were being made to make any other provision than now existed in regard to pensions to Judges.

**Hon. Mr. Odell** asked if the arrangements that now existed applied solely to Canada?

**Hon. Mr. Campbell** said he was not aware of any arrangements in regard to the Lower Provinces, although there was an arrangement in regard to Quebec. That subject would not occupy the attention of the Government as they had no reason to suppose any application would be made from the Lower Provinces during the present Session.

**Hon. Mr. McCully** thought it was a matter well worthy of the consideration of the Government whether or not those pensions should be drawn out of the Consolidated Fund, as they had no provision for pensions for Judges in Nova Scotia.

**Hon. Mr. Hazen** moved to resolve that the practice which prevails in the Parliament of England, and which has been adhered to by the Legislative Councils of Canada and the other Provinces now forming the Dominion, since the establishment of their Constitutions, of opening their daily sittings with prayer to Almighty God, should not be discontinued by this Senate.

**Hon. Mr. Campbell** said his hon. friend had better allow his motion to drop, as the fifth report of the Committee on Contingencies was no longer in existence, therefore, the amendment could not be on that report.

**Hon. Mr. Hazen** said he would like his hon. friend to show him any other report, to which it could be moved as an amendment.

**Hon. Mr. Campbell** remarked that the one which had just been under discussion, was one of the orders of the day for tomorrow.

The motion was accordingly allowed to stand over until tomorrow.

**Hon. Mr. Locke** enquired of the Minister of Marine and Fisheries whether the Bill relating to the Fisheries, which had been promised in the early part of the Session, would be soon brought in for their consideration, as in all probability some of the members would be leaving for home before the close of the Session.

**Hon. Mr. Mitchell** would state for the information of his hon. friend, that it was thought more desirable by the Government that the bill relating to Fisheries should be introduced into the other Branch of the Legislature. The bill had been prepared for some time past, but owing to the pressure of business it had not yet been introduced, but would now be in a very short time. He hoped no hon. gentleman from the Maritime Provinces would so far neglect his duty, as to leave before the close of the Session. The only gentleman likely to leave the House is a gentleman said to be leaving for a very interesting purpose.

**Hon. Mr. Ritchie** said there was very little inducement for members to remain until the close of the Session, because then there was such a pressure of business from the other House, that it merely went in one door and came out at the other. This bill should have been introduced into this House before this time, when they could have given it a proper consideration. He thought from the amount of business to be transacted by the other House, we would have to remain here until the end of June before we got through.

**Hon. Mr. Miller** complained of the delay in bringing this bill in, which was said to be so important to persons who were making preparations for the coming season, and who ought to be aware of what changes were to be made. If the bill was ready it should have been submitted three weeks ago and come up here for our examination. It was a bill which more particularly interested the Maritime Provinces, and it should receive more consideration from the House than it is likely to get in the latter part of the Session.

**Hon. Mr. Mitchell** said it had become fashionable of late to lecture him. He had already stated the facts in connection with this matter. The bill has been prepared since the early part of the session, but the Government did not think it right to introduce a bill of that kind into this Branch of the Legislature first, as it involved matters which had better be brought up in the House of Commons. The Hon. Minister of Justice had charge of the bill, and he had no doubt but it would be soon brought forward, when they would have an opportunity to consider it.

**Hon. Mr. Campbell** introduced a Bill entitled "An Act respecting the Department of Justice."

The "Bill respecting the Navigation of Canadian Waters," was then read a third time, and passed.

On motion of **Hon. Mr. Simpson**, the 9th and 12th reports of the Joint Committee on printing were adopted.

On motion of the **Hon. Mr. Chapais**, the continuation of the adjourned debate on the Act for the organization of the Department of Agriculture, was allowed to stand over until tomorrow.

The House went into Committee of the Whole, on a Bill entitled, "An Act respecting aliens and naturalization," Hon. Mr. Bill in the chair.

Several amendments having been made, in regard to aliens in Nova Scotia, the Bill was reported as agreed to. It was then read a third time, passed, and sent to the House of Commons for their concurrence.

On motion of the **Hon. Mr. Ferrier** the consideration of the Bill entitled, "An Act for the relief of Joseph Frederic Whiteaves," was postponed until this day week.

#### SECRETARY OF STATE'S DEPARTMENTAL BILL

On motion of **Hon. Mr. Campbell** the House went into Committee of the Whole for the further consideration of this Bill, when after the adoption of several clauses, and the question being put upon the 21st clause.

**Hon. Mr. McCully** said that an extended debate had taken place upon this clause and probably the principal points had been pretty well understood. He did not object to giving the Government plenary powers for this purpose, as probably they required them, but what he requested was, that they should be

subject to review. This could be arranged by striking out the two last lines of the section, "and such judgment shall not be removed by *certiorari* or otherwise, or be appealed from, but shall be final." If they passed the bill without this amendment they would be bringing the Provinces of Nova Scotia and New Brunswick under laws adapted to Manitoulin, because the Postmaster-General says this question cannot arise in either of those Provinces. If it is not likely to arise down there it is not likely to arise here, but if it should these laws will not give satisfaction. About four or five years ago the Government of Canada had some trouble on this question with respect to Manitoulin. That state of affairs may have been satisfactory to the Government, but it was not to the press of Canada, a portion of which attacked them for the course they took on that occasion, because the proceedings of the Government were considered very unsatisfactory. The public mind of Canada was agitated for a long time as to why this plenary power, given to the Secretary of State, when placed in the hands of the Commissioner of Crown Lands, did not work so satisfactorily as they desired. Whether this power was given under this clause he was not prepared to say, and he was not going to make any statement which he was not prepared to verify. If Manitoulin is an exceptional case he did not think it was necessary that there should be such a stain upon the statute book as would appear if this Act was passed. Suppose an officer should seize a man and imprison him for sixty days, or for some other illegal time, or takes some illegal advantage, how were they to get over the difficulty. The difficulty would be to set proceedings in motion to know whether the individual had exceeded his jurisdiction. He would ask, when a Judge makes a mistake on the bench, whether he is liable to action or not? The Secretary of State is made a Judge by this Act, and is protected in his official capacity, the same as any Judge of the Supreme Court. These Secretaries of State were the very men who sat in the Star Chamber of England, and did the mischief there. It was they who disturbed the peace of England, and they were one cause of the revolution. They supposed then that they were transacting business with the best intentions, but they made mistakes. Secretaries of State are not infallible, therefore it is that the laws of England are so extremely jealous of the liberty of the subject, and will not allow one man to incarcerate another and hold him without bail. Neither was there any law in

this Dominion which authorized any Judge to commit and hold a man in jail unless under very peculiar circumstances. It was the province of a jury to protect men against Judges who may unintentionally make mistakes. Why is it we can boast we live in a land of liberty, where the rights of subjects are well protected? It is because we have never given this power to Secretaries of State. At the time when encroachments were attempted to be made upon the ancient rights of the people of England by the Secretaries of State. Parliament did not give them the power, but instead of continuing such an Act forbade the attempt of any Secretary of State, or of Her Majesty and all the Secretaries of State together interfering between subject and subject, as these matters were to be decided in the courts of law alone. It is said this is an exceptional state of things; admit it. Is it so exceptional that a judge cannot look over the papers to see whether the right man has been arrested, and whether he has been legally condemned to this severe and undeserved punishment. He thought not. He would like to see the press of England treat on a subject of this kind. The Secretary of State has the right to depute that power to any man he may think proper. He may depute it not to a judge whose mind is trained in judicial matters, but to a land surveyor, as the question of lands more especially comes under that bureau. In his (Mr. McCully's) country there were no class of men who had been the cause of so much litigation as the land surveyors.

**Hon. Mr. Campbell:**—Except the lawyers.

**Hon. Mr. McCully:**—It is they who keep the lawyers, as they never agree upon any surveys, and their proceedings are always a fruitful cause of litigation. It is this class of men who will be called upon to administer this law. He had said enough, perhaps too much, as it was nearly the hour of their adjournment; he was sorry to have detained the House so long, and now with their permission he would move that the last two lines commencing "and such judgments &c.," should be omitted from the clause.

**Hon. Mr. Hazen** said he extremely regretted that the hon. gentleman should have thought it necessary to go over his speech a second

time, as he has used the same arguments again which he used yesterday. These arguments were better adapted to the jury of some small town than addressed to an audience of this kind. He (Mr. Hazen) questioned his right to speak on this subject in behalf of New Brunswick; he should recollect the state of his own Province which though not in open rebellion was in open defiance of this Parliament, as they had declared through their Attorney-General. He was not sympathizing with them, but he mentioned it because his hon. friend had characterized the people of Nova Scotia as being, so law abiding, and so fond of justice, in fact as being the most intelligent people on the face of the earth; while at the same time he designates this law of Canada as one only fit for the Indians of Manitoulin. It was just a law of this kind which has been required in New Brunswick and the want of which, during the last fifty years, has deprived the Indians of some of the most valuable lands in the Province. This was a good law and was a protection to these poor people, in order that they should not fall into the hands of needy lawyers, and to prevent them from being dragged into courts of justice. To bring the law into operation, the Crown has to make a proclamation to put under the protection of this law, not Nova Scotia or New Brunswick, but Manitoulin, or ten miles square at the Tobique as it may be required, and if injustice has been done to any man he can appeal to the Privy Council for redress. The members of the Privy Council are sworn to do Justice, and would any man object to go before a jury of that kind? Suppose a great wrong was done to a man; that he was put in jail, if he makes out a case before the Government, would not they give him redress whether it was one hundred pounds or one thousand pounds? His hon. friend (Mr. McCully) had put before the Committee facts which could never exist, for if a man is wronged he has an appeal through public opinion through the press, and redress can be obtained.

The time for adjournment having arrived, progress was reported and leave asked to sit again.

The House then adjourned until 3 o'clock to-morrow.

## THE SENATE

Friday, April 24, 1868.

The Speaker took the chair at three o'clock.

After routine,

On motion of the **Hon. Mr. Tessier**, a Bill entitled "an Act to continue the charter of La Banque Nationale and to provide for the increase of its capital stock," was postponed until this day week.

**Hon. Mr. Campbell** moved the second reading of the Bill entitled "an Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders."

**Hon. Mr. Campbell** having briefly explained the objects of the bill, it was read a second time, and ordered to be referred to a Committee of the whole House on Tuesday next.

The **Speaker** announced a message from the House of Commons, with a Bill entitled "An Act to define the privileges, immunities and powers of the Senate and House of Commons, and to give summary protection to persons employed in the publication of parliamentary papers,"—read a first time.

**Hon. Mr. Campbell** moved the second reading of the Bill entitled—"an Act to provide for oaths to witnesses being administered in certain cases, for the purpose of either Houses of Parliament," and said this was a Bill to give the Houses of Parliament power to examine witnesses in certain cases under oath, and to give the Clerk of the House power to administer such oath, in order that the House may be able to proceed with Divorce Bills, in the same way in which the Legislative Council of Canada did in past years. When the Whiteaves Divorce Bill was before them, members would naturally desire to have witnesses examined, and without a bill of this kind was passed, they would have no power to examine the witnesses under oath.

## Report on Contingent Accounts.

**Hon. Mr. Seymour** moved the adoption of the fifth report of the Select Committee on Contingent Accounts as amended, and said he would explain the matter very briefly as it now stood before the Senate. At the time of the Union of Upper and Lower Canada in 1841 the Rev. Dr. Adamson was appointed by the Executive Government as Chaplain of the

Legislative Council at a salary of two hundred pounds a year; Dr. Adamson then was Rector of a Parish in Upper Canada. After the removal of the seat of Government to Lower Canada Dr. Adamson resigned his living in the country, and removed to the seat of Government. Very shortly after he was appointed joint Librarian. As the question of appointing a successor to the present Chaplain is likely to arise he would refer to the proceedings at that time in relation to this case. A committee was appointed for the organization of the officers of the House at that time, and they made a report which **Hon. Mr. Seymour** read and went on to say that the committee at that time did not appear to consider that the Executive Government had the authority to make the appointment. The salary was fixed at £100, but notwithstanding this sum was fixed by the House, £200 was paid by warrant. After Dr. Adamson was appointed Librarian the salary was increased by the Legislative Council of Canada to £500 a year, and it has been further increased from time to time, until it reached £600 a year, which is the existing salary of the Chaplain and Librarian. In 1864 a committee was appointed, who undertook to revise the salaries of the officers and employees of the House, and that committee recommended that in the event of a vacancy occurring in the office of Librarian, no successor should be appointed, as one Librarian was considered sufficient, but it was the opinion of the committee that they should not interfere with present incumbents. The gentlemen composing the present committee were desirous that the report of that committee should be adhered to as nearly as possible, but as the case of Dr. Adamson was considered an especial case, it was considered he should not be left out in the same category as the other officers who were not appointed, but he should be retained as Chaplain and Librarian at £500 a year. At that time it was supposed that the appointment of chaplain had been made by the Crown, but it seems that was not the case. It is now proposed by this report that Dr. Adamson should be allowed to retire upon the same terms as other officers who were not re-appointed. By this the large annual salary of Librarian will be saved, and if another Chaplain is appointed the salary need not be more than two or three hundred dollars a year. Taking all these matters into consideration, he thought the House should adopt the report.

**Hon. Mr. Miller** would like to know by what right or authority any of the members of this House assume that we have the power to

surcharge the amount of these retiring allowances against the Provinces of Ontario and Quebec. We know that neither the Government of the Dominion, nor both Houses of Parliament together, have any right to say they will surcharge this amount unless there is some understanding between them and the Governments of Ontario and Quebec. If there is no understanding of this kind, the report which provides that they shall be so paid is worth no more than so much waste paper and the Maritime Provinces will have to pay their shares of those gratuities. Perhaps the Government, or the Chairman of the Committee, could give them some information in regard to whether these gratuities would form a charge on the Dominion or not?

**Mr. Campbell** said that the previous report of the Committee to which that now under consideration referred had been assented to by him on behalf of the Government, and that he supposed that Dr. Adamson was now by the present report placed in the category of those officers to whom the original report referred.

**Hon. Mr. Reesor** did not see what right this Government had to charge those sums against the Governments of Ontario and Quebec. It seemed to him to be perfectly absurd for the Senate to undertake to vote certain sums to retiring officers whether as gratuities or pensions, and the Government to take the matter under consideration to see the same charged to the Local Governments. The result will be that it will have to come out of the contingencies of the House.

**Hon. Mr. McCully** said the House should have the fullest information upon this point. The gentlemen from the Maritime Provinces never would upon any circumstances allow these gratuities upon any other terms, than that they should be paid by the Governments of Ontario and Quebec, and of this they have had the assurance of the members of the Government who have the money in their hands, as they have to pay the 80 cents per head on the population to those Governments. There were no arguments used, nor did the Government require the Maritime Provinces to contribute to this allowance. It would have been very unseemly for any gentleman from the Maritime Provinces to interpose to prevent the making of some reasonable compensation to those officers. The moment we received the assurance that it was the wish of those Provinces to pay their old servants this gratuity we had no right to make any objec-

tion. Therefore we are the parties representing the Maritime Provinces who have a right to complain if this assurance is not carried out.

**Hon. Mr. Bureau** wished to know by what authority this pension was to be surcharged to the Provinces of Ontario and Quebec, or if the Dominion Government had made arrangements with the Local Governments. He thought it would be difficult to enforce the payments. He wished to hear from the Ministers themselves what had been done in the matter.

**Hon. Mr. Campbell** observed that he did not say there was any agreement, or that we would undertake to say that the Government of Ontario and Quebec would absolutely undertake to pay this money, but he said the Government would undertake the responsibility of getting it.

**Hon. Mr. Bureau** was apprehensive that the Local Governments would refuse to pay these sums and then the Government of the Dominion would have to resort to coercive measures, which would create difficulties and bad feelings, which should be deprecated. This House and Parliament may recommend the payment of such like claims on the Local Governments, but could go no further than its recommendation.

**Hon. Mr. Letellier de St. Just** said this Government had no power to compel the Local Governments to pay this £1,200, the principle was more than the amount. The Local Governments were no parties to this legislation, and if the principle were once admitted there might be no end of it. Again, is it intended to appoint another Chaplain? He had no objections to prayers, and was quite sure none of his compatriots or co-religionists had, but if another were to be appointed it should be without pay, or else continue Dr Adamson as chaplain. He thought the Senate would do better to continue Dr. Adamson than pay him a gratuity or pension, and then appoint another in his place at a salary.

**Hon. Mr. Ross** was sure that the most liberal feeling prevailed among the French population of the Province of Quebec. He did not believe that because by accident no provision had been made for those public servants in the Departments at the time the Union was proclaimed on the first of July last, the Governments of Ontario and Quebec would not accept the payment of this small sum



which is asked in fairness to their own servants who had served them so long. He thought they would be glad at any time to pay them such retiring allowance as they were entitled to.

**Hon. Mr. Dickey**—On the 11th of Dec. last, when this report of which the present motion, is only a sequence, the Government then accepted the responsibility of surcharging the sums to be paid the retiring officers to the Local Governments. The Report was adopted on that understanding by the House and so discussed both in the Contingent Committee and in the House. The whole question was well understood, and supposed to be entered into in good faith, fairly and honestly.

**Hon. Mr. Botsford** said he took it for granted that the Committee had ascertained the opinions of the Governments of Ontario and Quebec on this subject. He thought no difficulty could arise, and from the generous manner in which Canada has always paid her servants, she would never allow those persons who are not retained to be thrown out of employment.

**Hon. Mr. McMaster** thought there would be more difficulty than some of the hon. gentlemen anticipated. One hon. member had expressed himself to the effect that the Local Governments of Ontario and Quebec would pay the gratuities to the officers. He (Mr. McMaster) would like to know his authority for that statement. He thought the people of the country would come to a different conclusion. It was well known that the Government of the Dominion had been exceedingly anxious to transfer these officers to the Local Governments; but notwithstanding all their influence, they utterly failed to accomplish that object. If they could not prevail upon those Governments to take these officers into their employ, he would like to know by whose authority they will enforce the payment of this money. He did not think they could do it. Whatever the hon. members from the Maritime Provinces might think about the matter, if they vote this sum he considered it would ultimately come out of the Contingent Committee.

**Hon. Mr. Sanborn** could see no object to be gained by discussing the matter at the present time, for let the matter be important as it may be, the House could not negative what has been provided by the previous report of the Contingent Committee, and adopted by the House. To prove this Hon. Mr. Sanborn read an extract from "Parliamentary Law," and

said the judgment of the House, whether wisely or unwisely, had been expressed, and this matter had been determined. The members of the Senate had placed themselves, in relation to these officers, under a contract, which these parties have a right to avail themselves of. Under these circumstances, all this discussion upon the matter is too late, and can be of no use whatever, because it is impossible to reverse the decision, that that allowance be granted to those officers.

**Hon. Mr. Mitchell**—To what decision do you refer?

**Hon. Mr. Sanborn** said he referred to the decision of the Committee, who said in their report this money should be surcharged to the Governments of Ontario and Quebec. The action of the Committee established the fact, that the officers found here when this Parliament assembled, were not officers of the Dominion, and they also recognized the obligation of the late Province of Canada to provide for these officers, but the Local Governments had already filled the places which had become open by the recent creation of those Parliaments, and were not in a position to take those officers. It appeared to him that the Local Governments would fail in the ordinary obligations which belong to all Governments, of providing for their employees who had been so long in their service, if they failed to meet these comparatively small sums in order to carry out these arrangements. It was perfectly clear that the Maritime Provinces could be under no obligation to provide for those officers. The matter was placed in the hands of the Dominion Parliament, and they could not alter the constitution, but had to act according to the machinery they had in their hand. All they could do was to give us a pledge, as they have done, that the Local Governments will carry out this arrangement, but even if the Local Governments do not carry out this arrangement, we make a gain by paying this amount from the Dominion Treasury, because in carrying out the report of the committee, there is a large retrenchment made in the expenses devolving upon the country by retaining those officers.

**Hon. Mr. Reesor** thought the hon. members from the Maritime Provinces expressed a high degree of confidence in the Government, when they said they had no doubt, but this money would be paid by the Governments of Ontario and Quebec, as they had the promise of the Postmaster-General that it would be done. He

thought the Postmaster-General had not guaranteed anything of the kind he says "we will charge the Local Governments with it," but he does not guarantee that the Local Governments will meet this charge. His hon. friend from Nova Scotia (Mr. McCully) went further, for he says "the Government have not only made this generous promise, but they are the paymasters and have the money in their hands," as much as to say they retain it. He must know their position is that of trustees, when they have the funds of the Dominion and Local Governments in their possession, and they have no right to retain one dollar the Constitution does not entitle them to retain. That hon. gentleman had proclaimed to the House that we would have Courts of Appeal established on questions between the Local and General Governments, it would then be no difficulty to come to a conclusion that this was a matter with which we have no right to deal. He had no objection to supporting the report, but not with the expectation that the amount would come out of the Local Governments, because it ought not, for the reason that we have no right to assume the privilege, or power, of voting gratuities, and saying the Local Governments shall pay them. If those Governments were disposed to act generously towards the servants of the late Legislative Council of Canada, they certainly would have accepted some of those servants in filling up the places which they had to fill in their Departments. They declined to do so on every occasion when they were urged; they said they were forming Governments of their own, and were going to appoint their own officers, and would take such as they were disposed to take and no others. If there is any claim to be made upon those Governments, let it be made direct, but if those officers have no claim but on this House, let us pay the amount. In regard to the Chaplain, until we know whether or not, another Chaplain is to be appointed we should not pronounce upon that report, as that report provides that no successor shall be appointed.

**Hon. Mr. Mitchell**—That portion of the report was withdrawn, and he (Mr. Mitchell) was in the minority of the Select Committee when it was decided to leave that part out.

**Hon. Mr. Reesor**—Then if a Chaplain is to be appointed, why not appoint Dr. Adamson, but if not let us vote him this gratuity directly. The whole amount of these gratuities will be from forty to fifty thousand dollars, which is quite a little item, and when we take into

account the extreme economy of the Local Government of Ontario, we have no reason to say they will assume the payment of this money. If he was a member of the Local Legislature he would not consent to the payment of this amount, however just those claims might be, because he should consider they should make those claims direct to the Local Government. These Local Legislatures watch with a good deal of jealousy the proceedings of this Parliament, and we have no right to pass any measure like this which will have a tendency to make them more jealous.

**Hon. Mr. Simpson** said a report was made by the Contingent Committee on the 20th March, providing that permanent officers who were discharged, if they had served under twenty years, should have one year's salary, and if over twenty years they should receive two years' salary. We have been told that in adopting the principle of that report we were bound in honor to grant to our late chaplain this two years' gratuity. This was not the case; the report says, "if an officer be discharged and his place be not filled up we will pay this gratuity." He was perfectly willing to do his part in compensating these old officers, but he agreed with his hon. friend (Mr. Reesor) that we should economise as much as possible in the settlement of these affairs, and that the best way would be to have all these gratuities charged to the common fund. He thought this sum would not be divided between the Provinces of Ontario and Quebec, as from what he understood of the feeling in the Province of Ontario there would be some trouble about it.

**Hon. Mr. McClelan** said it had been distinctly understood that this sum would be divided between the Provinces of Ontario and Quebec, but it was not quite so clear in regard to the late Chaplain. He would ask the Postmaster-General whether the pledge given in regard to the others would include this.

**Hon. Mr. Campbell** could only repeat what he had said before, after the previous report was carried, that he assented to it on behalf of the Government. He presumed this case would come within the same category.

The report was then adopted.

**Hon. Mr. Hazen** moved to resolve that the practice which prevails in the Parliament of England, and which has been adhered to by the Legislative Councils of Canada and the other Provinces now forming the Dominion, since the establishment of their constitutions,

of opening their daily sittings with prayer to Almighty God, should not be discontinued by the Senate.

**Hon. Mr. McCully** said there was a preamble attached to the resolution stating facts, which may not be the case. We have no right to assume that any such practice prevails as mentioned in the resolution. A similar case was ruled out the other day, when it was stated that no preamble was allowed to appear at all.

**Hon. Mr. Hazen** said there was no preamble or recital or any matter, but a mere description of what the practice is.

**Hon. Mr. Armand** seconded the motion in amendment.

**Hon. Mr. Chapais** wished to say that he approved of the amendment. After having proposed this retiring allowance to the late Chaplain, by way of retrenchment, he could not see with what propriety we could select another with a salary. He would approve of a layman reading the prayers, which would be thus non-sectarian, and might be more consonant with the feelings of all the members of the House, and thus do away with the necessity of appointing any new Chaplain, and meet the required order of the day, which seems to be all for retrenchment and economy.

**Hon. Mr. Letellier de St. Just** moved in amendment, that after the word "Senate," the following be added, "and that salary be granted to the Chaplain, or the person performing the duties of that office".

**Hon. Mr. Allan** said he should vote for the resolution in that shape, rather than that it should be lost altogether. He was not ashamed to confess that it is a source of great satisfaction to him to have each day at the opening of the Senate, the Divine protection implored to over-rule all our consultations for the prosperity of the country, and he should regret exceedingly if that practice was abandoned.

**Hon. Mr. McCully** thought the question was of no very great importance, as in general there were not more than sixteen members present when prayers were read. For his part he was in favour of their being read, but as the discussion had risen out of the salary attached to the previous Chaplain of the House, he would say there was not a gentleman in the House who did not conscientiously feel that there was a larger salary attached to the duty than there should have been, and whatever may be the policy of the Senate, he should

vote for the amendment, because this religious service of the House is not very onerous and should not require much pay. The prayers could be read even if there was not a clergyman present to read them. He did not think this discussion would be very edifying to anyone, but whatever the decision might be he should vote for the amendment.

**Hon. Mr. Letellier de St. Just** would withdraw his amendment, but in doing so, he hoped it would be considered he did it out of regard for the feelings of some hon. members of the House.

**Hon. Mr. Mitchell** said it could not be withdrawn without the unanimous consent of the House, and it should not be withdrawn until hon. gentlemen had an opportunity to express their opinions upon it. As a great deal had been said in regard to this matter, and the resolution concerning Dr. Adamson, some explanation was due by himself, and to himself, in reference to the proceeding of the Contingent Committee as regards this question of Chaplain. As he was not in during the last part of the discussion on the resolution for the gratuity to Dr. Adamson, he would take this opportunity of placing himself in a correct position in that matter. When the question came up before the Contingent Committee, of which he was a member, it was desired by the friends of Dr. Adamson that the provision which has since been made in regard to him be recommended or adopted by resolution of the committee. In amendment to that, he had moved that no future Chaplain be appointed. This was discussed in committee, and was carried by the casting vote of the chairman. Dr. Adamson was to get the allowance, and no future Chaplain to be appointed. It was the opinion of the committee that Dr. Adamson should receive his allowance on condition that no future Chaplain should be appointed. (Cries of No, No.) He had voted for it for that reason.

**Hon. Mr. Macpherson** would call the hon. gentleman to order, the motion before the House was not in relation to Dr. Adamson, as that has been disposed of. He did not see the necessity for informing the House in regard to what had transpired in the Committee, especially as the question had been disposed of, he should have spoken upon the subject of when it was before the House.

**Hon. Mr. Mitchell** contended that he was in order, as the question before the House was whether a person was to receive remuneration or not; therefore it was quite right and in order to go into the history of the whole

question which had been before the Committee. His hon. friend says he (Mr. Mitchell) might have spoken upon the subject of the retiring allowance to Dr. Adamson when it was up. He had a right to speak upon it now, as it was involved in the question before the House.

**Hon. Mr. Macpherson** again called the hon. gentleman to order in referring to what had taken place in the Committee.

**The Speaker** decided that any allusion to conversations which had taken place by the hon. members in Committee was out of order, but allusions to proceedings in the Committee, or to his own acts, was not out of order.

**Hon. Mr. Mitchell** said as he had only made allusion to the influences which controlled him he considered he was in order. The only grounds upon which the committee could justify to the country the passage of a motion in favour of giving Dr. Adamson a retiring allowance was on the ground of economy. The solemn resolution of the Contingent Committee was that it was to be given upon the condition that no successor was to be appointed.

**Hon. Mr. Macpherson** would again call him to order. He (Mr. Mitchell) knew that was not in the report. The report previous to the amended report did contain such a clause but that report was withdrawn. How could the hon. gentleman say in the face of this report, that such was the understanding. He seems to be under the impression, that he (Mr. Macpherson) was in favour of a salary being paid to the Chaplain, and therefore was opposed to retrenchment in this case. This was not the case, for if the amendment was put to the House, he (Mr. Macpherson) would support it.

**Hon. Mr. Mitchell** could see no reason why he should be called to order, and he must beg his hon. friend not to interrupt him. He should ask the House to keep his hon. friend in order, for certainly he is very unruly today. He spoke upon this question, because he felt some explanation would be required by the country as to why we permitted that retiring allowance to be given, and a successor appointed as chaplain, therefore he had said that it was only on condition that no successor was appointed. It had been asked what was the policy of the Government upon this question? He would reply that the Government were willing to do what the House desired in regard to the matter. This Senate was composed of members of various denominations, and it was

not right that they should be compelled to listen to religious services performed by a Chaplain in whose religious principles they had no great faith.

**Hon. Mr. Tessier** observed that his hon. friend knew that the majority of his (Mr. Tessier's) countrymen representing Lower Canada had no objection.

**Hon. Mr. Mitchell** was very glad to hear that was the case as he had been induced by statements made by some hon. gentlemen to believe otherwise.

**Hon. Mr. Armand** said they were opposed only to the salary.

**Hon. Mr. Mitchell** said if the Roman Catholic members had no objection, he would have none, except as regards the salary, for if they were going to give Dr. Adamson £1,200, they should justify it to the country by saving the expense of a Chaplain.

**Hon. Mr. Letellier de St. Just**, by permission of the House, withdrew his amendment.

**Hon. Mr. Sanborn** thought it better to name the salary, as he was sure hon. members did not wish a Chaplain to officiate for nothing, and so avoid trouble and contentions therefor. The Chaplain would only be wanted about 3 months in the year. He had no objections to these prayers himself, though he differed in religious practice from many other hon. members for whose special ministrations the proposed Chaplain was to be named, perhaps, not so widely as his Catholic fellow members. He wished the practice continued of having prayers read, provided we had a moderate rate of salary named and so understood that no claims can be hereafter made. He then proposed in amendment, seconded by the **Hon. Mr. Bourinot**, "that after the word Senate" the following be added, "provided that the salary of any Chaplain hereafter appointed shall not exceed \$200 per annum."

**Hon. Mr. Chapais** (in French) supported the amendment. If a Chaplain is to be appointed he would not oppose the sum named though he would prefer a *layman* to read the prayers and meet the wishes of all hon. members.

The question of concurrence being put thereon, the House divided, and the names being called for, they were taken down as follows:

Contents—The Honorable Messieurs Allan, Anderson, Archibald, Benson, Bill, Botsford,

Bourinot, Bureau, Burnham, Campbell, Cauchon, Chapais, Crawford, Dever, Dickey, Dickson, Dumouchel, Ferguson, Glasier, Guèvremont, Hazen, Holmes, Kenny, Leonard, Leslie, Letellier de St. Just, Locke, McCully, McDonald, Macpherson, Miller, Odell, Olivier, Reesor, Ryan, Sanborn, Shaw, Skead, Tessier, Wilnot.—40.

Non-Contents—The Honorable Messieurs Aikins, Armand, Cormier, Duchesnay, E. T. L. J., Flint, McClelan, McCrea, McMaster, Malhiot, Mitchell, Simpson, Steeves, Wark.—13

So it was resolved in the affirmative.

The main motion, as amended, was then carried.

A Bill intituled "Act respecting the Department of Justice," was read a second time.

On motion of the **Hon. Mr. Campbell**, seconded by the **Hon. Mr. Mitchell**, it was resolved that the said Bill be committed to a Committee of the Whole House on Tuesday next.

It being 6 o'clock, the Speaker left the chair.

#### AFTER RECESS

##### DEPARTMENT OF AGRICULTURE

On motion of the **Hon. Mr. Chapais** the House went into Committee of the Whole, on a bill entitled, "An Act for the organization of the Department of Agriculture,"

**Hon. Mr. Benson** in the chair.

**Hon. Mr. Reesor** would like to hear a full explanation from the Minister of Agriculture why he designates the Department the Department of Agriculture, or whether the subject of Agriculture will absorb more of the attention of this Department, than any other subject of the several subjects included in this Bureau. He could not see that the subject of Agriculture was one of very great importance in the Dominion departments, as separated from the departments of Agriculture in the different Provinces. In Ontario they have a Bureau on Agriculture, which dispenses a large sum of money annually for the encouragement of Agriculture. This money was expended in every conceivable way in which Agriculture could be encouraged. He did not know that anything could be done in this Department of Agriculture, except once in a great while, as for instance, when a cattle disease prevailed in a foreign country the

Dominion Government might intervene to prevent the spread of the disease, but apart from that, in any local sense, he could not see that any duty devolved upon the Government in regard to it. He would like to hear some reason given for the creation of this Department. He was satisfied this was one of those measures which would give a great deal of dissatisfaction, not only to the people of Ontario but to the people of the Provinces. The multiplication of Bureaus, Heads of Departments, and staffs of officers, all tended to increase the expenses of the Dominion Government and give a great deal of dissatisfaction. It may be said this large number of Departments is necessary in order that all sections of the country may be represented in the Government. This could be accomplished by adopting the system practiced in Nova Scotia, where they have a number of members of Government without office. This multiplication of Departments to make provision for Privy Councillors has created a strong feeling against Union, especially in the Maritime Provinces. In Ontario they may have complained of the expense of the Government of Canada in former times, but they were persuaded that more economy would be used after the Union took place. The tendency of this measure is to break up the harmonious working of the Union; as it will add to the expenses of the Dominion Government. All that is included in this Bureau might come under the departments of either the Minister of Marine, the Board of Works, or the Secretary of State, as any of those Heads of Departments could discharge those duties when so little is to be done. When Ministers see the agitation that is going on both in the East and in the West they must know that in passing those measures there is a danger of breaking up this Confederation, while if they support measures of economy they will make this Union lasting and prosperous. The Government were divided amongst themselves, as one member of the Government often advocated one course and another member another. That was the case when the report on contingencies was brought in some time ago, and we who supported the Government did not know which side to support. On this question members of the Senate had better take their own course and not support the policy of a Government which is so extravagant.

**Hon. Mr. Chapais** wished to say in answer to the hon. member's observations who had just addressed the House, that it was well understood at the formation of the Dominion

Government that there should be 13 Ministers and as many Departments. His Department was a new one not a *sinecure* as the present bill shows. He had the Departments of Agriculture; Immigration and Emigration; Public Health and Quarantine; the Census, Statistics and the Registration of Statistics; Patents of Invention; Copyright of Industrial Designs and Trade Marks. This was not the time to discuss the bill, which should have been done at its first reading. The name of the Department seems the great objection. Hon. members must see that an opposition to this bill, as part of the Government policy, is a vote of want of confidence. The Bill speaks for itself.

**Hon. Mr. Letellier de St. Just**, with every desire to support the Government, still thought the President of Council might act as the Chief of this Department, and that several other Departments might be united and so economize the public money. As the paltry economy of dismissing employees and reducing their salaries seems to point to retrenchment, he would prefer beginning with the Ministers and their staffs, and reducing the number by 4, making 9 Departments in place of 13, and so commence at the root of the evil.

**Hon. Mr. McCully** said this was the first occasion that he had an opportunity of speaking on this question of the public Departments, though he believed a bill constituting a Department was passed last Session after he left. He did not rise from any hostility to the bill, as he was just as favourable to this Department as to any of the others; but he wished to speak in regard to the number of Departments. The Minister of Agriculture is quite right in saying that as a general rule the principle of the bill should not be spoken against in committee. He did not intend to oppose this bill, or to say whether it was a supernumerary bill more than any of those constituting the other Departments. He would speak of the number of the Departments, and the manner in which the public business of the Dominion is conducted, or about to be conducted. This shall receive a fair and just criticism, which no Government has a right to complain of; and every public man has a right to indulge in. He did not believe the Government had taken the wisest means of conducting the public business of the country in creating such a multiplicity of public Departments. It will be difficult to consolidate these Departments when once organized, or to reduce their number. His reasons he would state briefly and succinctly. He spoke from a standpoint different from that of the members

from Canada proper. He resided at a long distance from the centre of the Dominion, He felt very sensibly that the system which has been adopted is not working as well as he could desire. The people were dissatisfied with the policy of creating 12 or 13 public Departments, and filling them with persons who are required here only during the Session. An important Bureau should not be made a kind of convenience for a member coming to the Legislature during the session, and afterwards retiring to his own home to spend the interim in other pursuits for his own benefit or convenience. The public have a right to expect that when a gentleman accepts a Bureau, he should give as much of his time to his public duties as his health will allow, and the circumstances of the case require. His presence must, of necessity, be required somewhere in the vicinity of his office, and that must be where all the public records are kept. The consequence of that is that all the Ministers are of necessity here, and the people of the country are not able to communicate with them. He thought it would be wiser and better if the Government of Canada, instead of creating 13 Bureaus, had created but 7, and in addition had called in three or four gentlemen without Bureaus to assist them with their advice, as was done in Nova Scotia. He thought this system would work better, because these gentlemen's presence would not have been required here, and they could have gone home during the interim. Public opinion would then operate upon them day by day. (Hear, hear.) Then when difficulties occur it would be some satisfaction for a man to talk to a Minister, even if he is without a Bureau. Another advantage would be, that a Minister residing in the community would be able to ascertain the minds and wishes of the people, and bring that state of public opinion to bear upon his colleagues in a way that no stranger could possibly do. He is equally as responsible for the acts of the Government as any Minister who has a Bureau. He, **Mr. McCully**, spoke in the hearing of hon. gentlemen who had seen the working of this system in Nova Scotia and New Brunswick. Those Provinces had been governed by that system for twenty-five or thirty years. When a responsible Government was first introduced into Nova Scotia, they had nine Executive Councillors, four of whom were without bureaus. The members of the Government without Bureaus were the best men of their party. They came in with the Government and went out with the Government, and were responsible for all their acts,

although in some of the duties devolving upon the Government they could not be consulted. They held seats in one Branch or other of the Legislature, and were able to give their advice and assistance during the Session, and were sent for during vacation as often as the necessity of the case required. They came fresh from the people with instructions from their friends which enabled them to bring a legitimate influence to bear upon the Government, and to keep them advised of the state of opinion in their respective localities.

**Hon. Mr. Tessier** asked whether those members of the Government received any remuneration for travelling expenses?

**Hon. Mr. McCully** said they did not at first, but afterwards it was considered that this was a burden they ought not to bear, so they were allowed \$400 for travelling expenses, but they gave their time, and were willing to make any sacrifice for the benefit of their country. That is the state of things in Nova Scotia and in New Brunswick, and it served the purpose admirably. It kept the Government well informed of the state of public opinion, and gave the Government an opportunity of dispensing their patronage in the most satisfactory manner, because the right man was always put in the right place. He made these remarks because the people of the Maritime Provinces feel that they are at a great distance from Ottawa, that difficulties are occurring, and circumstances requiring explanation on the spot, but the members being at such a distance from them, that it was almost an impossibility to get the required explanations; hence a growing feeling of dissatisfaction and discontent on the part of the people of Nova Scotia and New Brunswick. He did not say this with any hostile feeling, but that in the incipency of this Confederation we should bring our suggestions and submit them to public discussion, so that public men may pass their opinions upon them. The establishment of 13 Bureaus for the Privy Council is an anomalous state of things. The Privy Council of England is not the council that holds bureaus. The Cabinet Council of England is the nearest approach to the Privy Council of Canada. In England it was an exceptional state of things though it sometimes occurred that members of the Cabinet were without office; in 1854 Lord Russell and Lord Lansdowne were both members without office and the Right Hon. Mr. Walpole was now a member without office. He believed it was best, were it possible, not to have so many Bureaus in the Government, because

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then gentlemen representing different interests could make their influence better felt at the Council Board, and give more satisfaction to the country at large than the present system. He did not stand here to condemn the present system. Upon the whole he was proud to think that the men who fill these bureaus are the best men the country can produce. He was not here to complain of any of the Departments as being more expensive than they ought to be, though he did think that the expense was very large. In many respects he felt disposed to give the Government credit for economy and retrenchment, yet it seemed to him, in taking up the estimates and adding up the entire amount required to keep these Heads of the Departments in existence, that they were very expensive. He believed the amount of money required to pay the expenses of legislation and the administration of the Government was upwards of one million of dollars, and that was only as regards the office immediately connected with the public Departments. He did not know as the salaries were too high, he would only say that the gentlemen who are able to do credit to their position would obtain equal salaries in other positions in life; but what he objected to was the creation of these Bureaus, involving a large amount of expense in returns and officers that are absolutely necessary in connection with them. It might be asked which of these Bureaus would you dispense with? He was not prepared to say, but looking at the number of Departments, he thought two or three of them could be consolidated in one. He thought the Ministers themselves, almost without an effort, would be able to point to two or three public Departments which are in many respects touching the same interests, and which might be consolidated and discharge the duties with much less expense than there would be under the present state of things. We are a young country and he knew the difficulty Ministers have to encounter. In a country like England, where the clerks are qualified to act as heads of Departments, Ministers must, to a large extent, be dependent upon the superior knowledge of the officers found in their Departments. This is an advantage which Ministers at present have not in this country, and it is a great disadvantage to them. If by any possibility the number of Bureaus could be limited to seven, the other members of the Government, living in a distant part of the country, would be familiar with the wants of the people, and know the wants and interests of those engaged in mercantile, mining and commercial pursuits. We

have every climate from the icy north to the sunny south, and men living at one end of the empire do not know the business and trade of the other. This makes it a necessity that the Government should be familiar with the trade and business of the whole empire. Having made these remarks he would not further trespass upon the time of the House. He thanked the hon. gentlemen for the patience with which they had listened to him. He felt deeply on the subject, for no gentleman holding a seat in this House takes a deeper interest in the success of this Union than he did. He had spent as much labour and given as much time to it as any man in the House. In all his public life his heart's desire was to see the difficulties and opposition to union removed. As he sat in the gallery of the House of Commons, and heard that statesman who is gone, his heart warmed to him as it never did before, when he said—"We will conquer the people of Nova Scotia with kindness". He felt that his heart was endowed with the principle that the heart of every lover of his country ought to be endowed with. He was then addressing gentlemen who took a deep interest in the measure, but he came from a country where the people with whom he was familiar, were not so favourable to it. If he was more earnest than other gentlemen, he trusted he would be forgiven, for he should have to associate with men opposed to this machinery, and ready to find fault with everything, to whom he had in times past, and should in the future, give his time to endeavour to remove their prejudices against Union, and urge them to give this scheme a fair trial, and not to expect the fruit from the seed before the showers and sun have warmed it.

**Hon. Mr. Sanborn** said the debate had taken a wide range in including all the Departments, but of them all he thought this one was the least necessary, because there was nothing in this bill to give occupation to a Department. It seemed strange to him that the Department of Finance should require four branches, and at the same time require so much larger staff than was necessary. He was surprised that gentlemen like his hon. friend (Mr. McCully) who had been instrumental in bringing about this state of things, and putting men in power, should not have sufficient confidence in them that they would adopt a course which would be for the interest of the country. It had been

remarked that the discussion here was a want of confidence in the Ministry. It was, because we are discussing whether those Ministers of the Crown have the interest of the country at heart in the creation of all these Departments, after having received intimations from all quarters that there should be economy used in the disposition of the public funds, as it is felt that our revenues will not meet our expenses. He did not see why the bringing in of two small Provinces should be the ground for the expenditure of so large an amount beyond our income for these Departments than we expended previously. It never entered the minds of those who advocated the project that this would be so, because they thought that certain resources would be developed after Union took place, which would increase our revenue to meet our expenditure. Therefore there is a feeling of disappointment, that rests like a nightmare on the members on the other side, and the Ministry to-day have to look to those who opposed them to support them, instead of those who placed them in their present positions and who ought to be the last to be their accusers. If there is a lavish departmental expenditure before a remedy can be applied, we have to make inquiry whether there is or is not a necessity for the creation of those Departments with such a large staff of officers. To do this shows a want of confidence in those who organised those Departments, because they tell us they cannot carry on the business of the country without them. If we look east or west we see much dissatisfaction in the country, and we feel that there is a necessity for us to restrict our expenditure as much as possible. We know that we have been getting into debt; we know, however illusory our financial report may be made to appear, it comes home to every candid mind that our expenses are exceeding our resources. Whether it was necessary or not to increase the burthens which must come upon us, he was not prepared to say, and he did not think any person could say, without a thorough investigation of those Departments, which no one could make except those who have them under their care. This duty is thrown upon the Ministry of the day and we must hold them to that responsibility, they will be turned out of office at no very long time from this, if it is found that they have failed to meet the wishes of the people. His hon. friend



(Mr. McCully) had made an extraordinary speech and recommended a system which he did not think at all practicable. He cites England as an example that the Privy Councillors there are without the responsibility of Departmental action. He thought men chosen as Privy Councillors would be the men least likely to travel, be the organs of public opinion and know the necessities of the country. He did not think a ministry could be formed, half of the members being without salary, and if he was to be called to the Government, he would be more likely to accept office with, than without salary. Then what sort of Government would this be, the members passing from one end of the country to the other? Could news be more easily transmitted to the seat of Government by a Minister's residing in Halifax than at present? The only conceivable way in which that system of Government could be practically carried out would be the construction of the Intercolonial Railway, and then these circulating Ministers might be passed from the centre to the extreme point, and be a kind of carriers of news from the centre to the circumference of the Dominion. He scarcely thought any person who had been of any great value to the country would be likely to accept a situation of this kind, and work for the country without any salary, only having his travelling expenses paid. If this system was carried out, those travelling expenses would amount to nearly as much as the salaries of the Heads of Departments. He counselled those who had supported this Union to have as much patience as those who had opposed it. Having entered this Union, he had cast behind him all that had been said or done before this Confederation took place. He had an honest desire to make this Dominion Government a success, and we cannot expect, that when changes are continually being made—and which must necessarily be made—in making the laws of the different Provinces harmonize—that mistakes will not necessarily be connected with them. He was not going to say there had been too much carelessness, but he thought they would properly discharge their duty in bringing to bear the public sentiments of their localities in order that a remedy may be applied to this difficulty. While considering these things, we should have a degree of patience about the working of this new system,

and see whether it would stand before so far listening to popular feeling as to make changes showing that we are so fickle that we cannot remain in one condition for any length of time.

**Hon. Mr. Wark** said he should endeavour to confine himself to the discussion of the bill before them, and whether they had thirteen Departments or seven Departments, the great interests of the agriculture of the Dominion deserved one. He thought, whatever might be said about the Government in regard to the departments, they were perfectly right in the measure now before us. It is true a large share of encouraging the agricultural interests of the Dominion devolve upon the Local Legislatures, but there are duties which more particularly devolve upon the General Government of Canada, and which alone can be discharged by this Government. It was the late lamented Prince Consort who first originated the idea of international exhibitions of the agricultural and industrial resources of the different nations of the world. These exhibitions have been tested over and over again and the more they are tested the more popular they become: that held in Paris last season being the greatest success. It is very necessary in developing the resources of the country, that these exhibitions should take place very frequently in the different Provinces, but he thought that perhaps there was no measure that tended more to advance the interests of the country than annual exhibitions of the agricultural resources of the whole Dominion. It is of great advantage to have a full display of all the Dominion industry that is carried on. He regretted to say that those living in one part of the Dominion knew very little of the industrial products of the other. They should bring these together—samples from the gold mines and fisheries of Nova Scotia, the agricultural wealth of the Western portion of the Dominion, and models of ships from New Brunswick as well as specimens of their agricultural products, which would surprise you even in this agricultural region. These periodical exhibitions of the industry, wealth and resources of the whole Dominion, will bring about very rapidly a commercial intercourse between the different Provinces of the Dominion, which could not exist when we were separate Provinces with hostile tariffs.

Another important duty which ought to devolve upon this Bureau, is the importance of collecting important agricultural statistics; they are necessary to prevent persons engaged in agriculture from being victims of the speculator. Scarcely any individual engaged in agriculture but reads the reports in the papers in regard to the growing crops. These papers scarcely ever state correctly when there is a surplus or when the crops are short, because it is the object of the speculators to impress upon the minds of the people that the crops are more abundant than they really are, in order that agriculturists may accept a lower price for their produce. A bureau could do a great deal to protect agriculturists, by having a person constantly employed during the whole season, as they do in Washington, collecting the most reliable information in regard to the state of crops, in order to prevent agriculturists from being imposed upon. We are an exporting country, and if we have certain information with regard to the state of the crops, and in regard to the markets of those countries who purchase our corn, it would be of great benefit to us. A department of this kind, intended to serve the interests of agriculture, ought to have means at its disposal to collect this information. These statistics, if put in circulation, will be of the same advantage as a merchant advertising his goods. The country which has a surplus to be disposed of will undoubtedly draw the earliest orders from the country that has to import. There would be this double advantage, farmers would be in possession of information in regard to what the state of the crops would be: if the crops were either abundant or short, they would know what price they might expect for them; then countries looking for supplies would be put in possession of facts as to the amount of surplus grain the country would be able to afford, and we would receive earlier orders for our grain, than countries from which they had not obtained this information. These are some of the important duties which ought to devolve upon this Department. He could allude to many others, but he would merely call attention to one thing. We passed a very important resolution in the earlier part of the Session, asking Her Majesty to transfer to us the Northwest territory; this being the case, the Government acted very wisely in adding immigration to that

of agriculture. The first object of the Government should be to introduce immigration into that territory, which contains forty million acres of prairie land, and which is destined at no very distant day to become the granary of British North America. These were some of the reasons in his estimation, so far as the agricultural interests of the country are concerned, why we should establish this department. The hon. gentleman then took his seat amid great applause.

**Hon. Mr. Chapais** assured the House that accurate reports of the crops, and returns from patents and inventions, would be published, and that the revenues from the latter source would be large and be a great source of profit to his Department.

**Hon. Mr. Reesor** argued at length on the necessity of reducing the number of Departments. The whole system wanted to be changed, or we would throw the country irretrievably into debt. Pass the bills and Ministers will then throw the responsibility on the Parliament. As an instance he knew an account against the Government of \$14,800.00 reduced to two thousand by the committee of the House on public accounts. There are too many Ministers and too many Departments for a young and poor country like this. If the Government would only earnestly set to work to retrench, we would see a different state of things. We remember when the printing of the Parliament of the late Province of Canada alone would cost yearly \$180,000, now it is as well, if not better, performed for \$32,000, or about one-fifth. The committee as soon as named went to work and found the remedy. He was opposing the extravagance of the present Ministry, though he had no desire for a change, but thought the House had a duty to perform and should speak out plainly.

**Hon. Mr. Letellier de St. Just** would hold the whole Government responsible to the people for any of the appointments made under this, or any other bill, to the staff. The Minister of each Department only named his officers, and the Government sanctioned them. Consequently the whole Ministry were responsible to the Parliament and people of this Dominion for all the appointments made.

The Bill was then reported as agreed to, read a third time, and passed.

**DEPARTMENT OF SECRETARY OF STATE**

The House went into Committee of the Whole on the Bill intituled "an Act respecting the Department of the Secretary of State."

(Hon. Mr. Ryan in the chair.)

Hon. Mr. Archibald supported the bill, and thought the powers given under the bill were nothing more than just and reasonable, and what the country required, as he could state from his own experience.

Hon. Mr. McCully wished to withdraw his amendment, as he could not now well test the question, the House being so thin.

Hon. Mr. Miller was satisfied that some such summary powers were required in Nova Scotia to meet the wants of that part of the Dominion, and cited instances where any less stringent laws would be ineffectual.

Hon. Mr. Wark begged the Government would be careful to have the lines well established, before issuing the proclamation, and proceeding to eject the squatters. He was satisfied with due care and precautions, no hardship would result from the passing of this bill.

The Bill was then reported as agreed to, read a third time and passed.

The House then adjourned until Monday at three o'clock, p.m.

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## THE SENATE

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The Speaker took the chair at three o'clock.

**Monday, April 27, 1868.**

After routine,

**Hon. Mr. Tessier** 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 petitions and letters addressed to His Excellency by Boards of Trade in Canada, containing or relating to requests for encouragement to the building of vessels of wood and iron, known as composite vessels, or the establishment of special schools of navigation and naval architecture, and of all answers thereto and reports thereon.

**Hon. Mr. Tessier** then read an extract from a report of the Board of Trade of Quebec, stating that though as a general principle they disapproved of bounties being given for the support of any particular branch of industry, yet they thought some grant should be made for the building of two or three ships on the composite principle, as a means of introducing that species of shipbuilding in the Province. This principle he (Mr. Tessier) agreed with; since wooden vessels had failed in England and could not be built at present prices. Some encouragement must be given to this branch of industry to prevent the large amount of emigration which is constantly leaving Canada for the United States. The history of the world has always shown that there is a natural tendency for the people of northern countries to emigrate southward, and this was more particularly the case in Canada, where in consequence of the climate there was not much employment for the people during a large portion of the year. This scarcity of employment would account for the misery which existed in some parts of Nova Scotia and Lower Canada, and which might be in some degree alleviated by the opening up of this branch of industry. He would also call the attention of the Government to the advantage of obtaining the registration of our vessels in the United States, and the privilege of the coasting trade in case a reciprocity treaty takes place between Canada and the United States. He hoped the Government would insist upon reciprocity in ships, as that would be the best means of encouraging shipbuilding in Canada, and giving employment to our people, as the United States would be our best market

for ships of a small tonnage for they can be built here for one-fourth less than they can be built in the United States. Then again we laboured under a disadvantage in Canada, in having no schools where the art of navigation was taught, to enable our young men to command or navigate ships. At one time there were no less than fifty or sixty vessels annually built at Quebec at an average of from eight hundred to fifteen hundred tons, and it was difficult to find seamen to man, or qualified captains to command them. Even when seamen were obtained, the rate of wages was so high in Great Britain and the United States, that it induced them to desert, and great loss was sustained in consequence. A school for navigation existed in England, and he could see no reason why they should not have one in Canada. This subject was brought under the consideration of the Canadian Legislature in 1854, and a Naval School was established in Quebec, which was kept one year, and then abandoned, for what reason he could not say, although it was mentioned in the public prints that the education taught there was too theoretical, and not practical enough, as those engaged in that particular branch of study did not have that preliminary education which was necessary. He believed that if that school had been kept up from year to year and encouraged by the Government, it would have had a beneficial effect. We have had military schools for our young men, many of whom had served in the army of the United States, when the war was raging in that country, but if they had given the same encouragement to the navy by establishing schools for the instruction of seamen to serve in ships, it would have been of much more advantage to the country as a means of defence. Vessels could be used as schools of navigation, and be employed in the service at the same time. He had no desire to throw any blame upon the Government, but he merely wished to draw their attention to this subject.

**Hon. Mr. Mitchell** said his hon. friend had made a motion for an address to which the Government had no possible objection and they would afford him every opportunity of getting such information on the subject as he desired. His hon. friend had spoken upon three subjects which, though very distinct, were very important as connected with the navigation of the country. The first is in regard to giving bounties for the construction of a certain class of ships, known as composite ships, for which the "boards of trade" in some of the leading cities of the Dominion have

asked the Government to make provision for their construction at the port of Quebec. He has put before the House some of the obstructions to trade under which Quebec labours, but these are applicable not only to the port of Quebec, but to all the Atlantic ports of the Dominion. He has put forth some ideas in which he (Mr. Mitchell) entirely concurred. He agreed with him when he said that it was most desirable that the shipbuilding of the country should be encouraged, and when he said shipbuilding had fallen off, he had stated the fact, but when he attempts to show that the construction of composite vessels should be encouraged by the giving of bounties, he (Mr. Mitchell) could not agree with him. He says, wooden ships have failed in England, therefore we should give bounties for the construction of ships that find more favour with purchasers. It was true iron ships have driven our ships out of the market, and it is because ships of the same tonnage made of iron, measuring the same, will carry a larger cargo than those built of wood, another reason was, there were less accidents happened to them and they lasted longer. This was an important consideration, as from the high rate of charges in the maritime ports of the world, for repairing and renovating ships, they cost more in the long run than the iron ships which may cost double as much at first. This durability of the iron ships made them more favoured in England than wooden ships of our part of the country. His hon. friend (Mr. Tessier) thought the granting of bounties out of the Treasury of the Dominion would introduce the construction of that class of vessels in our country; if he (Mr. Mitchell) thought any moderate sum would have that effect, he would be willing that it should be granted, but supposing there was a grant made for the building of two or three ships at Quebec; the people of Montreal would want a grant for building two or three there; if this is to be given why not give the same to every shipbuilder in the Dominion who commences the construction of these ships? The sum of money necessary for this purpose would be very large, and he (Mr. Mitchell) held that it was wrong to grant money for any such purpose. Public opinion not only in England but throughout Europe is in favour of free competition and the removal of all obstructions to the principles of free trade, and the obliteration of all protection. He thought the establishment of the principle of granting bounties for any special service would require an enormous amount of money without giving any beneficial results. The establishment of any system of this kind would

work detrimental to the interests of the country, as it would make a large addition to our taxation. If the prosecution of this branch of business can be made profitable, men of capital in the Maritime ports will introduce the system and continue to construct ships of a composite character without bounties, but if it is not a profitable business, no reasonable amount of bounties will remunerate the builders for their construction. He regretted that this stagnation of trade existed, but he thought it would only aggravate the evil by taking from the industrial resources of the people for the purpose of bolstering up a trade which cannot of itself be sustained. He regretted to have to disagree with his hon. friend on this point, but he would say the Government were ready to develop that trade in every legitimate way, and he held that they had done it. The Government of the late Province of Canada did it by allowing a drawback on articles entering largely into the production of ships, while the recent tariff showed that the Government were trying to perpetuate that system by admitting those articles duty free. Then his hon. friend had opened up a very important subject when he spoke of establishing special schools for navigation, and he thinks it desirable that the General Government of the country should vote a certain sum of money for the purpose of establishing Naval Schools with a view of instructing young men in the art of navigation. He (Mr. Mitchell) agreed with his hon. friend that if any reasonable sum of money could accomplish this object it would be well to expend it. If it was the policy of the Government to establish military schools with a view to the defence of the country, there could be no reason why they should not give some instruction to the naval element of the country; but the evils which his hon. friend complained of would not be remedied by the establishment of naval schools, because though these schools might supply the number of seamen which were required, the real difficulty was the geographical position of the country in relation to the United States. That country was a field for the absorption of a much larger number of people than go there, and the character of their employments being so productive and remunerative they attract the people from our shores. One reason for the scarcity of seamen at Quebec is because they build a large number of vessels there every season which are chiefly for sale, and it required a great many men every year to man them. Another point of great importance to which his hon.

friend had alluded was in reference to the late Reciprocity Treaty: he stated that if hereafter a treaty should be made, it should contain as one of its provisions the principle of reciprocity in ships. He (Mr. Mitchell) said that this provision should be made in any new Reciprocity Treaty; he had thought at the time the old treaty was repealed, it would have the effect of destroying the prosperity of the country, but now upon looking back, he found its effects were not so detrimental to the people of Canada as to the United States. We may hope that before long such a change in public opinion will be brought about, as will again lead to international free trade, and then reciprocity in ships and the coasting trade should be insisted on.

**Hon. Mr. Dickey** said he fully agreed with the suggestion that any new Reciprocity Treaty with the United States should embrace reciprocity in shipbuilding, and was glad to find that was the intention, and he was satisfied it would be the interest of the Americans themselves to get their ships built in this country. The common schools of Nova Scotia trained young men to go into the forest, fell the timber, hew it, build the ships, and then sail them around the world. Such was the race of men that enriched this Dominion.

**Hon. Mr. Price** was in favour of a bounty for the first ten composite ships built in the Dominion, of say \$4 per ton, as an encouragement to start, afterwards the trade would be entered into as a speculation, and a profitable one he was convinced. He also desired to see the pilots trained and educated as captains, when a sufficient number of experienced, skilful captains would be easily found, which now was a great trouble and inconvenience. Labour was high in the busy months of shipping in spring and down to autumn, but during the dull seasons of the year was very easily procured at low rates.

**Hon. Mr. McCully** said the course pursued in Quebec of building ships for sale, had been pursued in Nova Scotia, until within the last thirty years, and it was found to be very unprofitable. Then the system began to change and it was found much more profitable to build ships to sail, the captain generally being part owner of the vessel. This matter of shipbuilding is not confined to the mechanic, but the ships are owned by lawyers, farmers and tradesmen who invest their capital in them. He had been a shipowner himself for some years, and had no reason to complain in regard to the profits, indeed all their ships on

this side of the Atlantic had been profitably engaged and were yielding a good return for the capital invested in them. The vessels averaging from 300 to 600 tons go home with oil and grain, and get freights from the old country direct. A good many go into the coal business, and go to the West Indies. If the shipbuilders of Quebec would turn their attention to the building of smaller vessels, as they did in Yarmouth, they would find it a more profitable business. In regard to naval schools he did not think it required much scholastic education to enable a man to take charge of a ship, as any man could be qualified in the ordinary grammar schools of the country. They allowed no ship to go to sea if they could help it without the Captain being part owner: his interest was then identified with the interest of the vessel, and as a rule the voyages were always successful. The young men who were being educated for captains received the practical part of their education before the mast, and they were promoted very rapidly, but it seemed a humiliating fact, that these young men should have to go to the other side of the Atlantic to pass their examination to get certificates of capacity, when they could just as well be granted here. In the civil service examination in this country, they might have some provision for the examination of our young men, in order that they might take charge of their own ships.

**Hon. Mr. Mitchell** said steps had been taken with a view of obtaining a recognition of said classification to be made in the Dominion.

**Hon. Mr. Benson** said with regard to the number of men leaving Quebec for want of employment, a great many of them might have found profitable employment in Ontario in that branch of business as they had always found a difficulty in getting a sufficient number of men. The shipping trade had not received that attention which it should have received, and it laboured under a great disadvantage. In the event of a new Reciprocity Treaty being negotiated with the United States, its provisions might be profitably extended on both sides, and in that case he hoped the Government would not lose sight of the shipping interest which was of so great importance to Canada.

**Hon. Mr. Mitchell** asked whether the shipping interest laboured under any disadvantage which could now be remedied by any action of the Legislature?

**Hon. Mr. Benson** said it laboured under many disadvantages which might be removed,

not so much by any legislation now, as when the Reciprocity Treaty came up.

**Hon. Mr. Ryan** would say one word in regard to some statements which, if not corrected, might produce a false impression in regard to the ship-owning interests of Quebec being in a depressed condition. He believed the shipbuilding interests were in a far from prosperous condition, owing to the building of so many wooden ships all over the world; but ship owners were carrying on a profitable business, and accumulating money. One great cause of this depression in shipbuilding, which had been overlooked by his hon. friend (Mr. Tessier), was the unwillingness of the working people to submit to less wages when the state of trade is depressed. There had been a strike among the labourers employed in shipbuilding at Quebec causing the shipyards, in many instances, to be closed. While they talk of schools for the education of the army and navy, they should educate the working classes, and show them those combinations are an injury to themselves and a destruction to trade. We have been told that farmers, lawyers, and artisans of every description were owners of ships in Nova Scotia; and that the Captains generally, had a share in the vessels they commanded. He thought it was an admirable system and was carried out to some extent in Quebec, but he would like to see the custom more extensively adopted. He might mention that the greater part of those steam packets called the Allan Line, was owned in Montreal. The Minister of Marine had expressed his willingness to lay all the papers before the House which would give them all the information they required, at the same time he did not see how he could give bounties to one class of ships built in a particular way, and not give them to all. He (Mr. Ryan) agreed with the views expressed by the Minister of Marine, and he thought it would not be wise for them to give a preference to a particular class of vessels, as that matter should be left to the choice of the shipbuilders themselves.

**Hon. Mr. Reesor** thought that from the fact that the schools of the Dominion were entirely under the control of the Local Governments, those localities which were interested in having naval schools, should encourage them. If there were no schools in Quebec or any other of the ports of that Province, where young men could be educated to take command of a ship, it was time they made some change in their common and grammar school education.

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The system adopted in Nova Scotia had worked admirably, and the same system prevailed from the State of Maine to Rhode Island, along the coast, and such a system should prevail in Quebec. He did not believe it was right to give bounties to encourage shipbuilding in a time of depression. What would be thought of the farmers if they had asked for bounties upon wheat, horses and sheep, because there was a failure in the crops to some extent, or because prices were very low in Europe? If these bounties were given, the Government would soon have nothing to pay with, and besides this the system would have a tendency to destroy the enterprise of the people. Shipbuilding had always been encouraged in past times, and the Dominion Government now encouraged it by allowing the principal articles used in shipbuilding to come in duty free. This is an advantage they do not have in other countries, and nothing more should be asked for that branch of industry in this country.

**Hon. Mr. Wilmot** said that shipbuilding being in a depressed condition in Quebec, was no exceptional case, for precisely the same state of things existed in Ireland and on the Thames, where a great number of ships which cost twenty pounds sterling a ton, have been offered for twelve pounds, which was less than the cost of construction. He hoped bounties would not be given to bolster up the shipbuilding interests of Quebec, as he thought there was very little profit to be made from shipbuilding in British North America. Shipbuilding in St. John had never prospered until they had adopted the principle which was carried out in Nova Scotia, of having every man from the captain down to the cook interested in the success of the vessel; in that way shipbuilding had been built up, and money made out of it. Getting their ships registered in the United States was a matter of much less importance than having the advantage of the coasting trade. That should be one of the first objects in negotiating a Reciprocity Treaty. He was not prepared to give privileges on one side unless they were given on the other. He was opposed to giving bounties for shipbuilding, and thought the policy of taking off the duties on articles used in shipbuilding, and putting them upon other branches of industry, was not showing fair play. He did not see why the ship owners who had accumulated more wealth than any other class of people in New Brunswick, should be relieved, and those burthens put upon other people.

**Hon. Mr. Mitchell**—Should we tax every article that enters into the construction of vessels, as well as refuse to give bounties?

**Hon. Mr. Wilmot** said to entirely relieve from all imposition of duties those who had realized more capital than had been realized by any other branch of industry in the Maritime Provinces, in order to put those duties upon other classes was a policy to which he was not prepared to submit.

**Hon. Mr. Botsford** said the policy of the British Government had already conceded to the United States, the privileges which we desire from them, without stipulating for any reciprocity on their part. This increased the difficulty in negotiating a treaty for reciprocity. He thought it was better to have no reciprocity at all than not to have included in it the privilege of the coasting trade, and the registration of colonial ships in the United States market.

**Hon. Mr. Wark** said the hon. mover of the resolution did not ask for bounties to bolster up some particular interest in order that capital might be directed into some unproductive channel; but he asked for assistance to try an experiment. It is right and proper to extend assistance to any branch of industry if the Government are satisfied that it is likely to be productive hereafter. His hon. friend, (Mr. Reesor), had spoken about bounties on wheat and other agricultural produce. Would there be any impropriety in giving a bounty on flax, or anything else, the first introduction of which might be attended with loss, but which in time might be a source of wealth to the country. The Chamber of Commerce of Quebec do not think it is advisable to try this experiment upon a large scale; they wish to build but five or six ships, and while the work is proceeding, hundreds of persons might take advantage of the experiment and turn it to account. In this country we have an unlimited supply of timber, and a large amount of unemployed labour, to carry on the business properly. Under these circumstances, it was well worthy the consideration of the Government, whether one or two experiments might not be made from the public chest with a view of the whole country being benefited by it to the extent of the money expended. In regard to the superiority of the sailors of Nova Scotia, it was the natural result of the position of their country, as they had open water around their coast at all seasons, whereas it was closed at Quebec for six months of the year. Then a large portion of

the people of Nova Scotia were engaged in the fisheries, by which they became superior seamen, and in this respect they were a valuable addition to the Union, as they would supply mariners for the Dominion. He hoped they would see that it was for their interest to remain in the Union, as they would be benefited by it as well as the rest of the Dominion.

**Hon. Mr. Tessier** said he did not ask that this system of giving bounties should be permanent, or that it should be limited to Quebec. He had not expressed any opinion in regard to the principle of giving bounties. He admitted it was wrong, except it was done to give encouragement to a new branch of trade. The building of composite ships would require expensive machinery, and they would have to get skilful workmen from Europe in order to introduce that kind of shipbuilding. It was in order to remunerate the first man who should introduce this system, by which all men in the end would profit, that these bounties were asked. His hon. friend (Mr. Price) had stated the matter very clearly when he said "Let the Dominion of Canada grant four dollars per ton for the first ten composite ships built in the Dominion of Canada, whether in St. John, Quebec or anywhere else, and let no other bounties be given." His hon. friend, (Mr. Reesor) had said why not as well give bounties on wheat? The old Government of Canada had always given an annual grant of £50,000, for the encouragement of agriculture, as prizes to the producers of the best wheat, cheese, &c., and the £25,000 given to the steamers plying between Montreal and Liverpool was a bounty which was also very favourable to the trade of the country, and it was given upon the same principle as the bounties now asked for.

**Hon. Mr. Reesor** said this money was paid for carrying the mails, which was an especial service.

**Hon. Mr. Tessier** said the service could be done without giving such an amount, as they could send their mails through the British Packet Line, yet he thought this annual grant was rightly given by the Government, and it was for the interests of the country that it should continue so long as necessary. He had not made an especial motion in regard to the subject before the House, as his object was only to call the attention of the Government to the depressed state of shipbuilding in the Dominion, and to the large emigration to the United States which was taking place, and he would leave the subject in the hands of the



gentlemen on the Treasury benches, whom he thought competent to deal with the matter. In conclusion he referred to what had been said in regard to the prosperous state of shipping in Nova Scotia, which he said was prospering under Confederation.

**Hon. Mr. Locke** said it was prospering in spite of Confederation.

After some remarks made by **Hon. Messrs. Ryan** and **Tessier** of the nature of personal explanations, which we did not report, the motion was put and carried.

A message was brought from the House of Commons by their clerk with a Bill intituled: An Act to enable Her Majesty to provide for the widow and children of the late Hon. Thomas D'Arcy McGee," to which they asked the concurrence of this House. The said bill was read a first time.

The **Hon. Mr. Mitchell**, seconded by the **Hon. Mr. Chapais**, moved that the said bill be read a second time tomorrow.

The **Hon. Mr. Mitchell** acquainted the House that he had received a message from His Excellency the Governor-General, under his sign manual, which His Excellency had commanded him to deliver to this House.

The same was then read by the Clerk as follows:

**MONCK.**

The Governor-General desires to communicate to the Senate the following telegram, which reached him on the morning of Saturday, April 25th, from the Secretary of State for the Colonies.

**Lord Monck,**

Ottawa, Canada.

An unsuccessful attempt was made at Sydney to shoot the Duke of Edinburgh, by one O'Farrell. His Royal Highness was wounded, but is going on well, and hoped shortly to

resume his duties and sail for England in the next week. The assassin was arrested, avowed himself a Fenian, and is under trial.

Duke of Buckingham,  
London.

Government House,  
Ottawa, April 27, 1868.

**Hon. Mr. Mitchell** said this announcement would arouse the feelings of every member of the House, following so closely as it did after the disaster that had happened to the late lamented Mr. McGee, and no effort should be spared to bring about such an expression of public opinion as would stamp out that band of conspirators who, not satisfied with attempting to subvert the institutions of the country, are now attacking the lives of individuals, even attempting to assassinate one of the sons of our Most Gracious Queen. He felt as a British subject, as a loyal member of the Government in this Legislature, occupying a prominent position under the British Crown, it was his duty to ask this House to join with him in giving expression to the feeling of the Legislature at the base attempt made upon the life of His Royal Highness. A motion for a joint address would be made in the other House, and sent to this, when hon. members will have an opportunity of expressing their sympathy with Her Majesty, and their detestation of the crime.

**Hon. Mr. Dickey** gave notice of enquiry from the Government, for to-morrow, if the route of the Intercolonial Railway through Nova Scotia had been chosen, also, whether the report of the engineer employed had been received?

**Hon. Mr. Simpson** brought up a report from the Printing Committee, which was read by the Clerk, the adoption of which was deferred until to-morrow, at the request of several members.

The House then adjourned until 3 o'clock in the afternoon, to-morrow.

## THE SENATE

Tuesday, April 28, 1868.

The Speaker took the chair at three o'clock. After routine.

**Hon. Mr. Dickey** inquired whether the Government have decided upon the route of the Intercolonial Railway, or upon the portion thereof to run through Nova Scotia, and if not, when it is expected that such decision shall be made?

**Hon. Mr. Campbell** replied that the Government had not decided upon the route of that portion of the line which was through Nova Scotia, but three or four parties of surveyors had been sent down to obtain information for the Government. The earliest action in the matter would be taken by the Government consistent with the necessity for obtaining the necessary information.

The following Address to Her Majesty was received by message from the House of Commons, with a request for the concurrence of the Senate thereto:

To the Queens' Most Excellent Majesty:  
Most Gracious Sovereign:

We Your Majesty's dutiful subjects, the Commons of Canada, in Parliament assembled, desire to approach Your Majesty with the expression of our horror and indignation at the recent atrocious attempt to assassinate His Royal Highness the Duke of Edinburgh, and to convey our deep sympathy with Your Majesty in the distress and anxiety which the endeavour to take the life of one so justly dear to You, at such a distant part of Your Empire, must have occasioned.

In uniting with Your Majesty in thanksgiving to Almighty God, that it has pleased Him to save the life of His Royal Highness, so recklessly and wickedly assailed,—and in fervent prayer that it may please God to restore him speedily to health and strength,—we beg to assure Your Majesty that the high personal esteem with which His Royal Highness is regarded throughout this Dominion—from a lively recollection of his gracious demeanour amongst us during his visit to this country in the year 1861, has if possible heightened our abhorrence of this detestable act. We take this opportunity of renewing to Your Majesty our assurance of our devotion and attachment to Your Majesty's Throne and Person.

James Cockburn,  
Speaker, House of Commons.

**Hon. Mr. Mitchell** said it had been announced yesterday that an attempt had been made on the life of a member of the Royal Family, by a member of a society we have reason to fear has made too much headway on this continent. He was sure that when the announcement was made he had only stated what had been re-echoed and responded to by every person present; and throughout every loyal colony of the Crown, this act would be considered as one of the most atrocious character and deserving of the condemnation of every peace loving man. He had announced that a message would be received from the other branch of the Legislature, and when that message arrived, this House would be called upon to participate in an Address to Her Most Gracious Majesty the Queen, expressing sympathy with her on the occasion of this most foul attempt to deprive Her Majesty of a member of Her family. There was an opportunity now for giving expression not only to loyal feeling but to those feelings of sympathy which would be called forth from each one of us on an occasion like this, and the motion he was about to make would be responded to by every gentleman around the House, giving expression to loyalty and devotion to the Throne which has upheld the institutions we enjoy and given so much security to life and property. He would now move that the blank in the address be filled up by the words "Senate and".

**Hon. Mr. Letellier de St. Just** said he thoroughly approved of the Address and heartily responded to its sentiments. He was satisfied this address of condolence and sympathy would find a re-echo in the breast of every good man in the Dominion, and in none more so than in the hearts of his fellow-countrymen, and if the question could be tested by a petition it would be universally signed without exception throughout the British Empire. Our Gracious Sovereign was justly esteemed as Queen, mother and widow throughout the wide extent of the New Dominion and all the world over, except a few vile miscreants, perhaps, who have no hearts to feel any generous impulse.

On motion of the **Hon. Mr. Mitchell**, seconded by the **Hon. Mr. Campbell**, it was unanimously

*Resolved*, To agree with the House of Commons to the said address, by filling up the blank with the words "Senate and."

*Ordered*, That the Honourable the Speaker do sign the said Address on the part of this House.

*Ordered*, That one of the Masters in Chancery do go down to the House of Commons and acquaint that House that the Senate have agreed to the said address by filling up the blank with "Senate and."

The **Hon. Mr. Mitchell** moved, seconded by the **Hon. Mr. Campbell**,

That an humble address be presented to His Excellency the Governor-General in the following words:

To His Excellency the Right Honorable Charles Stanley, Viscount Monck, Baron Monck of Ballytrammon, in the County of Wexford, in the Peerage of Ireland, and Baron Monck of Ballytrammon, in the County of Wexford, in the Peerage of the United Kingdom of Great Britain and Ireland, Governor-General of Canada &, &, &,

May it please Your Excellency—

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, beg leave to approach Your Excellency with our respectful request that Your Excellency will be pleased to transmit our joint address to Her Most Gracious Majesty, expressive of our abhorrence and indignation on being informed of the recent attempt to assassinate His Royal Highness the Duke of Edinburgh, and assuring Her Majesty of our deep sympathy with Her Majesty upon this occasion, in such a way as to Your Excellency may seem meet, in order that it may be laid at the foot of the Throne.

The question of concurrence being put thereon, the same was unanimously resolved in the affirmative, and it was

*Ordered*, That the Hon. Mr. Speaker do sign the last mentioned address on the part of this House.

*Ordered*, That one of the Masters in Chancery do go down to the House of Commons and acquaint that House that the Senate have passed this address, to which they desire their concurrence.

#### OFFENDERS APPREHENSION AND SURRENDER

The House went into Committee of the Whole on a Bill from the Commons entitled: "An Act respecting the Treaty between Her Majesty and the United States of America for the apprehension and surrender of certain offenders,"

**Hon. Mr. Flint** in the chair.

**Hon. Mr. Campbell** moved an amendment giving the Governor-General power to set offenders at liberty and discharge them when there was no reason why they should be delivered over to the United States authorities.

**Hon. Mr. McCully** called attention to a case which came under the Extradition Laws—A man had committed an offence in the United States, of that class of offences by which the person was entitled to be extradited and a communication came from New York to Halifax by telegraph for his apprehension, as he was on board of one of the steamers of that line which usually call at Halifax. He was accordingly arrested, and as it happened that the Supreme Court was in session at the time, the party who had been arrested under this telegraphic communication made application for a writ of *Habeas Corpus*, which the Court granted, and he was brought up at once and discharged on the ground that there was not sufficient grounds to hold him because the affidavit was only by telegraph. If the bill did not provide a remedy for this evil one of the objects of the bill would be frustrated.

**Hon. Mr. Campbell** said there was no way of reaching such a case, for in no country was communications by telegraph considered a means of action in courts of justice, although he thought at some future time when they became more familiarized with telegraphic practice such communications may be made a ground for action. Several sections of the bill were then passed, when progress was reported and leave asked to sit again.

#### PARLIAMENTARY PUBLISHERS PROTECTION

**Hon. Mr. Campbell** moved the second reading of the Bill defining the privilege, immunities and powers of the Senate and House of Commons, and to give summary protection to persons employed in the publication of parliamentary papers, and explained its provisions, saying that it was necessary to introduce a bill of this kind in order to carry out the Constitutional Act. It did not seek to define these privileges in detail, and in consequence when any question arose they would have the advantage of referring to the decisions given in England.

The bill was then read a second time and on motion of the **Hon. Mr. Campbell** it was ordered to be committed to a Committee of the whole House to-morrow.

The House then resolved itself into Committee of the Whole on the Bill entitled "An Act to provide for oaths to witnesses being administered in certain cases, for the purposes of either House of Parliament, (Hon. Mr. Bill in the chair) providing generally that the chairman, or any member of the Committee, have the power to administer the oaths to witnesses. The Committee rose and reported the bill as amended, which amendments were concurred in and the said Bill was ordered to be read a third time to-morrow.

The House went into Committee on the Bill respecting the Department of Justice.

Hon. Mr. Reesor in the chair.

Hon. Mr. McCully wished to know if the Attorneys-General and Solicitors-General of the various Local Governments, where they could be retained, would have the Crown business in criminal cases, or if such powers would be limited to the Minister of Justice, or his deputies, and who would have the power to enter *nolle prosequi* for the Crown? Have these Attorneys and Solicitors-General the same powers as those functionaries in England? It was important to know their respective powers and duties, so as to avoid conflicting of authority, as for instance in prosecutions against defaulters in the collection of the public revenue due the Dominion Government.

Hon. Mr. Campbell said by the "Confederation Act" the Administration of Justice was confided to the Local Governments, and they were empowered to do all required in the various cases cited, and therefore no conflict of authority could be apprehended.

Hon. Mr. McCully doubted much if the Local Governments would have jurisdiction in the cases for infraction of the revenue laws and the collection of revenues which exclusively belong to the Dominion Government. He could not see how the Local Governments could have authority, and assume the responsibility of acting for the General Government.

Hon. Mr. Campbell said there would be uniformity of criminal procedure throughout the Dominion, and the Local Governments clearly had the right of administering the laws; though the General Government had the power to enact these laws.

Hon. Mr. Sanborn said the Union Act was conclusive to his mind on this point, for the procedure alone was confided to the Dominion

Government, the administration of these laws was referred to the Local Governments only. The office of Attorney and Solicitor-General of Ontario and Quebec has ceased, and the bill gives power to the Minister of Justice to continue all suits brought by them. So it was plain that there could be no conflicting powers of jurisdiction.

Hon. Mr. McCully suggested that a Deputy Minister of Justice should be named in each Province.

Hon. Mr. Campbell thought it better not to confound titles, as their duties and powers were distinct, but the general name of "officers" was more suitable.

There were different forms in the Provinces of Ontario and Quebec from the Lower Provinces in civil cases; but the criminal laws are the same all over the Dominion.

The said Bill was then reported with amendment, which amendment was concurred in and ordered to be read a third time to-morrow.

A message was received from the Clerk of the Commons, with a Bill intituled, "An Act to authorize the carrying of gas pipes across the river Niagara, in order to facilitate the lighting of the Town of Clifton with gas." The said Bill was read a third time, and on motion of

Hon. Mr. Benson, seconded by Hon. Mr. Bureau, ordered to be read a second time to-morrow.

Also, a message was brought from the House of Commons, by their Clerk, with a Bill intituled, "An Act to incorporate the Clifton Suspension Bridge Company, which was read a first time, and ordered to be read a second time to-morrow, on motion of Hon. Mr. Ross, seconded by Hon. Mr. Campbell.

#### PENSION TO MRS. T. D. MCGEE AND FAMILY.

The Bill intituled "An Act to enable Her Majesty to provide for the widow and children of the late Hon. T. D. McGee" was read a second time.

Hon. Mr. Ryan--If the sum granted by this bill to the widow and orphans of the late Hon. T. D. McGee were to be taken as the measure of his great ability, or of the loss we have sustained by his death, or of the gratitude we owe for the services he rendered to this country, it would doubtless be considered by every

member as very inadequate, but independent of this merely pecuniary offering to the memory of the deceased, made with a view to the suitable maintenance and comfort of his widow and family, this grant will be recorded in the annals of Parliament, which will transmit to posterity our estimation of the man who has been taken from amongst us by the hand of a ruthless assassin. He was sure his honoured family would regard in this light the measure now about to pass. When the subject was before the House the other day, he had abstained from saying a word upon the matter, because Mr. McGee's praises were spoken so much more ably than he could do it, by others, who were unconnected with the deceased, either by ties of nation or religion. He thought it was more becoming, as it was certainly more flattering to Mr. McGee's friends, that his praises should be set forth by gentlemen from distant parts of the Dominion, as Nova Scotia, New Brunswick, and Ontario, and that nothing should be said by gentlemen from his own section of the country, more especially from Montreal, the city which Mr. McGee had so long and ably represented; for these reasons, he (Mr. Ryan) abstained from speaking on that occasion, but there was one point not touched upon in the discussion which then took place, one which he thought it most important to refer to, one which he was sure, if Mr. McGee were living and present in this Chamber, he would call attention to, and which recent events (events which have occurred since his lamented death) rendered it necessary for every member of this Senate to pronounce their decided opinion on: that is upon the magnitude and turpitude of this conspiracy and its ramifications to which he has fallen a victim. (Hear, hear.) If hon. gentlemen hesitate to come forward and denounce this conspiracy, and those who sympathize with it, it may become very fatal to the prosperity of this country. (Hear, hear.) The announcement we had yesterday, and the address we voted to-day to Her Majesty the Queen, upon the deplorable attack made upon her young and amiable sailor son, following so soon after Mr. McGee's death, tends to the conclusion that both deeds were done by a member of the same organization, and coupling these with the recent attempts to destroy buildings, and to set fire even to the palace of Her Majesty, should be sufficient to convince us that a systematic plan of assassination has been adopted by the Fenian conspirators to work out what they have failed to achieve manfully in the field

(hear, hear). And now shrinking from the observation of all good men, unable openly to succeed in any direction, they have resorted to a system of assassination, taking us back to the barbarous revenge of barbarous times (hear, hear), and striving to introduce a system of Eastern Thuggism in civilized lands, so that they may be well called the Thugs of Christendom, and as such he hoped they would be crushed out of existence (hear, hear). Twelve months since, when in England, he obtained clear and distinct evidence of the adoption of this system. He saw evidence clear and sufficient to assure him that the subject of assassination had been discussed by their leading men, those who concoct their plans in secret, and send forth their poor and ignorant tools to execute their behests (hear, hear). This subject had been before their council, and they had determined to resort to it, but it was only now that it had begun to show its fruit. He hoped the Government here would act as promptly and determinately in putting down this conspiracy, as the Government at Sydney, where he was happy to say, immediate justice would follow the attack upon a son of our most Gracious Queen. He hoped the Government would search out and discover all the ramifications of this conspiracy. On the part of this society, a plea has been put forward that Ireland has been aggrieved, and that her grievances should be redressed. He fully believed that the wrongs of Ireland should be considered and redressed, and he believed there was every disposition in England to redress them; but he would ask, was the course this Fenian organization was now pursuing calculated to do service to Ireland? He would ask them whether the attempted assassination of Prince Alfred, or the murder of Mr. McGee, would cause England to take a calmer view of the circumstances of Ireland? Would it facilitate the satisfactory settlement of the question concerning the relations between landlord and tenant, or the question of education; or will it not rather arouse a spirit which will be prejudicial to the adjustment of those important questions, if these self-elected champions of Ireland hold up their country to the contempt and detestation of every Christian man, and every civilized nation in the world. Again, these men, if he might call them so, (cries of no, no,) or rather these assassins, have put it forward in Canada, exposed as it is to their attempts, that they are the avengers of the evils of Ireland, and that it is to better Ireland and Irishmen in every part of the world that they have conceived

and carried out their wicked plans. He would tell the Irishmen of this country that the course which that society has adopted here has done much to injure the character of the Irish in this land. The people who have contributed their small earnings to the Fenian organization will learn to their great loss, that the deeds of these men have thrown suspicion and doubt upon all who are supposed, whether rightfully or wrongfully, to sympathize with them. He found the interests of Irishmen in Canada had thus been seriously compromised. He believed that Mr. McGee, in denouncing this system, had brought down upon him the vengeance of this secret society, but in doing so he had covered himself with honour, and his name would be remembered long after the assassin had sunk into his grave with shame and obloquy. If his enemies had sought for a mode to immortalize Mr. McGee they could not have found a better. He fell when his faculties were in their prime, when he was devoting himself to the service of Canada, and by his communications with the Imperial Government exerting himself for the good also of his native country. (Hear, hear.) Mr. Ryan further said they should one and all come forward undeterred by the revolver of the assassin and fearlessly denounce this organization. (Hear, hear.) In doing so they would honour the principles and follow the example of the late lamented Mr. McGee. (Hear, hear.) He would conclude by saying he warmly appreciated the handsome manner in which the House had proceeded with this bill, and read it a second and third time the same day, and Mr. McGee's family would, he was sure, take it as another honour to the memory of the departed statesman.

**Hon. Mr. Mitchell** remarked that what had been said by his hon. friend (Mr. Ryan) was concurred in by every member of the House, and he (Mr. Mitchell) felt that to do justice to the memory of Mr. McGee, would only be occupying the time of the House in repeating what had already been said in the public press and elsewhere. He had distinguished himself in literature, and was a lover of peace and a promoter of it. He had rendered many services to the country during his life, and though by his death the country had been deprived of a great and noble man, it had received a benefit in filling the minds of every honest man with a hatred for that association, which would bring down the power of the law upon the individuals who compose it. His hon. friend had referred to the provision for the

widow and family of the late Mr. McGee, which the Government had felt it their duty to ask Parliament to grant. He could only say that though it was not as much as some of the late hon. gentleman's most ardent friends might think it ought to be, the Government felt it was their duty to give Mr. McGee's family a competency which was all they desired, and he believed this would be supplemented by a grateful public who feel they have lost much in the loss of Mr. McGee. Then again he entirely agreed with his hon. friend, that if the Government failed to use every legitimate means, if they failed to expend every dollar necessary to bring the assassin to justice, they would be open to censure. He might say that from the hour that the crime was committed, the Government had used every means in their power to bring the criminal to justice, and that a train of evidence surrounds the man who was first thought to be the assassin, and that gradual developments are being made in the Fenian organization in all its ramifications. He felt the evidence was so strong that the guilt of the criminal would be brought home to him, and he was satisfied the Government would not be deficient in that duty which they owed not only to the departed but to the living. He was glad to find one of the foremost Irishmen of the country come forward and avow his sentiments, no matter what risks were to be run. He was bold to say he heartily endorsed the utterances of his hon. friend, and no matter whether the bullet of the assassin was aimed at them or not, they should endeavour to stamp out that vile association which has been gradually creeping within our borders. The country has been deprived of a citizen who was an honour to it, and the public feel that every effort should be made to drag to justice the perpetrator of such a vile act. He thought the bill should now receive two or three readings, which would convey to the public another evidence of how high the Legislature of this country esteems the services Mr. McGee had rendered, and his family would receive it as an additional testimony to the merits of the late departed.

**Hon. Mr. Dever** rose and said—Hon. gentlemen, being a lately appointed member of this Senate, I had partly made up my mind to say very little during this Session, but to be watchful and careful in voting on all measures brought before us, and to acquire a good knowledge of the routine business of this Chamber. But, hon. gentlemen, owing to the unexpected and calamitous misfortune that has befallen us in the assassination of my

great friend, the late Honourable Thomas D'Arcy McGee, I feel compelled, as being the only Irish Catholic in this Senate, from the Province of New Brunswick, which I have the honour to represent, as a Senator of this new Dominion he loved so well, and did so much to create and consolidate, in the minds of our people, as being a Christian too, worshipping at the same altar he worshipped at, to set forth my humble share of grief for the great loss we have sustained in his sudden and cruel death. Just, too, hon. gentlemen, at a time when his rare gifts were being appreciated, and required to bring into harmony the many conflicting parties, and I may add, races, who constitute the people of this new but vast country. Hon. gentlemen, Mr. McGee was my personal friend, and there I will leave him. But it is as a great Irishman and a reasoning Catholic, he was, and is, most dear to me. As an Irishman, hon. gentlemen, a mere boy, he left his native land he loved so tenderly, to seek a home and position in a foreign country, and well, hon. gentlemen, he did it, against many obstacles and vicissitudes, until at last, and even early in life, he attained the enviable position of scholar, statesman, poet, orator. But, alas, hon. gentlemen, could not all those great qualities acknowledged in him, stay the hand of the assassin, and who I fear by recent developments, and to make the fearful act seem if possible blacker, is some vile miscreant of his own race and country. Some Cain, actuated, and driven on by the devil to stop for ever that rare and shining intellect, when just at the zenith of its power, to do good for Ireland—for his race—and for the world—for, hon. gentlemen, Mr. McGee was admitted a great moral philosopher, a reasoning christian; no narrow minded man, and hence was valuable to Ireland, to his race, and to the world, as having the qualities of a great peacemaker and statesman. But, hon. gentlemen, as an Irish Catholic possessing such talent he was doubly dear to me, and on him I looked with delight, and at this, perchance, you will not wonder, seeing how few of us are in the Legislative Chambers of this new Dominion, and now out of that few, we have lost our brightest ornament, is it any wonder I should mourn? No, hon. gentlemen, for I feel his equal as an Irish leader, and political architect, I never shall see again, and I will tell you why it is because he was, in my opinion, no cold hearted demagogue, wishing at the expense of his warm hearted countrymen—to keep up a foreign element in this free country—hostile to our Government and

their own true interests—that he might ride to power, without merit, and leave them as an inheritance naught but enmity for their trouble. No, hon. gentlemen, his was the doctrine of loyalty, nationality, and education, which is the only doctrine I hold will ever place my countrymen on the pinnacle of political equality with all other men, seeing now, that knowledge is power; that the penal laws and religious obstructions of past ages are no more; that all office doors, in this country, are wide open to receive all men who possess the fitting talent and ability to entitle them to consideration. I would say then to my countrymen, be loyal citizens, possess the land, possess wealth, and possess intelligence, and the country and Government are yours, and you will cease to be on the weak side, on the side of the minority. As an Irish Catholic he was dear to me, because his liberal thoughts so well expressed, have shown to this Dominion, so largely Protestant, that Catholics, when educated and happy, are equal to any other class, in loyalty, and devotion to this country. And now, hon. gentlemen, I hope, indeed, I see already this country will recognize my late friend's intellectual wealth of poetry, literature, speech, and song, and will transmit it down to our generations, that it may take a fitting place along side the intellectual wealth of other great Catholics, whose memory we all like to cherish, and amongst whom I would mention here, the poet, philosopher, and translator of Homer into our language, I mean the great Alexander Pope, and that other Catholic, too, hon. gentlemen, the immortal Arne, the composer of Britain's national song and chorus, who does not know it? "Rule, rule, Britannia, Britannia rules the main." But hon. gentlemen, I am detaining you too long, and now seeing you are all actuated by as warm feelings of regard for the late Mr. McGee, as I am, I will conclude by saying I leave the orphans and widow in your national care, feeling from your sentiments and acts, they will be well done for as the adopted children of this our Government and country.

On motion of the **Hon. Mr. Mitchell** the forty-second rule of the House was dispensed with so far as it related to this Bill. It was then read a third time and passed without amendment.

The House then adjourned until 3 o'clock to-morrow.

## THE SENATE

—  
 Wednesday, April 29, 1868

The Speaker took the chair at three o'clock.

After routine,

**Hon. Mr. Campbell** moved the following resolution, seconded by **Hon. Mr. Letellier de St. Just**,

*Resolved*, that the Hon. Mr. Speaker, on behalf of this House, do acknowledge the receipt from the President of the Legislative Council of Prince Edward Island, of copies of the resolutions passed by that body on the occasion of the assassination of the late Hon. Thomas D'Arcy McGee, expressing their horror at the crime which deprived the people of Canada of an able and patriotic statesman, and their sympathy with the Parliament and people of the country, as well as with the widow and children of the deceased; and to convey the thanks of this House to the Legislative Council of Prince Edward Island for this manifestation of their good will, and their sympathy with the people of this Dominion in the national loss which has been inflicted upon it by the atrocious crime of which that body so justly expresses its detestation.

After a few appropriate remarks were made by the mover and seconder of the resolution it was adopted unanimously.

**Hon. Mr. Tessier** enquired whether John Page, Esq., engineer of the Department of Public Works, has made a report or reports on the work of deepening Lake St. Peter, since the passing of the order in Council to that effect, about the month of July, 1862.

**Hon. Mr. Campbell** replied that he had been told that there had been several reports made on the work of deepening Lake St. Peter since the passing of the order in Council, but no general or final report had been made.

The Bill intituled, "An Act to provide for the oaths to witnesses being administered in certain cases for the purpose of either House of Parliament," was then read a third time and passed.

Also, "An Act respecting the Department of Justice" was read a third time and passed. The House then resolved itself into a Committee of the Whole, on the Bill from the Commons, relating to the apprehension and surrender of offenders.

(**Hon. Mr. Flint** in the chair)

**Hon. Mr. Campbell** said progress had been reported on this Bill yesterday, in order to enable him to consult the members the Government, but more particularly the Minister of Justice, in regard to whether it would be an advantage to add a provision to the bill, which would enable copies of indictments to be admitted as part of the evidence to commit prisoners under this bill. He thinks it is more desirable that action should be based upon, not the final result of evidence, as that evidence has been arrived at in another country, but based upon the evidence itself.

After a few remarks made by the **Hon. Mr. Hazen**, the bill and amendments were reported as agreed to, and ordered to be read a third time to-morrow.

### PARLIAMENT PUBLISHERS PROTECTION

The House in Committee of the Whole.

(**Hon. Mr. Bourinot** in the chair.)

**Hon. Mr. Campbell** said they got no powers by virtue of the clause, which was not consistent with the Constitutional Act of 1867. There was no uncertainty in the clause as it stood: if they took the powers of the House of Commons, they only took them so far as was consistent with that Act. He did not see how he could use language to make it more clear. In reference to the other point, he thought it would be better to use the language which had been used, instead of mentioning those privileges in detail, because by taking them in general, we will have the advantage of any just and liberal interpretation that may be given, therefore, he thought it was desirable to adhere to the language used in the bill.

**Hon. Mr. McCully** argued that the word "may" should be used in the bill in the place of the word "shall," as he considered it equivalent to the latter word, and much more suitable in a bill of this kind. He agreed with the Postmaster-General, that it would be dangerous to specify particular powers, as they could not anticipate what difficulties might arise, but by adopting this bill, they would have the practice of the House of Commons to refer to.

**Hon. Mr. Hazen** contended that the word "shall" was the proper word in such bills, instancing where it was employed in the Union Act to prove his assertion.



The bill was then reported as agreed to, with an amendment, and the third reading was ordered for to-morrow.

The following resolution was received from the House of Commons:

*Resolved*, "That a message be sent to the Senate, to inform their Honors that this House hath agreed to the Address of the Senate to His Excellency the Governor-General, praying that His Excellency will be pleased to transmit the Joint Address of both Houses to Her Most Gracious Majesty, expressive of their abhorrence and indignation upon being informed of the recent attempt to assassinate His Royal Highness the Duke of Edinburgh, and conveying to Her Majesty the assurance of their sympathy with Her Majesty upon this occasion:—in such manner as His Excellency may see fit, in order that the same may be laid at the foot of the Throne;—by filling up the blank with the words: 'and Commons.'"

When on motion of Hon. Mr. Mitchell it was,

*Ordered*, That the Joint Address to Her Majesty, and also the Joint Address to His Excellency the Governor-General be presented to His Excellency on the part of this House by such members of this House as are members of the Privy Council.

**Hon. Mr. Mitchell** presented to the House a return respecting Harbour Charges.

A message was brought from the House of Commons by their Clerk, with a Bill intituled: "An Act respecting accessories and abettors of indictable offences," to which they desire the concurrence of this House.

The Bill was read a first time and the second reading ordered for to-morrow.

On motion of the **Hon. Mr. Benson**, the Clifton Gas Bill was read a second time and referred to the Standing Committee on Private Bills.

The Clifton Suspension Bridge Company Bill was then read a second time.

**Hon. Mr. Ross** said this bill proposed to incorporate persons who shall become shareholders of the Company, as a body corporate and politic under the name of the "Clifton Suspension Bridge Company", with power to unite with any other person or Company, to construct a suspension bridge over the Niagara river below the falls. He would now move that it be referred to the Committee on Private Bills.

**Hon. Mr. Campbell** said the first clause of the bill gave power to this Company to join with any other company to build a bridge. He thought it was not desirable to give them this power, as it would give them a monopoly, let them build the bridge upon their own responsibility and then other bridges could be built if necessary. Then in the 9th clause, he would suggest that the clause should read "If any toll collector shall unreasonably and without cause delay or hinder any passengers, &c." He simply drew attention to these points in order that the Committee on Private Bills might take them into consideration when the bill came before them.

**Hon. Mr. Ross** said the more bridges there were built there the better, but if one person or two persons, could not of themselves raise the necessary capital to build the bridge, there could be no harm in getting any other public body to become shareholders.

The bill was then referred to the Committee on Private Bills.

#### REPORT OF THE PRINTING COMMITTEE

The House went into consideration of the 13th report of the Joint Committee on Printing.

**Hon. Mr. Campbell** wished to defer the adoption of the report for a few days until the other Branch of the Legislature had adopted this joint report of the Printing Committees of the two Houses. He objected to the creation of a new department, which would remove the control of the printing entirely from the Speakers of both Houses. The report had passed the House of Commons, but it was now found it was in ignorance of its contents, and was doubtful whether such action would be finally confirmed. Then the report recommended an increase of salary to a clerk, which was at least an invidious distinction between him and other officers. At a time when reductions had just been made in other salaries, it was inopportune to be increasing this case. On both these grounds the adoption of the report ought to be delayed. He was quite sensible of the laudable and useful efforts of this committee, but he hoped the hon. chairman (Mr. Simpson) would postpone the adoption of the report for a few days, until we see what action the Commons branch may take.

**Hon. Mr. Simpson** said as objection had been taken by the Postmaster-General to the adoption of the report, he would briefly state

what had been done by the Printing Committee in years past. In 1858 he had introduced a report recommending such changes as he thought from the facts before him, gathered after three months' hard labour, would save to the country a great deal of money. Through the labour brought to bear by that report, and from the cordial assistance given by the Government, he had no hesitation in saying we have saved to the country over one million dollars. We recommended that the printing be managed by a joint committee of both Houses, and this committee has been in existence from that time. We ask now nothing new about the matter, we only ask that these affairs shall be managed by four persons instead of fifteen. We do not ask that one single officer shall be appointed, or one single salary created, but we ask that the work which the committee order under the authority of this House shall be managed by these four persons, and they shall be held responsible for it. He did not agree with the Postmaster-General that they were trying to create a new department, they simply asked to have the work performed in a way which would secure its being efficiently done, and place greater checks upon it than now, thus preventing documents from going astray, and having to be reprinted, as had been formerly. We recommend two messengers specially employed to carry all copy, proofs and messages thus avoiding the liability of their being delivered at wrong offices, as is often the case when so many are employed. We recommend a slight increase in the salary of Mr. Hartney as he has to reside here during the year, all his duties in connection with this work being very heavy. He (Mr. Simpson) then went on to speak of the efficiency of that officer and the satisfactory manner in which his duties were performed, and of his salary in connection with these duties having formerly been reduced from \$350 to \$200, but now it should be raised to \$300, as his duties were much greater than they were formerly. The Committee had agreed to recommend this increase without any application on his part. The reason his salary had been reduced was this: when the Committee first undertook the supervision of the printing, they found the expenses connected with the printing for the Legislature to be \$191,000 a year, and this they had gradually reduced from year to year until they reduced it to \$31,000, when having the books all arranged they thought there would not be so much duty for him to perform and they cut down his salary accordingly. He then alluded

to his having been chairman of this Committee since its formation, with the exception of two years, when they had another chairman who had obtained a large sum of money for his services in connection with those duties. But he (Mr. Simpson) had never received anything for his services, and had never asked for anything. He spoke at some length about the prices paid for paper, envelopes and printing under the old system, and the economy which had been used by the Committee, and concluded by saying he was perfectly willing at the request of the Postmaster-General to drop the report altogether.

**Hon. Mr. Seymour** regretted to see the Postmaster-General opposing the adoption of the report. He argued that there would be no additional expenses incurred by its adoption. As to the responsibility spoken of by his hon. friend, surely the Committee was controlled by the House, and what more responsibility could they ask for? Was it necessary that this department should be under the control of the Government? He could see no reason for it, the Joint Committee on Printing had always managed the department admirably, and there had been no complaint. He then eulogized Mr. Hartney as being an efficient officer, and recommended the increase of his salary.

**Hon. Mr. Dickey** said this report was a move in the right direction, but the subject of its adoption was not before them at present, because this was a joint report and it requires united action on the part of both Houses; the question before them was whether they should defer its consideration. After explaining the question in regard to the salary of the Clerk of the committee he said he agreed with the Postmaster-General that it was not desirable to be legislating upon that report until it had been considered in the other House, therefore he hoped they would allow it to stand for a few days.

**Hon. Mr. Bureau** (in French) fully approved of the report, and said he thought the Heads of the Departments in this House or under the Government should be well paid, for they had all the responsibility of directing the members of Parliament and the Ministers on any difficult matters. He entirely approved of the increase in Mr. Hartney's salary who was a most efficient officer. He would wish to see established a Parliamentary and Departmental office to supply stationery and printing which would effect a considerable retrenchment in expenses.

**Hon. Mr. Steeves** thought the arrangement proposed by the Printing Committee would not assume such an important shape as would entitle it to be denominated a new department. There was a certain amount of labour to be performed in connection with the printing of various documents of this Parliament, and their transmission from one place to another until delivered to the proper officers. The committee found it was very difficult to control and manage the different officers who performed this duty, and they thought it best that a certain number of the employees of this House should be set apart for this particular service, in order that the work might be more under the control of this Committee. It was also necessary that one of the rooms in this building should be set apart for the reception and distribution of these documents. He did not see how this would be establishing a new department, or incurring any additional expense, as the report says the above officers are to be named from the present staff. It was true, the Committee recommended a slight advance in the salary of one of these officers, and that he thought was the only question which could be raised on this report. There might be a difference of opinion in regard to allowing that officer \$100 additional to his salary, but he did not for a moment suppose there could be any objection to arranging the labour to be performed. It was taking no power out of the hands of Parliament, because they had still the right to say whether the Committee were doing right or wrong, and of approving or disapproving of their reports as they came in. He had no hesitation in saying he found a disposition on the part of the members of that Committee to serve the public interest to the utmost of their power, instead of their being disposed to increase the expense. They could not only desire to serve the public interest, but their experience enables them to do it with a great amount of efficiency. It is not every one who understands the number of accounts which come before Parliament, and there was a difficulty in ascertaining whether they are correctly charged, or whether they are overcharged. Printers have a manner of making up their accounts, which makes it necessary for a man to be educated in the terms made use of and in the

mode and manner of measuring printing, to understand them. From what experience he had in New Brunswick on a Committee of this kind, he could say the members of this Committee have a large experience in this business, and were fully educated in the class of work which came before them. He, as one member of the Committee, had no objection to allow this question to stand over for a day or two, but he doubted very much the propriety of waiting to see whether this report would be sustained or rejected in the other branch of the Legislature.

**Hon. Mr. Sanborn** thought it unfair to object to this report. This Joint Committee report from time to time to the House and so be entirely under the control of the House. Regarding the objection taken to Mr. Hartney's increased salary for the extra work that this report would entail on him—besides the 12½ per cent. reduction would leave his salary at the same sum as he had originally, even with the proposed increase—but he besides the House would receive full value for the salary named by the personal attention of such an efficient and able officer as Mr. Hartney. This Committee has effected real substantial retrenchment and should be seconded in their efforts. He could see no good reason why this House should await the decision of the other House, and he, therefore, hoped the House would decide at once to adopt the report.

**Hon. Mr. Anderson** entirely agreed with the remarks of the hon. member, who has last addressed the House, (Mr. Sanborn) and thought this Committee had effected a very large saving in the expenses according to his calculations about \$1,800 would be gained in the expenses of this House alone.

**Hon. Mr. Simpson** moved that the report be taken into consideration to-morrow.

**Hon. Mr. Campbell** said in reference to such a large sum having been paid for envelopes in excess of what they were worth, that this was the first time it had come under his notice and as somebody must be responsible for the error, he would take especial pains to enquire how it happened. The motion was then adopted and the House adjourned until three o'clock to-morrow.

## THE SENATE

Thursday, April 30, 1868

The Speaker took the chair at three o'clock.

After routine,

**Hon. Mr. McCully** moved,

To resolve that in the opinion of this House it is desirable that the law on the subject of interest should be made uniform throughout the Dominion during the present Session.

**Hon. Mr. Campbell** said it was the intention of the Government to bring in a bill on that subject during the present Session, therefore, there was no necessity for passing this resolution.

**Hon. Mr. McCully** said he wished the law of interest to be made uniform throughout the Dominion. In Nova Scotia they had the old English law concerning the rate of interest and as the natural sequence of things, money was being sent away from that Province and invested in other Provinces where it commanded a higher rate of interest. As the Postmaster-General had promised to bring in a bill in reference to this matter, he would accede to his request and now drop the subject.

**Hon. Mr. Campbell** said that possibly the bill might not meet the views of his hon. friend, therefore, he would only ask him to postpone it until he saw the bill.

**Hon. Mr. McCully** said he would allow it to stand over until Tuesday next.

The Bill entitled "An Act respecting the Treaty between Her Majesty and the United States of America for the apprehension and surrender of certain offenders," was read a third time and passed.

Also, "An Act to define the privileges, immunities and powers of the Senate and House of Commons, and to give summary protection to persons employed in the publication of parliamentary papers."

A message was brought from the House of Commons, with a Bill intituled "An Act constituting the department of Inland Revenue."—Read a first time.

Also, "An Act to regulate and restrict the contingent charges of the departments of Public Service, and to establish a Stationery Office."—Read a first time.

Also, "An Act to enable Banks in any part of Canada to use notes of the Dominion instead of issuing notes of their own."—Read a first time and second reading ordered for Tuesday next.

Also, "An Act respecting the Currency." Received a first reading, and ordered to be read a second time to-morrow.

### WHITEAVES RELIEF BILL SECOND READING

**Hon. Mr. Ferrier** said as the Union Act defined the powers of this Senate to be the same as were enjoyed at that date by the House of Commons, therefore, he intended moving that this bill be referred to a committee to comply with the rules of the House of Commons, where those bills are referred to Special Committees of the members, and the evidence comes to them from the House of Lords, who are the court qualified to receive it. The Senate not being able to exercise that power under the Constitutional Act, he asked them to appoint a committee for the purpose of laying the evidence before them which was taken before the Superior Court; that evidence being of the same character as that taken before the House of Lords. Persons will be summoned before that committee, and the committee will have an opportunity of examining witnesses to see whether their testimony corresponds with the evidence taken before the court. This was a case of great hardship, and if this case was postponed until another year, the witnesses who still remain in the country, may leave, and the evidence not be available, therefore, he desired this committee to include gentlemen of high standing in the legal profession, and they can report to the House whether the evidence is sufficient or insufficient to proceed further with the case. He would do all he could to enable the petitioner to obtain what he asks for, therefore, he hoped, though some of the hon. members might feel it their duty always to oppose this class of bills, that they would reserve their opposition until they saw what action that committee would take. He would now move that the bill be read a second time.

**Hon. Mr. McCully** in seconding the motion said that he was not quite satisfied that this Senate had any power in the matter. He had seconded this bill *pro forma*, because he was anxious if the Senate has this power to give him every assistance he could. If the Senate had not this power, there ought to be a power vested in some organisation to give the relief sought by this bill. He was afraid his hon.

friend had fallen into the error of thinking that this Senate possessed the power the late Legislative Council of Canada had before the Union. He considered that this Senate as constituted under an Act of the Imperial Parliament did not possess powers as a court to discharge these functions. If this was nothing more than an Act of Parliament, then they are right in proceeding.

**Hon. Mr. Campbell**—Nothing more.

**Hon. Mr. McCully**—The next point is this: the Senate has no power to examine witnesses under oath.

**Hon. Mr. Ferrier** said he had stated that, and therefore he wished it referred to a committee of the legal profession.

**Hon. Mr. Ross** said this bill was to be referred to a Special Committee, with power to examine under oath the same as in the Parliament of England. It is based upon the precedent of the House of Lords. In the Legislative Council of the two Canadas witnesses were sworn and examined under oath the same as in the House of Lords, and under the Constitutional Act of 1867, we have the same powers as the Legislative Council of the two Canadas had. They assumed this authority, but the bills were reserved for the assent of the Crown.

**Hon. Mr. Bureau** did not object so much to the mere separation of a man and wife, as to allowing the parties afterwards to marry, and he cited the United States to prove the ruinous evils such acts have on the morals, well-being, and the entire social interests of communities. He had collected some statistics which proved, to him at least, conclusively, that in that country where the laws of divorce obtain there were about ten cases daily, or 3,000 yearly, thereby depriving about 9,000 children of the fostering care of one of their natural protectors at least. Hence see the results.

**Hon. Mr. Ferrier** said he had named the Committee from gentlemen of the legal profession.

**Hon. Mr. Letellier de St. Just** opposed the divorce, particularly when power is granted the parties to remarry, as in many cases, holding out inducements to infidelity to matrimonial vows.

**Hon. Mr. Miller** opposed the divorce as ruinous to the best interests of society, and holding out facilities in many cases to gratify

criminal desires, by the Legislature legalizing future marriages, and consequently he would oppose the second reading of the bill.

**Hon. Mr. Ferrier** did not think the opponents of the bill would be in any worse position on account of this Committee being appointed, which will be composed of gentlemen of the highest qualifications, and he was perfectly satisfied justice would be done.

**Hon. Mr. Chapais** (in French) did not call in question the right of the Senate to deal with the question of divorce, but denied the wisdom, propriety or moral right of exercising that power. He opposed the second reading from a sense of duty, not as Minister, but as a member of the great Christian family. Men of various religious opinions had looked on divorce as a wrong, and he would always do all he could to prevent the spread of what he must say, he considered as dangerous principles, and ruinous to the whole social fabric.

**Hon. Mr. McCully** said the difficulty in this Dominion was that they had no other court for these cases. He would like to see this subject entirely withdrawn from Parliament, because, in this large Dominion, these questions would be constantly coming up, and this Parliament would be frequently called upon to deal with individual cases. In England they have laws which enables them to deal with this question without its coming before Parliament at all. The British Parliament have conferred the power to act in these cases, and if this bill is thrown out without a second reading, the case is prejudged before we get the evidence, and no other person can succeed in future.

**Hon. Mr. Miller** admitted this was the correct mode to adopt, but regretted that any question should be brought before Parliament which necessarily brought up distinctions between creeds and religious beliefs of hon. members of this House. He was sure the majority of this House would support this measure, but thought it preferable that a special court be appointed to try such cases, although decidedly opposed to the law of divorce.

**Hon. Mr. Letellier de St. Just** did not oppose the bill for the mere sake of opposition, but wished the minority to put their opinions on records, and that they should have an opportunity of doing their duty.

**Hon. Mr. Kenny** did not object to separating a bad wife or a bad husband from their lawful

partner, but according to the doctrines of his church he objected to the parties being allowed to marry again.

**Hon. Mr. Tessier** would have preferred that the motion in opposition had been put out at once, so as to make it unnecessary to argue again the objections at the subsequent stages. Of course he was opposed decidedly to divorce, and must, in duty, oppose the measure.

**Hon. Mr. Chapais** wished to repeat in English what he had said in French, and would prefer that the actions for divorce, if such there must be, should be tried by this House rather than committed to a Court of Justice.

**Hon. Mr. Bureau** moved in amendment, seconded by the **Hon. Mr. Dumouchel**, to insert "not" after the word "be," and after "time" to insert the following. "but that it be resolved, that in the opinion of this House the divorce *a vinculo matrimonii* destroys in marriage those two characters of unity and indissolubility which Christian communities have always deemed to be essential safeguards of moral and family ties."

**Hon. Mr. Letellier de St. Just** took exception to the wording of the motion.

**Hon. Mr. Bureau** in answer to the hon. member (Mr. Letellier de St. Just) said that his motion was properly worded, owing to the distinction between a divorce *a mensa et thoro*, and a divorce *a vinculo matrimonii*. The former is not to dissolve the marriage bond, but simply to authorize the separation of the parties and of their property (*separation de corps et de biens*) while the latter declares null and void, rescinds the marriage contract and allows one or both of the parties to marry again.

The amendment was then put and lost on a division.

The question being put on the main motion, the House divided, and the names being called for they were taken down as follows:

Contents—The Honorable Messieurs Aikins, Allan, Benson, Bill, Blake, Botsford, Burnham, Campbell, Dickey, Dickson, Ferguson, Ferrier, Glazier, Hamilton (Inkerman), Hamilton (Kingston) Hazen, Leonard, Leslie, McCrea, McCully, McMaster, Macpherson, Mitchell, Odell, Reesor, Ross, Sanborn, Seymour, Shaw, Simpson, Skead, Stevens, Wark, Wilmot—34.

Non-Contents—The Honorable Messieurs Armand, Bourinot, Bureau, Cauchon, Chapais,

Cormier, Dever, Dumouchel, Flint, Guévremont, Kenny, Lacoste, Letellier de St. Just, Malhiot, Miller, Olivier, Tessier—17.

The bill was then read a second time; when,

**Hon. Mr. Ferrier** moved, seconded by the **Hon. Mr. McCully**,

That the seventy-ninth Rule of this House be dispensed with in so far as it relates to the said bill intituled: "An Act for the relief of Joseph Frederick Whiteaves," and that the said Bill be referred to a Select Committee composed of the Hon. Messrs, Allan, Campbell, Dickey, Hazen, McCrea, McCully, Ross, Sanborn, and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records, and that the exemption of the proceedings to final judgment of the Superior Court, Montreal, presented to the Senate on the reading of the petition of the said Joseph Frederick Whiteaves, be referred to the said Committee.

The motion was carried on the same division.

The Bill intituled "An Act respecting accessories and abettors of indictable offences," was read a second time, and ordered to be committed to a Committee of the whole House to-morrow.

#### REPORT ON PRINTING

Pursuant to the order of the day, the House went into the consideration of the thirteenth report of the Joint Committee on Printing.

**Hon. Mr. Simpson** observed that there had been so much said about this report, that he would not detain the House with any lengthy remarks upon the subject. He had had some conversation with the Postmaster General and other members of the Government upon this matter, and they were perfectly well satisfied that the report was right in the main, and therefore, he did not understand why so much fuss had been made over it. In regard to the salary of the Clerk, he would repeat once more that they were only giving him one hundred dollars beyond what he had formerly. The late Province of Canada at one time gave him \$350, and it was afterwards reduced to \$200; but now they had become a large Dominion, keeping more books, and spending more money, the Committee thought they would not be very far wrong in asking this House to grant an additional \$50, the other \$50 to be granted by the other House. Mr. Hartney was an assistant clerk in the other House, and received \$2,000 a year, and we have induced him to

give us his services for the amount named, but as he, in attending to these duties, has to remain here for a considerable time after the adjournment of the House, we thought this increase should be made. He had no hesitation in saying that if we had to employ a competent clerk to do this work, we should not get him for less than \$2,000 a year. The Government were willing the report should be adopted with the exception of this increase of salary. He (Mr. Simpson) did not concur with them in this view of the matter, therefore; he would leave it to the House to determine, and he would now move the adoption of the report.

**Hon. Mr. Campbell** had acknowledged the advantageous results which attended the labours of that committee, but there were two points in which he could not agree with this report. The first change he wished to make was in that section which provided that unexpended balances should be carried over from one session to another. That would be attended with some inconvenience, as had been said by the gentleman who has charge of the finances of the Dominion, and it was desirable that no unappropriated balances should be carried over, but that when money is wanted a new vote should be given. It was under the impression that he had obtained the concurrence of his hon. friend (Mr. Simpson) in this change, that he had satisfied him that the Government had given their consent to the passing of the report. The next change he desired to make was in regard to the salary of the Clerk. He had said yesterday that he thought Mr. Hartney was an officer who was entitled to this increase in his salary, but he thought the moment inopportune to augment his salary when other officers who performed services just as valuable had been obliged to suffer their salaries to be diminished. It seemed invidious to increase his salary, and more so, as he was an officer of the other House, and they had pronounced upon his salary as they had pronounced upon the others. It was not respectful to them after they had reduced his salary for us to make up the amount to him in this way.

**Hon. Mr. Anderson**—Have the House of Commons adopted the report in which this additional \$100 is added to the Clerk's salary?

**Hon. Mr. Campbell** said the principle had been adopted, although the report of the subcommittee, in which the salary that was mentioned was not adopted. This increase was a

small amount, but objections were taken to it by members of the other House, particularly by the members of the Contingent Committee, who had taken upon themselves the disagreeable task of reducing the salaries.

**Hon. Mr. Reesor** said that when an appropriation was made for printing, it was impossible to tell the amount of work to be done, or the precise sum of money which would be required for the work, therefore, if there was any deficiency the printers would either have to wait until the next meeting of Parliament, or take less than was agreed upon for their work, but if there was a surplus and no law that this surplus was to be carried over until the next year, what was to be done with it? Was it to be divided among the printers, or among the members of the committee? Surplus money is too often disposed of in a careless manner. If this report was adopted the House would know what was done with every cent of the money appropriated for printing. He would read the clause: "That there be a distinct appropriation for the printing of Parliament, sessionally, to be lodged in the hands of the Accountant of the House of Commons, in such sums as may be required; and be disbursed by him under the certificate of the Clerk of the Committee; and accounted for in the Annual Balance Sheet, which shall include all expenses of management, so as to show the whole cost of the printing services, directly and indirectly," and now comes what the Postmaster-General would strike out, "And should any balance of the appropriation remain unexpended, it shall be carried to the credit of printing for the succeeding Session, or in case of deficiency to be likewise shown. He (Mr. Reesor) thought that clause should remain as it was, in order that the House might know whether there was any deficiency or balance remaining. In regard to the salary of the clerk he took the ground that every officer in either House should be paid according to the value of his services as regards ability, responsibility, and the value of his labour to the House. They should take into consideration the services of Mr. Hartney in connection with the Printing Committee, and he (Mr. Reesor) knew what these labours were, for he had been several years upon the committee, and several years in connection with the publication of a newspaper, and they should consider that the committee, in conjunction with Mr. Hartney, had been the means of saving to the country something like one million dollars. The mere addition of \$100 to his salary was but a trifle compared to the gain that may accrue from his services. He

(Mr. Reesor) believed in disposing of every case upon its own merits; though he had supported the general report of the Contingent Committee in regard to reducing salaries and dismissing officers, who were not required in the House, he did it because we were commencing under a new constitution, some of the officers not being required, and the labours of some others being of a trifling character, but they were not bound to keep those salaries down where an officer merited an increase of salary. He hoped the chairman of the committee would not consent to have the report amended, but would insist upon a vote being taken upon the report as it is.

**Hon. Mr. Simpson** said he had told the Postmaster-General that he did not wish him to press the amendment in reference to the salary of Mr. Hartney, therefore he should not be accused of acting treacherously in not agreeing to have the report amended. Mr. Hartney had never asked for one penny's increase to his salary, but he (Mr. Simpson) thought this increase was due to him, because this work for the joint committee was outside of his regular duty, and kept him here for months after the close of the Session. In regard to the other objection concerning unexpended balances, they could not know perhaps until the first of August the exact sum which would be required, and we only say we will charge ourselves with any balance which there may be, and it will be put to our credit for the succeeding Session.

**Hon. Mr. Campbell** said his hon. friend was advocating a principle which would not enable Parliament to have control of its expenditure from year to year, and which was opposed to the principle which had always been adopted in this country. Suppose Parliament appropriates sixty thousand dollars for printing one Session, and of that money there remained ten thousand dollars unexpended, and this same calculation would go on from year to year, it would give the Printing Committee a power which they should not have; or suppose they appropriate to the Department of Public Works the sum of five hundred thousand dollars this Session, and a balance remains on hand, this will have passed out of the minds of the members when they come to make another appropriation, and consequently they will lose control of the public money. This would be acting upon a wrong principle, it is in the interest of Parliament that the Government ask that this report shall be amended, and its object is to keep this expenditure constantly in the minds of the members

of Parliament. It was a great improvement upon the old system of allowing these balances to remain over, which was the cause of great irregularities, and to remedy which the principle had been adopted which was now opposed by his hon. friend. He would now move to strike out of the report this paragraph "and should any balance of the appropriation remain unexpended, it should be carried to the credit of printing for the succeeding Session; or in case of deficiency to be likewise shown."

**Hon. Mr. McCully** thought as this was a joint report of both Houses, if they amended it, there would be a necessity for its going before the House of Commons where it might be thrown out. They were advocating economy, and he did not wish that object to be frustrated, therefore he thought it was better for the Postmaster-General to adopt this exceptional case than to run the risk of losing the report in the other Branch.

**Hon. Mr. Campbell**—There is no risk of losing it.

**Hon. Mr. McCully** said his hon. friend exercised a very wholesome influence in this House, but he was afraid if the report went back to the other House his influence would not prevent its being lost. He thought it was a very valuable report, and it came from a committee who had practiced a system of economy which had saved the country a large amount of money. He agreed with the Postmaster-General that the appropriations to this committee should be voted annually, but if the amendment proposed would endanger the report he would vote against it.

**Hon. Mr. Steeves** said the Postmaster-General had enquired into the matter, and the result of that enquiry was that these slight changes in the report would be consented to. He agreed with his hon. friend that these unpaid balances should not be allowed to stand over, and he would suggest to the hon. mover to make the proposition himself for this change.

**Hon. Mr. Anderson** expressed himself in favour of the report as it stood, but if the chairman of the Committee accedes to the amendments made by the Government, he would submit.

**Hon. Mr. Simpson** seconded the amendment made by the Postmaster-General, although he thought he would have no difficulty in meeting his arguments.

The amendment was then carried.



**Hon. Mr. Campbell** then moved, seconded by **Hon. Mr. Simpson**, "that the figure \$300, in the scale of salaries, attached to the position of the Clerk, be struck out, and \$200 inserted in lieu thereof."

**Hon. Mr. Tessier** asked what would be the effect of the adoption of this report, so far as these salaries are concerned, if the report was not to be adopted in the other House? Would not these salaries have to be paid by this House?

**Hon. Mr. Mitchell** said there would be no difficulty, as the mover proposed to strike out the increase of salary and leave the report as it stood.

After some further enquiries were made by **Hon. Mr. Tessier**, and explanations given by **Hon. Mr. Campbell**, the amendment was carried and the report adopted.

The House then adjourned until to-morrow at three o'clock.

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## THE SENATE

Friday, May 1, 1868

The Speaker took the chair at three o'clock.

After routine,

**Hon. Mr. Allan** from the committee on Standing Orders and Private Bills, reported that they had agreed to the Bill intituled, "An Act to authorize the carrying of gas pipes across the River Niagara, in order to facilitate the lighting of the town of Clifton with gas," without amendment.

The bill was then read a third time and passed.

Also, "An Act to incorporate the Clifton Suspension Bridge Company," to which they had made several amendments.

The bill as amended was then agreed to by the House and passed.

**Hon. Mr. Allan** from the Select Committee to whom was referred the Bill entitled, "An Act for the relief of Joseph Frederick Whiteaves," reported the said bill without amendment.

On motion of **Hon. Mr. Allan** it was ordered that the bill be read a third time on Monday next.

The Bill intituled, "An Act to continue the charter of La Banque Nationale &c.," was on motion of **Hon. Mr. Tessier** postponed until this day eight days.

### INLAND REVENUE DEPARTMENT BILL.

**Hon. Mr. Reesor** did not rise to make any objection to the bill, because it may be necessary to pass it, but he desired to say that the Bill had just been distributed, and they had not yet had a great deal of time to judge of its merits, in order to know whether it should be passed or not. The Postmaster General was pressing the matter too rapidly; bills should be printed at least one day before the second reading, so that members would be prepared to discuss them.

**Hon. Mr. Campbell** said the discussion would take place when the bill was before the committee, but if the House desired it he would postpone the second reading until Monday, although he did not think there was anything in the bill to call for any lengthy remarks.

**Hon. Mr. Steeves** desired to express his opinion upon the bill, either now or when it

was before the committee. He was decidedly of opinion that the Government had more departments than was necessary, and he would suggest that the number of departments be reduced if it was found that there were too many. They might be excused for commencing with a large number of departments, until they ascertained that the machinery could be managed with less, but after this no excuse could be given for retaining them. In connection with the Revenue Department, there were the four Departments of Finance, Customs, Receiver-General's, and Inland Revenue Departments. This arrangement was based upon principles adapted to govern a country with much more extensive resources than we have. This large number of Departments can, and ought to, be reduced, but if the Government have decided upon retaining them, they can carry these bills through Parliament, but upon them will rest the responsibility. If the Government are desirous of making this Union a success, and of satisfying the public mind that the administration of the Government will be carried on in the best possible way, it will be their duty to economize, and reduce the number of Departments, if it can be done without being detrimental to the public interests. There may be reason for the Privy Council to consist of thirteen members; because we cannot have less than two in each of the Lower Provinces, on account of the various interests to be represented; in proportion to this, Quebec would be entitled to four and Ontario five; but it is not necessary that all these Privy Councillors should have Public Departments. Suppose there were nine heads of departments in the Government, this would leave one member of the Government for each Province who would not be compelled to reside at the Seat of Government, and these coming each from his Province to attend the meetings of the Council would bring valuable information with them in regard to the state of the public mind in their respective Provinces. These men should be paid a reasonable amount for their labour and attendance at the meetings of the Council. He hoped the Government would look at the matter in this light and endeavour to reduce the number of Departments; he was not opposing this particular one, but he felt it to be his duty to make these remarks, inasmuch as the question was now before the House.

**Hon. Mr. Letellier de St. Just** said from the delay we had to endure in this House in

getting the long promised bills from Ministers, it would appear there ought to be two Ministers for each Department in place of one. He advocated the reduction of Ministers and Departments, and could see no reason why the Speaker of this House should not be a member of the Government, and so endeavour to reduce the expenses of the Government, which are entirely exorbitant and disproportioned to the wants and requirements of this country. He said it sounded strangely for Ministers to be practicing economy on a few poor miserably paid employees whilst they winked at the great evil of our present system. The large number of Ministers and their numerous staff and departments, were arousing public feeling and alarm from one end to the other of this Dominion. Though he did not expect that any remedy would be adopted now, he thought the day was not far distant when the public voice would make itself heard in no mistakeable terms.

On motion of the **Hon. Mr. Campbell**, the bill was read a second time and ordered to be referred to a Committee of the whole House on Tuesday next.

**STATIONERY OFFICE ESTABLISHMENT  
BILL  
SECOND READING**

**Hon. Mr. Campbell** said this bill would enable the Government to exercise more control over the contingencies of the various departments, and prevent extravagance in reference to that item of public expenditure, which it had always been difficult to check, as no uniform system has been pursued. In reference to the charges for those items, there had been a laxity in the old Province of Canada, and to some extent in the Dominion, since the passing of the Constitutional Act. The Chairman of the Contingent Committee mentioned a case of overcharge for stamping envelopes; he had made enquiries but could not ascertain the office it occurred in. Some better check should be provided against overcharges than has been heretofore. The responsibility by this bill will be on the Head of the Department, who will be required to examine every account and certify it. The matter will not even rest here, but will have to go before the Committee on Contingencies, who will examine it, when it will ultimately be paid under the Finance Department. This will result in a proper supervision being kept over these items of expenditure. He could see no reason why the economy which had been the result of the course pursued by the Joint Committee

on Printing should not be general and exist in all the Public Departments. (Hear, hear). He could speak for the Department with which he was connected, that a due course of economy had always been pursued.

The bill was then read a second time and ordered to be referred to a Committee of the whole House on Monday.

**CURRENCY BILL.**

**Hon. Mr. Campbell** moved, seconded by **Hon. Mr. Kenny**, that the Bill intituled "An Act respecting the Currency," be now read a second time.

**Hon. Mr. Campbell** said this measure had been much changed since the bill was first printed under the auspices of the other branch of the Legislature. At that time it was proposed that this bill should be a double system; one part of the bill to go in force in case the United States did not establish their currency on the basis of the report of the International Monetary Conference, held at Paris, and the other to be put in force in case they did establish their currency in accordance with the basis there agreed upon. It had been considered that this double system would be attended with a great deal of inconvenience, therefore it was thought best to submit the measure to the House, which was based upon the report of the Conference; if the United States adopt that system it will be common to the United States, Great Britain, France, and one or two other powers who were represented at the Conference held at Paris. It fortunately happens that the currency of Nova Scotia will not be seriously affected by the new system, while it will be a convenience to all the inhabitants of the Dominion.

**Hon. Mr. Wilmot** said this bill should have been so prepared that it would have established one uniform currency for the Dominion, instead of continuing two systems: one in Nova Scotia and the other in the rest of the Dominion. According to his judgment and experience the system in use in Nova Scotia was by far the most simple, and as to fixing the price of gold that was an arbitrary enactment. It would be far more sensible to have the value of the sovereign fixed at \$5 than at \$4.86 $\frac{2}{3}$ , because when fixed at \$5 all the aliquot parts were in decimals, whereas if fixed at \$4.86 $\frac{2}{3}$  it commenced with fractions and carried it out through all its aliquot parts. The sovereign at the former value was bills of exchange at a premium of 12 $\frac{1}{2}$  per cent, while

at the latter value it was bills of exchange at  $9\frac{1}{2}$  per cent, trade regulating itself so far as the rate of exchange was concerned. In Nova Scotia they found no difficulty in trading with Great Britain, United States, or any other country, and suffered no loss in consequence of thus fixing the basis of the circulation. In New Brunswick the notes of Nova Scotia are actually circulating  $2\frac{1}{2}$  per cent discount, while the rate of exchange is nearly 3 per cent; so Nova Scotia really gains by that.

**Hon. Mr. Ross** stated that Nova Scotia really lost 3 per cent, by fixing the value of the sovereign at \$5.

**Hon. Mr. Wilmot** said he differed with his hon. friend, and could assure him they did not require to be taught by persons from any part of the Dominion, even from Ontario itself, with regard to the practice or principles of trade, for they had a keen eye to their own interests. He (Mr. Wilmot) thought that the fact that the Government had left their currency as it was, showed they had been convinced by the arguments of the gentlemen from Nova Scotia. When Sir Robert Peel attempted to apply his currency measures to Scotland, the people rose in their might and refused to abandon a banking system that had done so much for the country. As to unsettling all accounts this very bill has provided that liabilities or debts existing before the new system comes into operation shall be paid in the currency now existing. It would be a great inconvenience to have to re-coin all the sovereigns in the Dominion to carry out this new system. Their value is altogether arbitrary, therefore it would be better to fix the value of the sovereign at \$5, according to the Nova Scotia system, which comes so near to the value fixed by the Conference at Paris, and which was the most reasonable and advantageous way, and leave trade with other countries to regulate itself, which currency regulations in this Dominion could not affect.

**Hon. Mr. McCully** said that when the Government introduced this measure it was with another connection, which was to authorize the Governor-General, by acclamation, to establish a uniform system of currency in the Dominion, and then it stated that in case the monetary arrangement made by the Conference in Paris, should be adopted in England, and also in the United States, the second part of the bill should come into operation. As the bill had been changed, he thought it might not be amiss to say he had felt it to be his duty to urge the undesirability

of making any change in the monetary matters of Nova Scotia, particularly at the present time. Nothing would so irritate them at this time as to have the whole system of their money changed and altered. In making this change, they would only be changing the name and not the value of money; and he held the principle that a debt should always be discharged in the currency in which it was contracted. If the currency was changed old debts must be paid in old currency. The sovereign passes in Nova Scotia for five dollars, and the consequence of this is, the English shilling passes for a quarter of a dollar, and twenty of these make a sovereign. If it had been the policy of the Government to change this currency, every merchant in Nova Scotia would have had to re-mark all his goods; the article marked at five dollars would have to be taken down and marked in the new currency. Every quarter of a dollar goes there for twenty-five cents, but under that Bill it would have had to be put down to twenty-four, and the impression would have gone abroad that the people had lost the difference between the old value of the money and the new. The Government have taken that view of it, and acted very wisely in not passing that part of the Bill. He referred to the facility with which calculations could be made with the Nova Scotia currency: by adding one fourth, sterling money was brought into currency and by subtracting one-fifth, currency was reduced to sterling money, but if the sovereign was valued at  $\$4.86\frac{2}{3}$ , it required pencil and paper to make calculations. It would not have been seemly for him to have asked that the currency of the Dominion should be assimilated to that of Nova Scotia, unless that was the policy of a neighboring country or perhaps of the empire, but all he had asked was that their currency should remain in the meantime, without change. In travelling in Belgium, France, and he believed in Italy, he found the money was counted precisely as it was counted in Nova Scotia. The currency of Nova Scotia is the most convenient that can be introduced, although there was some inconvenience attending the use of the English sixpence which was  $12\frac{1}{2}$  cents, and the English half crown, which was  $62\frac{1}{2}$  cents, but when those two were put together, there was no difficulty at all. He was not surprised to find that the bankers of Nova Scotia had sent up a remonstrance against changing their currency, and expressing a desire to have the currency of the Dominion made identical with that of Nova Scotia if changed at all.

**Hon. Mr. Ross** said it was very gratifying to know that some of the powerful nations of the world were determined to arrange their currency according to a uniform standard. He then referred to the loss sustained by the merchants of Nova Scotia in consequence of having to take sovereigns at a higher rate of value than they were worth elsewhere.

**Hon. Mr. Anderson** argued in favour of the Nova Scotia currency. He said though they managed their transactions with a sum of money nominally greater than its value in other countries, yet they sustained no loss in their mercantile transactions with those countries in consequence.

**Hon. Mr. Reesor** said every one must know that the value of money depended upon the intrinsic value of gold, as this was the standard of value in every civilized country. A man in Nova Scotia sends fish or lumber to the West Indies, or to England, and he gets paid in British sovereigns, or in gold, which is the measure of value in the commercial world; then whether the sovereign is called four dollars or five dollars is a mere matter of convenience in his own country, and makes no difference in the amount he can buy with it. It is very desirable for every country to regulate their currency so as to correspond with the currency of other countries, and with this view a Conference met at Paris to decide upon some basis of a decimal character for the currency, as that was the most convenient currency in keeping accounts. Everyone must recollect the time when books were kept in the old style of pounds, shillings and pence, causing a great deal more labour in counting money than now. The difference between the two systems might be compared to the difference between single rules in arithmetic and compound rules. He quite agreed with his hon.

friend from Nova Scotia (Mr. McCully) that there were some very good features in this measure, but he thought the members should have more time to look over these bills, in order to discuss them properly, and ascertain whether the changes made will be for the benefit of the country. He then referred to the Bill relating to the contingent expenses of the Government, and said they had to take it for granted that it was a good bill, as the Government had promised that an important reform would be effected by it. He had no hesitation in saying to the Government that if they did not effect a reform, public opinion would call them to account. He then referred to the vast increase in the expenses of the Civil Government since the organisation of the Dominion Parliament, and unless by some new arrangement, for which the Government will be held responsible, a large reduction is made in the expenses there will be a great deal of dissatisfaction created throughout the country.

**Hon. Mr. Dickey** said he had some reason to thank the Government for the course they had taken in this matter, and he hoped it would only be an earnest of other legislation which would have similar effects.

The bill was then read a second time and ordered to be committed to a Committee of the whole House on Monday next.

The House then went into Committee (**Hon. Mr. Olivier** in the chair) on the Bill intituled "An Act respecting accessories and abettors of indictable offense," which they agreed to without amendment.

The bill was then read a third time and passed.

The House then adjourned until Monday at three o'clock.

## THE SENATE

Monday, May 4, 1868.

The Speaker took the chair at three o'clock.

After routine,

The Speaker reported that the period for receiving petitions for Private Bills had expired to-day.

On motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Hamilton**, the period for receiving petitions for Private Bills was extended to the 11th inst.

**Hon. Mr. Reesor** enquired,

Whether it is the intention of the Government to adopt any particular route for the Intercolonial Railway, without first submitting the same for the approval of Parliament?

Whether it is the intention of the Government to let the contract for building the said railway without first submitting such contract to Parliament for its approval, or whether it is the intention of the Government to grant a subsidy to aid a responsible company in building said road, and, if so, upon what conditions the subsidy will be granted?

**Hon. Mr. Reesor** said that he might state in connection with this enquiry, that a bill was passed during the first part of the Session giving the Government power to adopt any particular line of railway which they might find upon due enquiry to be the most suitable. He had noticed in the newspapers that a canvass had been going on as to the proper line to be adopted, and he had also learned that some time was likely to elapse before the surveys now being made were likely to be completed, therefore he made the inquiry in order to obtain information as to what course would be adopted by the Government.

**Hon. Mr. Campbell** said nothing had occurred since the passing of the Act in the first part of the Session to induce any change in the intentions of the Government. It was the intention of the Government to adopt a route having first submitted the same for the approval of the Imperial Government. He would state in reference to the latter part of the inquiry that it was the intention to let the work by contract in pursuance of the Act of Parliament, and therefore it was not the intention of Government to grant any subsidy to aid a company in building this railroad.

In answer to an enquiry by **Hon. Mr. Steeves**, it was stated by **Hon. Mr. Campbell**,

that he had received a design of a medal that was now being cast at a cost of £500, to commemorate Confederation.

### WHITEAVES' RELIEF BILL—THIRD READING

**Hon. Mr. Bureau** said the bill came before this House in an irregular way. No witnesses were produced before this House, nor the parties themselves to convince them that all was right, or that no collusion or deception was attempted to be practised on this Branch of the Legislature. It was their duty to be jealous of the rights and prerogatives of this House, and also to guard carefully against the possibility of doing any wrong. A reconciliation may have been effected between the parties. The courts could grant him (the husband) a judgment of *séparation de corps et de biens*, but divorces were dangerous modes of redress. The more facilities are given for procuring them, the more frequent will be the demand on this House. This case will be invoked as a precedent, and a dangerous one it will be. He would ask the hon. mover to delay a few days until further information might be offered, and so justify, in some measure, the undue haste with which the majority of this House hurried on this measure. This was the province of a Superior Court of Justice, which this House was arrogating to itself, and he yet hoped they would delay the final passage of the bill for a few days for these reasons, and so avoid the great danger of hasty legislation in a case of this complicated and delicate character. The following are the authorities cited by **Hon. Mr. Bureau**, in support of his proposition:

"The law of divorce and marriage in the Divorce Court, and in the House of Lords—By Macqueen."

1st. Page 46-47, "With reference to these eleven bars, a heavy responsibility is created by sections 29, 30 and 31 of the Divorce Act, 1857, for the full court is "to satisfy itself," so far as it reasonably can, not only as to the facts alleged by the complainant, but also whether or no he or she is subject to any of the bars. Suppose a suit is undefended—it is certain, generally, that in such case, both parties are willing—nay, anxious, that the remedy should be granted. The Legislature intended that *ex parte* suits be inspected with a jealous eye. The court, therefore, is not to decide simply on the evidence adduced. The Act requires the Judges to sift the proofs, and call for more, until they are satisfied, not only

that the respondent's delinquency is established, but also that the petitioner is shown to be meritorious. This the House of Lords always did".

"Why? Because marriage was an holy estate, emblematical of the mystical union of Christ with his church; because, to use the language of a Judge distinguished in this branch of learning, 'the genius and tendency of the law is in favour of the permanence of marriage; it encourages the duration of marriage union, and discourages the dissolution of it. In certain circumstances the dissolution of the marriage contracts is, indeed, permitted, but the law of divorce is barely permissive, not imperative. It tolerates what it neither commands nor approves. The remedy of divorce, is, in truth, but a mournful remedy, and it is one which the law dispenses with an unwilling hand. This is manifest from the principle which runs through the whole proceedings. Hence, every obstacle that presents itself, is eagerly laid hold of, to support the marriage and prevent its dissolution, as condonation, collusion, connivance, and all other personal bars."

**Hon. Mr. Allan** said he would be one of the last to agree to increasing the facilities for annulling the matrimonial bond, in order to enable married persons more easily to obtain a divorce, but in this present case the principal objection of his hon. friend (Mr. Bureau) would have been done away with if the matter had come before the House, in the same manner as those cases had formerly been taken before the Legislature of Canada. This evidence has been taken before the courts of Lower Canada, and he had no hesitation in saying that they needed no stronger proof than they had elicited from the witnesses; to induce them to recommend the House to grant the petition. If they deferred this matter until power was given to the House to examine witnesses under oath, it was more than probable that some of these witnesses who were now here would not then be in the country. In regard to any arrangement taking place between the parties, there was not the slightest grounds to suppose any such reconciliation would take place. Under these circumstances, he could not see that anything would be gained by postponing this matter for three days, as had been suggested. If his hon. friend would show any advantage to be gained by postponing it he (Mr. Allan) would consent to it.

**Hon. Mr. McCully** said he had listened with much interest to the hon. gentleman (Mr.

Bureau), who had taken such an active part against this measure, and he (Mr. McCully) agreed with him that there was nothing more undesirable than to have these matters brought before this Senate. He hoped the action of this Senate in taking the functions of a court of law in relation to divorce would never be repeated in this Legislature, as there could be no tribunal so unfitted to enquire into those delicate subjects relating to husband and wife, especially where the appeal for divorce is on the ground of adultery. He hoped the Government would take the matter into consideration, and bring in a bill to establish a court to deal with those cases. He would feel that the House was degraded if they were obliged to listen to such testimony as was sometimes brought forward in these cases. As a general rule the evidence that is required in order to justify the court to deal with cases of this character is of such a nature that no tribunal like this ought to hear it. He was not speaking of this case, because it was not of that revolting character that many cases are, but he hoped this would be the last application of this kind, and that the Government would provide as in other countries, a tribunal to hear these indelicate matters, which must of necessity be investigated before a tribunal of justice. The testimony in this case was not taken under oath, as we had not the power to administer an oath, but as the Union Act had conferred upon this Legislature the power to deal with these subjects, and it having been referred to a committee we dealt with it as best we could, and we came unanimously to the conclusion that the evidence was ample to justify the proceedings that have been taken. If there had been seen any sign of collusion or condonation between the parties to justify us in withholding our approval of this bill, he (Mr. McCully) would have been one of the first to have resisted it.

**Hon. Mr. Letellier de St. Just** expressed himself decidedly opposed to this hurried mode of dealing with the question. If it must be passed into law, why do so with so much haste before hon. members have time to read over the evidence taken before another tribunal. He thought the parties and their witnesses ought to have been properly produced before this House, so that we would feel in conscience we were doing our duty, and not hold out such unheard of facilities to all others to come before this Dominion Parliament and accomplish their purposes with little or no trouble. This House was bound in honour

and duty to protect the interests of society, and he felt satisfied that this was only the commencement of many other similar applications and this case would be cited as precedent.

**Hon. Mr. Campbell** said the evidence in the case went to show that the husband and wife had had no personal intercourse whatever since the wife had left her husband's house, and it had been shown that from the time the evidence was taken up to the time the Committee were sitting she was absent from him, and the letter she had written to to him had been unanswered. There had been no intercourse between them, either personal or by correspondence, in any way, from the time the wife had left her husband's house. The evidence of guilt had been produced before the Committee in the most clear and distinct way in which it could be taken until this Senate has the power to examine witnesses under oath. The House indicated its wish not to have this matter brought before them, and they deputed their power to a committee, who having heard the evidence which had been taken under oath, and having heard the witnesses, they have intimated there was no collusion between the parties, and report in favour of the bill. He did not quite agree with his hon. friend, (Mr. McCully) that they should create a court to deal with cases of marriage and divorce, because he thought the establishment of such a court would create too great a facility for the dissolution of the matrimonial bond, and would tend to increase the number of applications for divorce, while the present course tended to check these applications. These were the opinions he had formed for the moment on the subject. The bill now before the Legislature, so far as he had formed an opinion, had been established by such evidence as he thought justified the House in adopting the report of the Committee and passing the bill.

**Hon. Mr. Locke** gave notice of enquiry for Wednesday next, relating to filling up the vacancy caused by the death of the late Senator Wier.

The first report of the Joint Committee on the Library was read and accepted.

The House then resolved itself into Committee of the Whole on the Bill from the House of Commons, intituled: "Stationery office establishment Bill,"

**Hon. Mr. Dickson** in the Chair,

The said bill was reported without an amendment.

### CURRENCY BILL

The House went into Committee of the Whole on the Bill intituled "An Act respecting the Currency,"

**Hon. Mr. McCrea** in the chair.

**Hon. Mr. Steeves** said the provisions of the bill did not carry out its object, as stated in the preamble, that there should be a uniform currency throughout the Dominion.

**Hon. Mr. Campbell** said that to prevent making changes in the currency too often it was thought desirable to submit to present evils, and wait until they ascertained whether the monetary arrangement agreed to by the Conference at Paris would be adopted by the United States.

**Hon. Mr. Wilmot** said if the recommendation of the Conference at Paris was not adopted, we should adopt the Nova Scotia system, and one advantage to be derived from it would be, it would relieve the silver nuisance by reducing its value compared with the sovereign.

**Hon. Mr. Tessier** said legal tender notes were legal tender in Nova Scotia, as well as in other parts of the Dominion, therefore a person in Montreal with £1,000 in gold could get one thousand pounds in legal tender notes for it at the rate of 2½, but if he went to Halifax he could buy up legal tender notes with his gold and reap a profit. It this was carried on to any extent the Province of Nova Scotia would certainly lose by it.

**Hon. Mr. McCully** said there would be no advantage gained in that way as the notes would not be of the same value in Montreal as in Halifax.

**Hon. Mr. Campbell** said this bill would provide a remedy for this difference of currency, in case Congress agrees with the recommendation of the Conference held at Paris, because then the bill would introduce a uniform currency with the United States and some of the principal powers of Europe, but in case Congress does not accede to that recommendation, then some other bill will have to be presented for the consideration of Parliament, having for its object the assimilation of the currency of the Dominion alone. In the prospect of Congress adopting that bill it was thought best not to make any change in the meantime. Correspondence has been going on between the chairman of the Committee having that subject under consideration in Con-



gress, and the gentleman who is at the head of the Finance Department here, and there is every reason to think that Congress will adopt that measure, and we will have a uniform currency which will be the same all over the Continent and in the United States. In reference to the objection made by his hon. friend (Mr. Tessier) he did not think anything would occur to interfere with the value of Dominion notes; those notes so far as issued in the Lower Provinces were marked redeemable there, and those issued here are redeemed here. They did not purpose to take sovereigns for more than they were worth.

**His Hon. The Speaker** said they were mixing up the question of currency with the question of gold. If they took gold as the standard they might divide it into seven parts in one place, and into four parts in another, and call these four parts as good as the seven, but still the gold would always remain of one value. The sovereign at \$5 in Nova Scotia was worth no more than \$4.86 $\frac{2}{3}$  here, and the same rule would apply to the legal tenders which were as good as gold.

**Hon. Mr. Reesor** said though duties on customs had to be paid in gold, it was not so in regard to duties paid as internal revenue; this

was an advantage in favour of Nova Scotia which, taken in connection with other concessions to that Province, would, he was afraid, stir up something like dissatisfaction in the far west.

**Hon. Mr. Mitchell** explained that the question of the value of the sovereign and bank notes had been worked out in business connections for years past. The bank notes of St. John had always commanded a premium in Nova Scotia equal to the difference between \$5 and \$4.86 $\frac{2}{3}$ .

**Hon. Mr. Wilmot** said his experience in regard to the conference held at Paris was, that they should establish a coin to pay the balances between nation and nation; bills of exchange were often sold in St. John, and in Quebec, at four or five per cent. less than the value of the sovereign; then the gold went out and the banks lessened their accommodation. This measure recommended by the conference was not so much for the internal trade of these countries as the external trade.

The bill was then agreed to, read a third time, and passed.

The House then adjourned.

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## THE SENATE

Tuesday, May 5, 1868.

The Speaker took the chair at three o'clock.

After routine,

**Hon. Mr. McCully** said he had received an assurance from the Government that they intended to bring in a bill on the subject of interest; therefore he would allow his motion in reference to uniformity of interest to drop for the present.

**Hon. Mr. Reesor** 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 agreements, contracts or Orders in Council relating to mail or coasting service on the inland waters of the Dominion, or on the coasts of Quebec, New Brunswick or Nova Scotia, entered into or made since the first of July last.

**Hon. Mr. Reesor** said he would state in connection with this motion, that if any objection could be raised on account of the amount of work which would be necessary to get those returns, he would be satisfied to have the returns of the amounts paid for each contract, and the service each was required to perform. He did so not with a view of finding any fault with what has been done, but because parties who were interested in the matter have represented that certain mail routes received pretty large pay for mail service that was unnecessary, and that other lines of steamers had done the service for a less sum. One gentleman had declared that there should not have been any large sum for this service upon Lake Superior. How much truth there might be in the truth of these reports, he did not know, but he was inclined to think that the Government had made the best terms which they could under the circumstances. He thought by having the papers brought down, the public would have a better knowledge of the matter, and, perhaps, it might enable the Government to make better terms next year.

**Hon. Mr. Campbell** said the production of those papers would not involve any considerable labour as the contracts were very few.

The motion was then carried.

**Hon. Mr. Sanborn** said he would have to be under the necessity of pressing the question

which he had the honour to ask the Government some three weeks since, with reference to the law relating to patents for inventions.

**Hon. Mr. Chapais** submitted an Act relating to Patents for Inventions, which was read a first time, and the second reading fixed for this day week.

**Hon. Mr. Sanborn** said this question ought not to be put off so long as this day week, as that would bring it near the time Parliament would be prorogued. It had been announced by some of the members of the Government in another place that Parliament would be prorogued about the fifteenth or twentieth of this month, therefore he thought a bill of such importance should not be delayed to so late a period in the Session. The bill was now printed in English, and there would be no difficulty in having it translated and before them in a few days. If it did not come up until this day week, it would be almost impossible to get a consideration for it, and he feared it would be lost. Then again a great many of the members would be leaving before that time, therefore he hoped his hon. friend would fix an earlier day for the consideration of the bill.

**Hon. Mr. Chapais** said he would move the second reading for Friday, but if the bill was not then ready, he would move to postpone the second reading until Tuesday. He would try to have it ready so that the members could have the bill before them for at least one day before it was read. The second reading was then ordered for Friday.

**Hon. Mr. Allan** presented the second report from the Joint Library Committee, which report was ordered on the motion of **Hon. Mr. Allan**, seconded by **Hon. Letellier de St. Just**, to be taken into consideration to-morrow.

### ORDERS OF THE DAY.

The second reading of the Bill from the House of Commons, the Dominion Bank Notes Substitution Bill, was postponed until to-morrow.

### INLAND REVENUE DEPARTMENT BILL.

**Hon. Mr. Campbell** said in reference to this order of the day, that he desired to incorporate in the bill the management of a branch of the public service which properly falls within this Department. They had in Canada a Culling Timber Department which involves some expenditure; this ought to be attached to

one of the public departments, and as it would properly come within the category of internal revenue, it should be managed by that Department. He would therefore move that the order of the day be discharged, to enable him to insert a clause in the bill with that object, and the Bill be referred to a Committee of the whole House to-morrow.

The motion was then carried.

The Speaker then announced the return from the Commons, of "Clifton Suspension Bridge Bill," that the amendments of the Senate to said bill had been agreed to.

Also, the Bill entitled, "Publication of Parliamentary Papers Bill," which was agreed to, with amendment in the French version only.

The 14th report of Joint Committee on Printing was then taken into consideration, which upon motion of the Hon. Mr. Burnham, seconded by the Hon. Mr. Skead, was adopted.

Hon. Mr. Ryan gave notice for Thursday next of an address to the Governor-General, on the subject of immigration for the year 1868.

The House then adjourned until 3 o'clock p.m., to-morrow.

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## THE SENATE

Wednesday, May 6, 1868.

The Speaker took the chair at three o'clock.

After routine,

**Hon. Mr. Campbell** brought in a Bill intitled "Evidence in Civil and Commercial Matters Bill," read a first and second time.

**Hon. Mr. Tessier** gave notice of Contingent Committee Report for Friday next.

### RESOLUTION FOR ELECTIVE SPEAKER OF SENATE

**Hon. Mr. Letellier de St. Just** moved his resolution, seconded by **Hon. Mr. Sanborn**, "That it is desirable that the Senate should have the selection of its own Speaker at the opening of each Parliament, and whenever a vacancy shall occur." In support of his resolution the hon. gentleman said, he wished to see the good old practices of the good old times observed, when the Legislative Council of Canada had the power of selecting gentlemen as Speakers of this House, remarkable for their polite demeanour, familiarity with its practices and customs and their high dignified social position. Such as the late Sir Allan N. McNab, the present Hon. Postmaster-General, and many others, whose election by the House always gave universal satisfaction. His present resolution was not aimed at the present occupant of the Speaker's Chair, or in any way intended to give offence; but he thought the Constitution would not prevent this House from exercising the rights claimed by the smallest deliberative bodies in the land, viz., the right to choose the presiding officer over their deliberations, and he felt assured this House would sooner or later assert its right to elect their Speaker, and that at a very early date. Their self-respect and dignity as an independent Branch of the Legislature was at stake. He could not avoid alluding to the way in which also the present selection was made by the Government of a gentleman outside of the present Senate, until the appointment was decided on. When the selection had to be made the Government might have selected a gentleman well acquainted from his long experience with the forms and routine of this House—possessing all the advantages of the present incumbent. He did not wish to say more on this branch of the subject, though he might enlarge on it to a considerable extent. He was satisfied the present system would not

give satisfaction in the future, no more than in the past; whereas if the House selected their Speaker the matter would be fully debated, and the best choice possible made, which would necessarily give entire satisfaction. Whereas by the present system it did appear as if this House was the only one under our system of Government that had neither the sense or the judgment to choose their own Speaker to preside over the deliberations of the Senate Chamber. He for one would raise his voice against the perpetuation of such an evil, and was satisfied the day was not far distant when this House would make its voice heard in no unmistakable tones. He would now move the resolution of which he had given notice, seconded by the **Hon. Mr. Sanborn**.

**Hon. Mr. Sanborn** said that in seconding, this motion, he had only a few words to say upon the subject, as he had already expressed his views upon this point on a former occasion. The only objection which could be made to the Senate having the power to select its own Speaker was, that it did not conform to the course pursued in the House of Lords. In regard to this objection, he said this Senate was constituted under a particular statute, and there exists very little similarity in many respects between the House of Lords and our mode of procedure. This dissimilarity was intended by those who framed our Confederation Act: which specified that we should be guided by those parliamentary rules, and have attributed to us those privileges which attach to the House of Commons and not the House of Lords. The analogy falls also in the matter of the presiding officer of the House of Lords and the presiding officers of this House. The reason why the Speaker of the House of Lords is a nominee of the Crown is from the peculiarities of the British Constitution, which has grown up little by little in the course of ages, and circumstances have created an officer, who by custom, has been made Speaker of the House of Lords, although he may, or may not be a Peer of the Realm. His right of addressing the House of Lords depends upon the fact as to whether or not he is a Peer, but that would not apply in this Senate. He (Mr. Sanborn) thought that every deliberative body possessed the inherent right to select a person to preside over them. That was a natural right, and would commend itself to the good sense of every one. It was a right which was exercised throughout every

grade of society, from the highest to the lowest. There could not be found a debating club organised among a number of school boys without their having the privilege of electing their chairman, and this same principle is carried out in every organised society, whether political or otherwise, and in no case do we see a power beyond themselves putting a person over them to direct, govern, and restrain their deliberations. It is a very singular anomaly, and one which would never arise in the natural order of things, that the highest deliberative body of a political character in any land, having power such as this Senate possesses, should be dependent upon another independent power for the choice of their presiding officer. This appeared to him to be an anomaly which could not exist for any length of time, and whatever may be the decision upon this motion, before many years this Senate will be convinced of the propriety of their selecting their own Speaker. Then again, according to the Union Act, the choice of Speaker is not given in an unlimited manner to the Government, the power is given to appoint a Senator only, and no other person. In this respect the appointment is not analogous to the appointment of Speaker for the House of Lords. There the Speaker has peculiar privileges, or rather the absence of privileges, which he (Mr. Sanborn) considered would be found necessary in the course of practice, to be given to the presiding officer of the Senate, that is the power given to the Speaker of the House of Commons for preserving order, which was given also to the Speaker of this Senate, but was not conferred upon the Speaker of the House of Lords. This then was another failure in the analogy between the presiding officers of those two Houses. Then why should not this appointment be made by the Senate? Does not every Senator feel that it is casting a reproach upon him, after having been called by Her Majesty to a seat in the highest deliberative body in the country, to say that this body cannot, in the exercise of its deliberative capacity choose its own presiding officer, but he must be chosen by the Ministers of the Crown who, for the time being, are entrusted with the administration of the affairs of the country? Was it right that twelve or thirteen men should deliberate together and advise the Governor-General to select this or that man to be the presiding officer of the Senate, instead of having him elected by the seventy-two members of this Senate, who were chosen from all parts of the country, and who, from their long experience

in public life, high character, and well known ability and integrity, were well qualified to make that selection? Does not every member of this House feel that an imputation is cast upon this body, when the principle which is recognised in all other organisations of electing their own presiding officer, does not apply to the highest legislative body in the country. Under these circumstances he cheerfully availed himself of the opportunity of seconding this motion. If this power of appointing a Speaker is left in the hands of the Government for the time being, it may be made use of for party purposes. In consequence of the exigencies of party a man may be placed in the position of Speaker of this House that would not be acceptable to this body. He would first have to be appointed as a Senator before he could be appointed as Speaker, and this would create a feeling which would be disseminated over the country, that this Senate was made a convenience to the Government of the day for the purpose of obtaining a party advantage. This is calculated to lower the position of the Senate, and place us in a position which we ought not voluntarily to accept. It is only giving a fair and manly expression to our feelings when we say that it is desirable that this Senate should choose its own presiding officer.

**Hon. Mr. Campbell** said it was impossible to find fault with the manner in which this resolution was brought before the House, or with the strong reasons given by the mover and seconder, why we should select our own presiding officer. He could only express his regret that his hon. friend had brought the subject under the consideration of the House at this period of the Session. It involved a very grave and important point, and it was one upon which every member of the Senate would desire to express an opinion, and they ought to have this opportunity, both of expressing their opinions and voting upon this question. Many of the members not being present, his hon. friend would see that the moment was not opportune for discussing so important a motion. It was also to be regretted that this motion was put forward now when we had for so short a time enjoyed the present Constitution. This Constitution has been framed after a great deal of deliberation. Gentlemen of experience from all parts of the Dominion had held consultations in regard to this Union, which consultations were repeated at Charlottetown and subsequently at Quebec and London, where the views of the members representing the different Provinces were can-

vassed, and no doubt, modified, and the result of this modification was our present Constitution. He said it was impossible yet to form any sound opinion in regard to its merits or demerits, and he regretted that such a measure as this was put forward, particularly on account of the effect it would have, if carried, upon gentlemen in England, for what would be thought by those members of Parliament who gave their assistance to give us this Constitution, if they see in a few months after, such a want of stability on our part, and what we desired one month we do not desire the next. Every means had been exerted for the purpose of procuring an authoritative expression of opinion from all parts of the country, and the Constitution given us was framed upon that opinion. The British Government did not form this Constitution upon any theories of their own, but they gave us the very things which we asked for, and what would be thought of our stability, and of our legislation for the government of our country, if we now asked a change to be made before having an opportunity of forming a sound opinion upon it. Then it was not to be expected that the legislation which has taken place in Great Britain at the instance of the whole Dominion would be altered at the instance of this particular Branch of the Legislature. If there is to be a change, it must be a change sought for by the House of Commons, as well as this House, and he thought the House of Commons would not concur in the resolution, unless it went further and altered the right by which hon. members of this House held their seats. They would couple to it a resolution that this House ought to be elective, and this he thought would not be very desirable after the experience they had had with an elective Legislative Council. The present form was adopted after consulting with gentlemen from the different Provinces, who were able to judge of the comparative merits of the two systems; it received the sanction of the various Legislatures, and in New Brunswick it was sanctioned by the direct vote of the people. After such efforts as have been made to procure an expression of opinion, and after this Constitution had been concurred in by the Legislatures of the several Provinces, it was impossible to believe that a change should take place, except for very grave and serious reasons. He did not apprehend that those grave and serious reasons had been adduced here, or that a great necessity for this change had been shown. He did not know of any practical evils arising from it, as the House had accom-

plished all it was formed for the purpose of accomplishing. If his hon. friend thought that some other course might have been pursued in reference to the choice of a Speaker, it was no reason why he should seek for a change in the Constitution. His hon. friend (Mr. Sanborn) said it was an insult put upon the House that a gentleman was not chosen as Speaker from the members of the Senate; he forgets that the Speaker was made a member of the House not by any extraordinary means, but in the ordinary course of proceedings, by means provided by the Constitution. He was appointed to take the place of one of those gentlemen who was named in the proclamation, and he was selected to fill the position of Speaker in the same manner that any other hon. member would have been selected. There was another reason why this motion should not have been brought forward at this time. Many of the members were of opinion that the number of Departments should be reduced, and he apprehended that the Speaker could occupy the position of head of a Department and presiding officer of this House at the same time, which could not be done if the Speaker was elected by the Senate. When the Speakers of the Legislative Council of the Province of Canada were appointed by the Crown, they were always members of the Government, and sometimes were charged with carrying on the affairs of the Government in the Upper House, and that course might be adopted again with advantage, but the change now contemplated would deprive us of this opportunity. If a change of this kind should ultimately be desired, when the time for discussing the measure came he would not think it wise to hurry a conclusion upon it as was sought by this resolution, but it should receive such consideration as the importance of the subject demanded. A measure of this kind should not be adopted until after we have had some experience to see whether the present system will work well or not, and whether the present Constitution is not best suited to the wants, habits, and wages of the country, otherwise we certainly shall be arriving at a hasty conclusion, which will afford evidence of a want of stability on our part which will not redound to our credit as statesmen, either at home or abroad. This matter having been brought before the House and the hon. mover and seconder having had an opportunity of expressing their views, he hoped they would not press the question to a division, but would allow the matter to remain in its present shape until hon. members have more experience in the present working of the Constitution.

**Hon. Mr. Chapais** (in French) wished to oppose the motion, with all his force and energy, as premature and uncalled for at the present time, without even giving the present arrangement time to develop itself. Surely hon. members were suffering no grievous wrong at this time, that we must at the end of the first Session under the new Union Act, raise such a discussion with these thin benches. Even under the elective system the Government had the nominating power and the system worked well. Ours was as nearly as circumstances would permit a transcript of the British Constitution, so that this House might be styled the House of Lords of Canada. He could not agree with the remarks of the hon. member (Mr. Sanborn) that all deliberative bodies, from the highest to the lowest, claimed and exercised the right of selecting their own Speaker. We see that the Mayors of Montreal and other large cities are not selected by the members of their councils, but by another power, so that the purity of reasoning does not hold good in municipal affairs. He considered it much better to give our new Constitution a fair trial, and not be seeking to alter one of its leading features before it was one year in existence. It would be more creditable to us as a people in the eyes of the British nation, and much safer for our own monarchical form of Government, (which form we all revere and have affirmed as the best, time and again, in this House and elsewhere). Besides it was possible in the course of events that the office of Speaker might at some future day be united with some other department under the Government, and thus carry out the ideas of economy for which this House contends on all occasions.

**Hon. Mr. Macpherson** said the resolution was premature, and the fact of its coming so soon after we have assembled under our new Constitution was as strong an argument as could be advanced against it. He agreed with the hon. mover who said that if the resolutions of the Quebec Conference had not been considered in the light of a treaty, there probably would be a very strong vote for amending the resolution providing for the Speaker of this House being appointed by the Government. He thought that when the Legislative Council of Canada were deliberating upon this subject that they believed the system would be continued of the Speaker's occupying the position of a Minister of the Crown, without a Department, which might be desirable under the new system where there would not be a necessity for as many Departments as under the old one. If the

Speaker was only to be the presiding officer of the Senate it was very difficult to see why he should have been appointed, and why this body should not have the privilege of electing their own presiding officer, as almost every other deliberative body in the country does. The Hon. Minister of Agriculture had alluded to municipalities that did not elect their presiding officers. He (Mr. Macpherson) did not think those cases were in point. The Vice-President of the United States was elected as Vice-President, and was *ex-officio* President of the Senate, but if his office becomes vacant, the Senate elect their own presiding officer. He (Mr. Macpherson) thought the discussion would do good, but he hoped the hon. mover would not press his motion to a division, as the discussion upon it was all that was required at present. He thought it impossible for the present system to continue, unless there was some stronger reason given in the future why the presiding officer of this House should be appointed by the Crown; and when they asked to be allowed to elect their own Speaker, he was quite certain the British Parliament would not refuse to grant their request, but he thought they should not so soon ask them to amend the Constitutional Act, after its being passed with so much deliberation.

**Hon. Mr. Ferrier** quite agreed with what had been said by his hon. friend (Mr. Macpherson). He thought that if the Speaker was appointed a member of the Government there was a danger of his exercising too much control over this House. It would show a want of stability and sober thought to pass this motion, because there ought to be some very good and sufficient reasons before the Senate should recommend any change in the Constitution. There was no doubt but this Union Act, like everything else, was defective, but they should try for the next five years to work it out in the best possible manner. He thought this discussion would have a good effect, but he trusted that no alterations would take place in the old Constitution, until they had had three or four years experience with it.

**Hon. Mr. Allan** also expressed a hope that the motion would not be pressed to a division. He agreed with the principle of the motion, but he thought the House should not assent to it at the present time. He wished it to be distinctly understood that we were discussing this question without any reference to the gentleman who presides over the Senate. This House should have the right to elect its

Speaker, and by asserting this now, we cannot be charged with showing any want of stability, or that we had not properly made up our minds before, because when the Act of last Session was before us, we were obliged to accept it as a whole. He thought at some future day this change should be made, and then those who had served in the House for a length of time would have a right to look forward to fill that position, but at the present time it would be unwise after so short an experience of the working of the Constitution to ask for changes to be made.

**Hon. Mr. Benson** said that after hearing the arguments which had been advanced, he felt very much inclined to meet the views of those who wish the matter deferred until a future period. He was in favour of the principle of the motion, but under the circumstances would rather see it deferred. They should wait until they saw what changes were required in the Act, and then they could all be made at the same time.

**Hon. Mr. Armand** (in French) was inaudible, but was understood to say that this resolution was ill-advised and uncalled-for at this time, when we should give the present system a fair trial, particularly as it is possible that the office of Speaker may be united with that of some other Department of the Government soon.

**Hon. Mr. Holmes** said the motion was contrary to his views. He found it stated in the 24th section of the Union Act, that "the Governor-General shall, from time to time, in the Queen's name, summon qualified persons to the Senate, and subject to the provisions of this Act. Every person so summoned shall become and be a member of the Senate and a Senator." Therefore this House being chosen by the representative of the Queen, did not come under the same rule as the House of Commons, or corporations who had a right to choose their own chairman. He hoped the resolution would be withdrawn as he should be sorry to see it put to a vote.

He had served in the Legislative Council for as long a period as any gentleman present, and he had always endeavoured to support the powers that be so long as they were right.

**Hon. Mr. Botsford** said this was a subject of deep interest, and one upon which every member of the Senate should express an opinion, but this could not now be had in the absence of so many members of the House; therefore the measure should not be pressed to a division. It seemed to him that there was

nothing constitutionally wrong in the Senate seeking to have a change made in the Constitution, by which we will be able to secure the most competent member of the Senate, having the best knowledge of the usages of Parliament, to preside over our deliberations. In looking at the present mode of appointment, we must consider, that it is not the Queen that makes the appointment, and strictly speaking it is not even the members of the Government, because the Government only exists by having a majority of the representatives of the people to support them. Therefore if we come to analyze the appointment, it is the people, through their representatives, who make it, and it is objectionable from that point of view. He took it for granted that it was quite right for this Senate by petition to bring the matter before the Imperial Parliament, and he would suggest to the hon. mover that the selection of a presiding officer should not take place at the commencement of each Parliament, but that his appointment should be for a certain period, because it might be inconvenient for this Senate at every dissolution of Parliament, to be called upon to elect their presiding officer.

**Hon. Mr. McCully** said he had taken an active part in framing this Constitution, and he was not now afraid of discussing the merits of this particular point. When this Constitution was framed, he was one of those who advocated the principle that the Speaker of the Senate should be appointed by the Government of the day, and he had not since changed his mind upon the subject. He believed then, and he believed still, that this mode of appointment was more in uniformity with the principles of that body to which we are to some extent assimilated, than it would be to have the Speaker elected by this House. He had listened with a great deal of attention to the remarks of his hon. friend, (Mr. Sanborn), but they had failed to convince him that the analogy he mentioned should apply to this House. He was not aware of any instance of a constitutional legislative body which was appointed by Her Majesty, or Her Majesty's representative, having conferred upon them the power to elect their own Speaker. Some hon. gentlemen have stated that this House, being appointed by the Queen, the analogy between this Senate and the House of Lords did not hold good, but that like the House of Commons we should elect our Speaker. He contended that this body, not having been elected by the people, the Speaker, like the Lord Chancellor, should be a nominee of the



Crown. He was disappointed in the way in which the Government have exercised that power. When the Union Act was framed it was expected that the Speaker of this House should hold the same relation to the House that the Lord Chancellor does in the House of Lords in England, that is, he should be a member of the Administration, and should go out with the retiring Administration, and come in with the new. It is said that the Speaker now being an officer of the Government, the incoming Government would have the power to remove him. That may be done, but he not being an officer of the Cabinet it would not be desirable for them to exercise that power, but if he was a member of the Cabinet he would be obliged to retire.

**Hon. Mr. Ferrier** thought the Speaker of the Senate should be a member of the Administration, and in that way we would save the salary of one of the heads of Departments. As they were now discussing this matter, he was prepared to express his opinion before the House and country. He thought it was unfortunate that the Governor-General should have selected a member of a Local Legislature to preside over the debates and proceedings of this House, which was one of the most dignified bodies in this Dominion. It requires a gentleman of large experience to preside over this Senate, and it could hardly be expected that a gentleman coming from a Local Legislature would be as familiar with the order of this branch of the Legislature as those who for a long period have held seats in this House. He thought a change should be made in the mode of appointing their Speaker, but it was exceedingly undesirable that this Dominion should seek for a change in their Constitution so soon after its organization. The House, therefore, should well consider before approaching the Throne with an application founded upon this resolution. He was not surprised that his hon. friend had made this motion, nor did he much regret it, for many reasons, but still unless it was carried by a very large majority he could hardly expect to found an address upon it that would be expected to prevail at any very early day elsewhere.

**Hon. Mr. Wark** said this was not the first time the members of the House had had an opportunity of expressing their views upon this subject, for there was scarcely a member around these benches but had an opportunity, either when this matter was discussed in the Mother Country, or when it was before the

respective Branches of the Colonial Legislatures, of expressing their views in regard to this Constitution, had they felt disposed to do so. Whatever our individual opinion may be in respect to having the Speaker appointed by the House or Government, every one appeared to admit that it would be premature to get up an agitation to change the Constitution before we have had time to test it. He did not think it would be proper for a deliberate body like this to add their weight and influence to the movement going on in Nova Scotia, by deciding here, before the close of this Session of Parliament, that we are dissatisfied with the present state of things, and want a change. Therefore, he thought it would be exceedingly imprudent for this House to adopt this motion at the present time, and he hoped that the hon. mover would take the suggestions that had been made by so many members of the House and withdraw the motion. It has been said that if the Speaker of the House was a member of the Government, it would give the Government an undue influence in the Senate. He did not think so, for it had frequently been the custom for the chairman to take part in the debate, and the Lord Chancellor of England even introduces Bills into the House of Lords. This gave the Speaker an influence in the House, but not in any way to affect his decision upon any subject. He thought that it might be more economical for the Speaker to be a member of the Government. His hon. friend (Mr. McCully) was mistaken when he said these were all Crown appointments; the Legislative Council of New Brunswick had the right to elect their President, and they exercised that right. We obtained that privilege, not by an appeal to the Imperial Parliament, but through an address, and the power was acceded to us by a despatch from the Colonial Office, but in this case the change could be made only by the Imperial Parliament amending our Act of Union, which it is not desirable to change so soon after its coming into operation.

**Hon. Mr. Locke** supported the resolution, and would oppose its withdrawal. The argument in favour of Nova Scotia's discontent with the actual state of things was strengthened by the introduction of such a resolution as this one. He had no fault to find with the present Speaker, who always treated him with the most gentlemanly urbanity, and the politeness which was characteristic of his countrymen; but it was with the exercise of this nominating power that he was dissatisfied,

and he thought this House should assert its own dignity and prerogatives, and take the election of its own Speaker in their own hands.

**Hon. Mr. Mitchell** regretted that the hon. mover had introduced this motion, and had followed it up by the speech which he made.

**Hon. Mr. Letellier de St. Just**—I had a bad example.

**Hon. Mr. Mitchell** did not know what his hon. friend meant by a bad example; he had not heard a word from him (Mr. Mitchell), as he had been wonderfully reticent upon the matter, but it was not because he did not feel any interest in the question. The House must not conceive, that because the Government have not thought it necessary to go into the matter at any length in answer to the charges brought against them in the appointment of the Speaker, either in the manner of the selection, or in the selection itself, that they are not able to justify their action to the House and country, but as the hon. mover had agreed to withdraw the resolution for the present, he would defer his reply to a future period, when he would be prepared to defend the action of the Government in this matter.

**Hon. Mr. Letellier de St. Just** would withdraw his resolution on the assurance given by the hon. members of the Government and of this House, that on some future occasion when there would be a larger attendance of the members in their seats, and more time, the discussion could be taken up and proceeded with until the sense of the House could be taken. He was determined to do so, as he felt strongly on the subject, and would do all in his power to have the evil redressed. He was not afraid of discussion on this or any other subject. On the contrary he courted it. He could not avoid saying before he sat down that he was convinced that three-fourths of the members of this House were dissatisfied with the appointment, and the way it was made, from the discussion we had before on this subject, but as he would bring up the matter again, he would say no more at present, but begged to withdraw the resolution.

The resolution was then withdrawn.

**Hon. Mr. Locke** enquired whether the Government have taken any action in filling the vacancy in the Senate caused by the death of the late Hon. Mr. Wier, and, if not, is it their intention to fill up said vacancy before the close of this Session?

**Hon. Mr. Kenny** said it was the intention of the Government to fill up that vacancy at as early a date as possible.

## SECOND REPORT OF THE JOINT COMMITTEE ON THE LIBRARY.

**Hon. Mr. Allan** then moved the adoption of the second Report of the Joint Library Committee. He complained of the various proposals made for managing the Parliamentary Library by the Librarian and his Assistants, who would be officers of this Branch of the Legislature, as well as of the Commons House.

**Hon. Mr. Steeves** asked if the proposed increase of \$400 a year to Mr. Todd as Librarian, and of \$300 to his Assistant Mr. Lajoie, and of \$150 to Mr. Lapierre yearly, was to be added over and above the present salaries?

**Hon. Mr. Allan** said, yes; and went on to defend the propriety and justice of the additional allowances to the present library staff.

**Hon. Mr. McCully** could not understand why this Joint Committee should make a separate report in which the action of the other House was not referred to at all. Now was the time when this Joint Committee of the Library have taken this subject up, that we should understand distinctly what our rights and relations to the library are. If the library was a joint library for the House of Commons and Senate, he could not understand how this House could give up any portion of its privileges of paying, or of assisting in the payment of the Librarian. According to the report Mr. Todd was Librarian for the House of Commons, and we to get his services must pay him \$400 as he is not our officer. He did not believe that was a right principle. He had no objection to an increase in Mr. Todd's salary, for he was a man well versed in constitutional history, and had published a work which was a great credit to himself as well as to Canada. He was a gentleman of high standing, and should be paid for his services, but at the same time he (Mr. McCully) was not prepared to admit that this House should not have a right to the patronage and the payment of half that gentleman's salary, and he should be equally at the command of members of the Senate as well as the House of Commons. He had been chairman of a Joint Committee appointed by the Legislature of Nova Scotia and that committee had prepared a joint report at each session, the Librarian there being appointed by the Government was Librarian for both Houses, and he was paid out of the revenues of the country according to the recommendation of that committee. It would be best to

have this matter settled upon a proper foundation, in order to know whether the members of this Senate have a right to go into the library and ask the services of the Librarian the same as members of the other Branch of the Legislature, whose officer this report declares him to be.

**Hon. Mr. Boisford** said he had suggested to the chairman of the Committee that it was desirable that the Joint Committee should meet and make a joint report in regard to this matter, and submit it for the approval of the Senate and House of Commons.

**Hon. Mr. Campbell** said he quite agreed with the members of the Committee that the services of Mr. Todd were of the most valuable character, and it was desirable that some additional consideration should be given him for information which he has given to the members of the Legislature, and for the additional duties which have been imposed upon

him. He would suggest that the matter had better be referred back again to the Committee, and let them determine upon a salary to be adopted conjointly by both Houses of Parliament.

**Hon. Mr. Allan**, after making a few remarks, said he had no objection to withdrawing the report, so that the suggestion of the Postmaster-General could be carried out.

The report was then withdrawn and referred to the Joint Committee for further consideration.

A message was brought from the House of Commons with a Bill intituled: An Act to confirm the amalgamation of the Commercial Bank of Canada, and the Merchants' Bank, and to amend and consolidate the Acts of incorporation of the said Banks," read a first time and ordered for Friday next.

The House then adjourned.

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## THE SENATE

Thursday, May 7, 1868.

The Speaker took the chair at three o'clock. After routine,

**Hon. Mr. Tessier** moved, seconded by **Hon. Mr. Bourinot**, 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 the reports made by John Page, Esq., Engineer of the Public Works Department, on the subject of the deepening of Lake St. Peter, in virtue of an order in Council, made about the 1st of July, 1862?

**Hon. Mr. Campbell** said his hon. friend would remember that he (Mr. Campbell) had said the other day that though reports had been made the Government had received no final report.

**Hon. Mr. Chapais** said the report required was not completed, though considerable progress had been made with it. The engineer in charge, from a professional sense of duty to the public service, and to his own reputation, wished time to verify the soundings which had been made last fall. Still it is possible new soundings might discover some changes after the winter season. Hence the hon. mover would see that it was impossible under the circumstances to bring down the report asked for just now, but he assured the House no time would be lost, as they felt its importance for the shipping of the country.

**Hon. Mr. Tessier** regretted that the required information could not be furnished until after this Session, as the public are anxious to hear what progress has been made with this work.

The motion was then carried.

## IMMIGRATION—ADDRESS.

**Hon. Mr. Ryan** moved, seconded by **Hon. Mr. Ross**, 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 which has taken place from the 1st of January last, to the present date, between the Hon. the Minister of Agriculture and the Immigrant Agents at Hamilton, Toronto, Kingston, Ottawa, Montreal, Sherbrooke, Quebec, St. John, N.B., Halifax, and any port or ports in Europe, having reference to the probable extent and character of the

immigration of 1868, as well as to the arrangements made and means provided or to be provided in aid and encouragement of such immigration.

**Hon. Mr. Ryan** said the subject of immigration was one which had always occupied a great deal of attention, not alone of the Legislature but of the country generally, and as this question was subject to new regulations, we should know how immigration to this country is affected by those regulations, and by the new system under which the Government of the country is administered. As he wished the House to obtain the fullest information in regard to immigration, and how it is to be fostered in this country, he would add to the resolution just read: "Also copies of any correspondence which has taken place between the Government of the Dominion and any of the Local Governments upon the same subject." He had mentioned the other day that the great attraction to induce immigrants to settle in the country, was that of having land to give them. The Dominion Government having no land, can make them no grants of land, that being in the possession of the Local Governments. Therefore it was important for us to know what steps the Dominion Government have taken in this matter, and to know whether the Local Governments are willing to co-operate with them in order to settle the country. He would suggest that as soon as the arrangements are completed for building the Intercolonial Railway—and we all presume that it will be built very shortly—inducements should be held out to immigrants to induce them to settle along that line. There is very good land along that line of railway, which will be at the disposal of the Local Governments, and they should make a provision that those who work for a certain term to the satisfaction of their employers, should be allowed to settle upon those lands upon very easy terms, in order to encourage immigration to the country. His object in making this motion was to learn whether any arrangements had been made with the Local Governments in regard to inducements being held out to promote immigration, and also to induce those who come from Europe, to remain and settle in Canada, instead of passing through to the United States. A great deal of the money granted in past years for the encouragement of immigration, had been unprofitably laid out in Quebec and other ports, instead of being distributed in such a way as would induce immigrants to settle in the country.

**Hon. Mr. Chapais**—The Government would grant the required correspondence most willingly, as the subject was one in which the whole country takes a deep interest. The Government wished to encourage a good class of immigrants to this country, and also to the Maritime Provinces. But the abuse by agents at the ports of Europe of the name of the Canadian Government was much to be deplored—poor immigrants would land at the port of Quebec with letters on them from agents telling them that the Government would send them on to their destination free of expense, thus deceiving these poor people, and in many instances inflicting great hardships on them. This evil should be guarded against in future as much as possible. The number of immigrants landing on our shores last season was greater by 7,000 than the previous year. But as the great bulk of them only passed through the country to join their friends in the west, this country derived little or no benefit from them. Wages were good in Canada, and all the necessaries of life much cheaper than in the United States; but there the public works always going on induced the flood of European immigration to run to that country. We here should use all our energies and exertions to attract foreign immigration and to prevent the emigration of *les enfants du sol*, who are daily leaving this country in crowds to find employment elsewhere. The Local Governments should bestir themselves also, and see to encourage the establishment of manufacture and the opening and development of the industrial resources of this great country. Grants of land along the line of the proposed Intercolonial railroad will tend much to attract population when these works commence this season. This Government will do all in its power to forward the object of immigration and settlement of our vast expanse of country, but much more onerous obligations rest with the Local Governments, who are the proper parties to carry out the proposed facilities for settling the public *domaine* of this Canada.

**Hon. Mr. Macpherson** said it was very true that their efforts to induce immigration had failed, but he thought those efforts were not well directed as they consisted mainly of an establishment at Quebec, and most of the immigrants who arrived there went on to the United States. In his opinion, the money spent upon that and similar establishments, and for paying the passage of immigrants, was not wisely spent. Instead of devoting this money to that purpose, they should have given those

immigrants lands to settle upon, and then we would have had a large immigration which would have added largely to the population of the country. While we set a high price upon our lands, and were making no efforts in Europe to get immigrants to come to our shores, the United States by national agents, and agents sent out by private enterprise, were making prodigious efforts for this purpose, and they were successful.

**Hon. Mr. Chapais** said that free lands were given to the settler, and work on the roads in Canada.

**Hon. Mr. Macpherson** said that was quite true, but those lands were of inferior quality, being in a rocky part of the country where the land was not suitable for agricultural purposes. The immigrant would not reside upon such land when he could get 150 acres of prairie land in the United States free. There was nothing attractive in the land given to the settler in Canada, and so soon as the road was constructed his wages ceased, and he left for the United States. That is not the policy which should be pursued by the Government; they should open up roads through the best lands of the country to induce immigrants to settle on them. Some years ago he (Mr. Macpherson) was on the continent of Europe, and he took some pains to look into the manner in which emigration was conducted there. He found at all the leading ports both consuls and shipping agents very busy in inducing men to emigrate to the United States. Numerous placards were posted up, offering free lands in the most attractive part of the United States to those who would emigrate, and the consuls were acting as emigration agents, as all should do. It was a great mistake made by this country in not having qualified emigration agents in Europe; if we had sent such agents there as were sent by the United States, the Minister of Immigration would not have had to make the mortifying statement which he has had to make to-day. The tide of immigration is now setting strongly towards the Western States, and it would be very difficult to change it. He agreed with the Minister of Agriculture, that they ought not to contribute largely, or at all, to pay the passage of people out of the country, for it would be far better to pay their passage into the country on condition of their remaining here. The Dominion Government had very little power to attract immigrants into the country since the management of the public land has passed into the hands of the Local Governments. All they can do now is to co-operate with the Local Governments in this

matter, and this they should do. He expressed his regret that the Minister of Agriculture had not seen fit to put himself into communication with those Governments and induce them to offer attractions to immigrants. If he had done so those Local Legislatures might have passed more liberal measures which would have brought immigrants into the country. We should do all we can to show that there is a real value in our wooded lands—that we have a salubrious climate—and that for the immigrant after the lapse of a reasonable time, it is a more desirable country than that which at first sight appears more attractive. If these advantages were put before the immigrants who arrive in this country, and they were informed that our taxation was so much lighter than the taxation in the United States, it might induce a great many of them to settle in this country.

**Hon. Mr. Skead** said it was to be regretted that so many people had emigrated from Canada to the United States, and he believed this was caused by the high rate of wages which were given, and the extensive public works which were carried on there. He was happy to inform the House that a reaction had taken place, and thousands of those young men who had gone to the United States, have been coming back for the past three months faster than they went away. He thought the Government, instead of delaying the construction of the Intercolonial Railway, should commence it as soon as possible, in order to give employment to the people and induce immigrants to settle in the country. It was the employment given in constructing this Canal to Kingston that settled this section of the country, and the same results would attend the construction of public works in other sections of the country. He then referred to the advantages to be derived from opening up the far west in regard to fostering trade, settling the country and developing its resources. He said they had extensive prairie lands, but he thought a mistake had been made by the framers of the Confederation Act in putting those lands in the hands of the Local Governments. He thought the Government should use their best efforts to induce agricultural labourers to settle in the country, as they were wanted more than mechanics, who would find their own way here. He said the wages of an agricultural labourer would average five pounds a month, or fifty pounds a year and found, yet notwithstanding the high rate of wages immigrants are induced by United States agents at Quebec to go on to that country. They sent these immigrants to the far

west at our expense, and then took them across to the United States. We should do all we can to keep them in this country, and constant public works to give them employment. After working a few years they will become settlers and if we give them land for nothing it will be the best investment the Government can make in the country.

**Hon. Mr. Wilmot** said it was beyond anything he knew in his experience for farm labourers to get £50 a year and found, as had been said by his hon. friend. He thought farmers who paid that sum must manage their affairs with a great deal of economy if they could keep out of debt. It unfortunately happened that our mechanics in New Brunswick were going to the United States in order to get better wages. What the Hon. Minister of Agriculture had said was certainly true, that we had better try to keep our young men in the country before we try to get them from abroad. He doubted whether it was for the interest of this country to expend a large amount of borrowed money to carry on unproductive public works. So far as his experience in New Brunswick went they did not get the workmen on railways to settle the country. They had constructed a railway upwards of one hundred miles in length, but they scarcely got one of those labourers to settle along the line. The construction of public works would cause a very large permanent debt on which we would have to pay a large amount of interest, therefore they should exercise some caution in running the country in debt in order to induce immigration to the country.

**Hon. Mr. Bureau** said that one of the great reasons for the tide of immigration setting in for the United States was the fact that they had always a number of public works on hand, and even the excitement consequent on the late war attracted immigrants to their shores. We should take advantage of our proposed public works, and encourage settlers to commence on our wild lands along the lines of these works. Also every facility should be given for manufacturing in a climate like ours, when agricultural operations were suspended about half of the year. Consequently people were unable to earn their livelihood at outdoor employment. We should turn our attention also to the opening up of new markets for our manufactories. It was lamentable to see the exodus of the youth of Canada leaving daily in droves for the States. Many of the immigrants arriving in this

country were unsuited for the branch of labour on which they entered, and then failed and got discouraged themselves and disheartened others. In the agricultural pursuits the long, severe winter here made a change in the system of farming necessary, and before they became acquainted with the country and its climate they wished to go farther west, and start anew in the neighbouring Republic. He hoped the Government would devote their best energies to retaining the population we have got in the country, and hold out inducements to the best class of immigrants to settle amongst us.

**Hon. Mr. Reesor** thought the whole system of immigration as conducted for a number of years by the Bureau of Agriculture, in connection with the old Canadian Government, was wrong. They should not have taken the matter in hand, as they could not possibly so well understand it, as people who were interested in bringing immigrants into the country. They could not expend money in bringing immigrants in, as well as individuals could, but they having taken the matter up everything was left under their management. The result has been that in many instances parties were induced to come to the country, and after their arrival they could not find employment. The effect of this was worse than if they had never been induced to come out at all, because they used all their influence to prevent their friends coming to this country. Those parties remained out of employment for a time here, and then went to the United States, and in writing home to their friends they would naturally write everything that was discouraging in regard to Canada, and everything in favour of the United States. Those lands which were given to settlers were totally unfit for settlement, or for a man to make a living upon. They were situated one hundred miles from a market, and two thirds of the land was so stony that it was unfit for cultivation in the ordinary way. Immigration should follow its natural channels, and if it is connected with the affairs of the country as it ought to be, and proper encouragement given to agriculture, manufactories, and to the trade of the country, we would find immigration flowing in as rapidly as we would find employment, or a good field for them to invest their capital or labour. That would be better than to spend \$50,000 a year to encourage immigrants to come into the country. The Minister of Agriculture says this year the estimate for that purpose is only \$36,000, but he (Mr. Reesor) thought it was like throwing so

much money away. If there was any money to be spent, let it be spent by the Local Governments, who can more directly control the work, and point out the best way this capital can be invested. Even then very little money need be expended, if proper inducements are held out for the settlement of lands and proper encouragement given to manufactories. There were some unnecessary changes made in the tariff this present Session, which must have the effect of inducing some who have been employed in this country to seek employment elsewhere. He had seen several letters this present week from parties who said they would have to close their woollen manufactories in consequence of the duty which was placed upon fine wool. Our farmers find it more profitable to produce long wool, which is greatly in demand for manufacturing purposes in the United States. While the American farmer does not produce the kind of crops that would produce this long wool, he cultivates the kind of crops that will maintain fine wool, therefore placing a duty upon it, prevents its being manufactured in this country. We cannot have a large population unless we have something for our people to do, for it would be far better to do without them than not to have labor for them. It is only so fast as we can have railroads opened up into the interior of the country, and manufactories to afford employment, that we need desire their immigrants to come into the country. He certainly thought that the expenditure of this money to induce immigrants to come in was a waste of it, particularly as those who had the management of it did not understand what class of immigrants we require. We do not find the United States Government voting an immense sum of money yearly to draw immigrants to that country. They simply manage their affairs to encourage productive industry, whether in manufactories, railways, canals, or the cultivation of the soil, and this furnishes an inducement for people of other countries to settle amongst them.

**Hon. Mr. Ferrier** hoped the Government would soon see their way to commence operations on the different public works of the Dominion, and that they would give free grants of land along the line of the Intercolonial Railway, which would necessarily attract a large class of the best description of immigrants into the country. Our Government should take measures to prevent so many young French Canadians, of great promise and usefulness, leaving the Province of Quebec daily, as we now see on all the public

outlets of the country, and settling down in the United States. These young men can work well on railroads, or on new lands. The projected railroad works and the fortifications should be put under contract at once, and stem this tide of emigration to the States, and encourage and promote immigration from the countries of Europe to our shores. There was no time to lose, as the evil was gaining ground rapidly. When we once lose this class of settlers we can never again induce them to return—hence the urgency of some immediate active measures being adopted to remedy this deplorable state of affairs.

**Hon. Mr. Wark** said, as a great part of the Intercolonial railway would be built through New Brunswick, he would state that their Local Legislature had passed a bill authorizing the Government to grant land to settlers for one shilling an acre. No one could ask for land cheaper than to get one hundred acres for \$20.

**Hon. Mr. McCully** said his hon. friend (Mr. Ferrier) spoke as if the Intercolonial railway was not to be under contract at all, but that the policy of the Government was to have this road built by day work. He (Mr. McCully) had never understood that that was the intention of the Government; if it was it would create a very great sensation.

**Hon. Mr. Campbell**—No, it is not the intention.

**Hon. Mr. McCully** remarked his hon. friend had said "the Government were going to build the road under Commissioners," and also remarked, that heretofore large contracts had been let, as though it was not the intention to let the present road by contract. He (Mr. McCully) knew of a very wealthy company from New York, who were waiting to make their tenders for contracts on that line.

**Hon. Mr. Ferrier** said he did not intimate that the road would not be built by contract, but he spoke of each of the four or five Commissioners taking a separate portion of the road to superintend, and this is what they should do.

**Hon. Mr. Simpson** would like to get information from some of the hon. members, where this valuable Government land was to be found. When he was young he had tried for several years to find a good tract of land to settle upon, and when at last he did purchase a tract, he found he had a hard bargain, for it was all rock. His hon. friend had spoken of

there being good land in the region of Lake Huron, but he went up to the head of Lake Huron last year and remained there a week, but he did not see this good land, and he would like to be put in possession of information as to where it was. He had there met Indians from the Red River settlement, and from all the information he could get, he could not find a spot yet where he could recommend a son of his, or even a servant, to go and make a home. He had been trying for several years to find a suitable place where immigrants could be asked to go and settle, but he had been unsuccessful. He had been in localities where companies owned whole townships, where the settlers had left, because they could not live there, the soil not being anything but rock. We have very fine lands in Upper Canada; we have the Western Peninsula which contains very valuable land, but it is all taken up, and you will now have to pay speculators \$15 per acre for land that cost them only \$1.50 per acre. Our farmers were leaving Canada and going to the West because no encouragement is given to the industrial resources of the country, and while we encourage one immigrant to come in we allow ten of our intelligent young men to leave and find a home in the United States.

**Hon. Mr. Skead** remarked that his hon. friend had told them that he had been to the head of Lake Superior to look for good land. He (Mr. Skead) would recommend him when looking for good land not to follow the lake shores, but to go back in the interior of the country. He then went on to mention tracts of land which were of superior quality to any land in the United States.

The motion was then adopted.

A message was received from the House of Commons with a Bill intituled: "An Act to amend an Act respecting the Statutes of Canada." Read a first time, and second reading ordered for to-morrow.

**Hon. Mr. Benson** wished to call the attention of the House to a report of the dredging of the old channel through Lake St. Clair by the American Government, and proposed to ask to-morrow whether the Dominion Government had taken, or intended to take, any measures to secure the use of that channel for Canadian vessels.

#### **SUBSTITUTION OF DOMINION NOTES FOR BANK NOTES**

**Hon. Mr. Campbell** moved the second reading of the Bill to enable Banks in any part of



Canada to use notes of the Dominion, instead of using their own.

**Hon. Mr. Macpherson** said the object of the bill appeared to be two-fold, first to arrange with the banks to surrender their power to issue notes, and secondly to provide for the circulation of Dominion notes throughout the Dominion. Under the present system part of the circulation of the country is in Dominion notes, and part in notes of the banks. It is impossible for this two-fold system to continue, and the Government must either adopt this Dominion bank note system, or retrace their steps and leave the entire circulation of the country to the banks. He (Mr. Macpherson) hoped the latter course would be their policy, but he feared from their introducing this bill that it was not. He would infer that it was the desire of the Government to introduce the Dominion note system, until it absorbed the entire circulation of the country. The interests of the country forbid the introduction of a system which authorizes the Government to issue notes and redeem them on presentation. He believed the system was unsuited to the requirements of the country, and it was undesirable and unwise to place the whole banking system of the country in the hands of the Government, as it would lead to unfortunate results. He felt as strongly as any one could do that it was the duty of the Government to provide a secure currency, but he thought that might be done without taking the circulation into its own hands. If the Government undertook the issue and redemption of the currency, it would be uniting the finances and politics of the country, which he thought would be very objectionable, and would, he feared, lead to disaster. It would be a system of centralization, opposed to the habits and opinions of the country, destroying that individual enterprise and resource so valuable, in guarding against danger. It would cause all to lean upon the Government in time of panic, when it would be made to appear that the easy and only remedy would be a suspension of specie payments. Political influence would be brought to bear, which he feared the Government would not be able to resist. Its position would make it only too ready to issue the proclamation of suspension—for it must be understood, that the difficulties of the Government might be very great in providing specie, to redeem the Dominion notes. It is quite time that this bill provides for debentures being held by the Receiver-General for an amount equal to the Dominion notes in circulation for the purpose of being

sold to provide specie, but he (Mr. M.) need not tell the House that in times of panic Government securities, like all other securities, become depreciated, and unsaleable. This was true even of British Consols. Another objection to a Government Bank was the absence of that power of expansion, which was so indispensable in carrying on the trade of this country, and particularly that of Ontario. To prove this, he would read statements which he had had prepared of the circulation. He would begin with that of 1865, the last year before the issue of Provincial notes. For the first eight months of that year the circulation varied very little. It ranged from \$8,761,239 to \$8,066,202. In August it stood at \$8,445,068. In September it increased to \$11,347,890, an increase of very nearly \$3,000,000. In October it ran up to \$14,158,313, a further increase of nearly \$3,000,000. It then began to decline, and in November fell to \$13,338,598, and in December to \$12,128,772. He would now read an estimate for the same year, of the circulation of Ontario and Quebec separately. In preparing this, he assumed that two-thirds of the circulation of the Bank of Montreal and the Bank of British North America, was in the Province of Ontario. With respect to other banks he assumed that their circulation was all in the Province where their head offices were situated, although he knew this was not strictly correct, for he was aware that a large proportion of the notes of the City Bank of Montreal, and the Quebec Bank circulated in Ontario, and he also believed a larger proportion of the circulation of the Banks of Montreal and British North America, than he had assumed. He was persuaded that in his estimate he had largely understated the circulation of Ontario, but it could not be ascertained precisely, and he preferred to err on that side. According to that estimate the circulation in the Province of Quebec from January to August, inclusive, varied from two millions and a third to a little exceeding two millions and a-half. In September it increased to \$3,642,760. In November it fell to \$3,365,260, and in December to \$3,097,221. In the Province of Ontario for the first eight months of that year the circulation varied from five millions and three quarters to six millions and a quarter, standing on the 31st of August at \$6,074,692. In the following month, September, it increased to \$8,341,822, being an increase of nearly two millions and a third. In October it increased to \$10,515,553, being a further increase of upwards of two millions, an increase of nearly four millions and a half during the two months when the

chief portion of the harvest of Ontario is being removed to market. In November it declined to \$9,973,338, and in December to \$9,031,551. He would leave hon. gentlemen to imagine what the consequences would have been in Ontario had our system of currency not admitted of expansion. He would now read a statement of the circulation of last year, 1867, after provincial notes had very nearly taken the place of the circulation of the Bank of Montreal. In this year the circulation was lower during the months in which expansion usually took place, than in 1865.

**Hon. Mr. Ryan**—What amount?

**Hon. Mr. Macpherson**—It was larger in the early months of the year. In January it was \$13,148,478; in February, \$13,298,958; in March, \$12,813,694; in April, \$12,254,924; in May, June, July, and August, about \$11,500,000; in September, \$12,357,663; in October, \$13,678,762; then a decline in November to \$12,620,023, and in December to \$12,087,515. At no time did it reach the circulation of October 1865, when it exceeded \$14,000,000. This was, no doubt, due to the crisis that followed the suspension of the Commercial Bank; and he believed that hon. gentlemen from Ontario would agree with him that the contraction of the currency, that then took place, bore very heavily and prejudicially upon the interests of that Province. He had prepared, and held in his hand, an estimate for 1867, of the circulation of Ontario and Quebec separately—made in the same manner as the similar estimate for 1865; and assuming that Provincial Notes payable at Montreal, were circulating in Ontario, and that those payable at Toronto were circulating in the Province of Quebec, but he would not trouble the House by reading the details. It had varied less than in 1865 ranging in the Province of Quebec from about \$3,000,000 to \$3,600,000, and in the Province of Ontario from a little over \$8,000,000 to about \$10,250,000. (Some conversation here took place between the **Hon. Mr. Macpherson** and the **Hon. Mr. Ryan**, which was inaudible in the gallery.) The **Hon. Mr. Macpherson** then went on to say that the cost of money would be increased by the withdrawal of the circulation of the banks, that in the past the people of Canada had on the whole obtained money at a cheap rate. The profits of the banks had been

moderate, perhaps under 7 per cent. on the average. A large proportion of that profit was obtained from circulation; and if that source were dried up it would have to come out of the borrower direct. In this country, and he supposed in all countries the great majority of the people are borrowers, and are interested in seeing that the price of money is not needlessly enhanced. The lender will take care that he is remunerated in one way or other. He (Mr. Macpherson) would now call the attention of the House to the inducements offered to banks to come under the operation of this bill. They are offered at the rate of 5 per cent. per annum upon their circulation as it stood on 30th April, 1866, from the time they may come in, until the expiration of their charters in 1870. It was well known that the circulation of some of the banks had materially decreased, especially in the Province of Quebec. In the Province of Ontario, the circulation of all the banks, except two, had increased. It was known to the House, that by their charters the banks were required to hold 10 per cent of their capital in public securities. By coming under this Act they would be relieved of this burden, and entitled to receive Dominion notes for the amount of the securities they so held. The hon. gentleman then said that as the hour of adjournment was so near, he would not detain the House any longer, but might have something more to say when the bill was under consideration in Committee of the Whole, when he would move that the clause and schedule of which he now gave notice be added to this bill.

The following is the clause and schedule referred to, viz.:—

Instead of the statement of its liabilities and assets, which any bank is now required by its charter, or by law to make up, the statements specified and defined in the schedule to this Act are hereby substituted, and every such bank now by law required to make such statement, shall in place and instead thereof, cause to be made up to the last day of each month, in every year, not being a Sunday or holiday, and to be published in the *Canada Gazette*, a statement of the liabilities and assets of such Bank, in the form and containing the particulars shewn in the schedule of this Act, and such statement shall be verified by the declaration of some one of the Directors, or by the cashier or some like officer of the bank, having a knowledge of the truth of the contents of such statement.

**BANK RETURN.—RETURN TO BE MADE TO GOVERNMENT.**

*Capital Authorized, \$—Capital Subscribed,  
\$—Capital paid up, \$—*

*Liabilities*

1. Circulation.
2. Government deposits, payable on demand.
3. Other deposits, payable on demand.
4. Government deposits, payable after notice.
5. Other deposits, payable after notice.
6. Due to other banks in Canada.
7. Due to other banks in Canada.

*Assets*

1. Specie.
2. Provincial notes.
3. Notes of other banks.
4. Balances due from other banks in Canada.
5. Balances due from other banks not in Canada.
6. Government debentures or stock.
7. Notes and bills discounted for individuals, and current.
8. Notes and bills discounted for individuals, and overdue.
9. Loans and advances on current account, or discounts to the Government.
10. Loans, discounts or advances on current account to Corporations.
11. Loans, discounts or advances on current account to directors, or firms of which directors are members.
12. Overdue debts secured by mortgage or other deed of real estate.
13. Real estate, the property of the bank, other than bank premises.
14. Bank premises.

With columns indicating the proportions of liabilities and assets in the respective Provinces.

**Hon. Mr. Campbell** said, as it was near their time for adjourning, they had better have the bill read a second time and resume the discussion, when they went into Committee on the bill.

**Hon. Mr. Reesor** remarked that if they passed the second reading of the bill, they affirmed the principle; it would be better to postpone the debate.

**Hon. Mr. Campbell** said they could discuss the Bill just as fairly in Committee, if it was understood that we were not now committed to the principle of the bill.

**Hon. Mr. Reesor** thought they either ought to sanction the principle of the bill now, or discuss it with the Speaker in the Chair.

**Hon. Mr. Wilmot** thought it was much better to discuss it in Committee.

**Hon. Mr. Bureau** said as the bill involved a matter of very great importance, it should be discussed with the Speaker in the Chair.

**Hon. Mr. Campbell** remarked that it could be discussed with the Speaker in the Chair, upon the motion to go into Committee.

**Hon. Mr. Bureau** thought they should deal with questions of such importance in the ordinary course.

**Hon. Mr. McCully** said if there was any intention to move that the bill be postponed for three months, it should be discussed with the Speaker in the Chair.

**Hon. Mr. Sanborn** said the bill was deserving of much consideration before it was read a second time. The speeches made when the Speaker was in the Chair, would be more at length, more formal, and more instructive, than if the House was in Committee, because then the House would get more disorganized, and the debates would be more of a conversational character.

**Hon. Mr. Campbell** said that in deference to the views of hon. members he would now move that the debate be adjourned, and stand for the first order of the day tomorrow.

The motion was then adopted.

The Bill intituled "An Act constituting the Department of Inland Revenue," was then read a second time, and ordered to be committed to a Committee of the whole House tomorrow.

The following Bills were received by message from the House of Commons, and read a first time:

"An Act respecting the Geological Survey of Canada."

"An Act to impose a duty on foreign reprints of British copyright works."

The House then adjourned.

## THE SENATE

Friday, May 8, 1868.

The Speaker took the chair at three o'clock.

After routine,

### DOMINION NOTES—RESUMED DEBATE.

**Hon. Mr. Campbell** would say a few words in reply to the remarks which had been so ably made by the hon. member who took objection to the second reading of the bill. He did not know that he was right in saying his hon. friend took objection to the second reading, but he desired to lay before the House views which differed from those to which the bill gave expression. The arguments which he used may have a great effect upon the minds of many of the hon. members, but he (Mr. Campbell) thought that his hon. friend appeared to confine his attention not so much to what was for the interest of the public, or for the interest to the bill-holders, but to the stand point upon which bankers look upon the proposition. The bill was not of a compulsory nature for it did not make it imperative upon bankers to give up their circulation, and take notes of the Dominion, but it only gives them permission to do so. He apprehended great confidence would be felt in this Dominion currency by the public, and though it might not meet the views of some bankers it would meet the views of others. It will afford great safety to the public, which will more than counterbalance any inconvenience which might be supposed by some to result from its operation. It gives the banks of Nova Scotia and New Brunswick an opportunity of availing themselves of the same privileges which have been given to Canada proper, and of which one bank in Canada has availed itself. The objection made by his hon. friend (Mr. Macpherson) to the fact that there are two distinct kinds of bills in circulation, was almost answered by another part of his argument. He objected to having the whole circulation of the country in the shape of Government notes, and when he (Mr. Campbell) said there was strength in union, he replied, "Perhaps not; it was better to have several arrows in the quiver, as one perhaps would be sure if the others failed." The very same view would induce one to believe there was safety in having several kinds of circulation. The Government circulation was certainly safe, and his hon. friend was satisfied the circulation of the banks was safe. His hon. friend

intimated that when the bill went into Committee of the Whole, he would move that certain changes should be made in the form of return which banks are required to give. He would not now discuss that matter, as he would have an opportunity of doing it more fully when the bill went before the Committee. He would deprecate any change being made. He said the House knew that the charters of all the banks expired in 1870, and that legislation to affect the whole Dominion must take place upon that subject during the next Session of Parliament. A series of questions have been framed, and sent not only to bankers, but to others engaged in trade, having for their object to elicit the fullest possible information in connection with banking, in order that the Government and Legislature may be in a position to deal with this subject, which required great care and delicacy, and for which the House and country naturally hold the Government responsible. When we know that legislation of this kind is pending to affect the whole Dominion, and which measure is to be introduced upon the responsibility of the Government, having for its precursor the investigation that is now going on, would it be desirable or proper at the suggestion of a private member, that a change should be made in the character of the returns, which cannot possibly affect banks for more than a few months, and might affect some of them very injuriously during that time. Therefore, he trusted that his hon. friend (Mr. Macpherson), for whose knowledge he had the highest esteem, would not press the suggestion of which he had given notice, to adopt another form of returns for the form now in use. He hoped he would allow the bill to be read without further pressing his objections to it, as the Legislature would soon have to deal with the subject in all its parts, including the form of returns to be made by the banks.

**Hon. Mr. Bureau** (in French) said the subject of banking is one that interests very particularly the Dominion of Canada, and there is no subject that merits a greater degree of attention, particularly on the eve of the date when their charters expire in 1870. The failure of two of the old banks has awakened the public attention, and we naturally enquire if the present system affords sufficient guarantees for the public generally. What is the system prevailing in this Dominion? In 1850 we introduced a new system—it was the free banking system. The Government, through

the Inspector-General, granted to certain individuals who complied with the Act 13, 14 Vict., Chap. 21, notes—paper money—for circulation to an amount equal in value to the bonds or debentures purchased from the Government, which became the principal guarantee for the redemption of this paper money in gold, in case that the holders demanded it. This Act was subsequently amended in 1851 and 1856; these notes could not be offered as legal tenders, which was the reason the free banking system did not succeed as the Government of the day expected. The ancient system that prevailed throughout the Dominion of Canada, is based on the following principles:—Each bank has the right to issue paper money, redeemable at the office where they are issued, in the following proportions:—

- 1st. To the amount of paid up capital.
- 2nd. To the amount of gold on hand.
- 3rd. To the amount of value of Government bonds.

The directors and stockholders of these banks were responsible as follows:—The Directors are jointly and severally responsible for breach of trust or bad management towards the creditors and stockholders. The stockholders are only responsible for double the number of shares held in the bank. The banks in general were bound to buy Government securities for 1-10th of the paid up capital. The success of this system cannot be denied, and thanks to the wisdom and good administration of our moneyed institutions, it has almost without exception succeeded perfectly. The Government has commenced a new principle, the issue of paper money, granted by the Dominion of Canada, and this paper money, notwithstanding that it is redeemable in gold on demand, can be offered as a legal tender for payment of all debts contracted in the country. This is a step in the right direction, and a principle which will generally give the best possible guarantee. It is to be desired that a uniform system would be adopted which would be calculated to answer all public and private interests. When the State grants the right which exclusively belongs to it, that of issuing money, to establish conventional value for the convenience of commercial exchange, it is only just and reasonable that the State would grant such privileges only on the best guarantees. And the State ought, as a principle resulting from such a transfer of its rights, guarantee the public, and hold themselves responsible for the redemption of this currency for commercial ex-

change, such as the paper money thrown on the market by parties invested with such powers. What then is the system which would best attain this end? Undoubtedly that which prevails in the Great Republic of the United States, and adopted on the 3rd of June 1864, that is to say, the Act intituled, "An Act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof." By this Act the capital of the circulation is limited to \$300,000,000, the circulation of the paper money of these banks had reached in 1863 \$403,357,346. This paper money is received in payment of all debts, except for customs duties on importations, and in redemption of the national currency. The State guarantees these notes and bears on their face this guarantee, moreover the Banking Association who bind themselves besides to redeem these notes in gold if required. All is administered by one "comptroller of the currency under the direction of the Secretary and Treasurer." He is appointed by the President as are all the other important nominations. His salary is \$5,000 and his deputy \$2,500. This "Comptroller," should only issue 90 per cent of these State bonds, bearing at least 5 per cent, and if these bonds become depreciated in value the Comptroller ought to exact other securities not depreciated, or the difference in other bonds. It is to be regretted that in the Bill now under consideration the distribution and examination of these Provincial notes are not placed under the direction and immediate responsibility of a Public Department of the Dominion of Canada. There are thirteen Departments for our small population, which are more than we require. Then why create a useless and expensive patronage in naming useless Commissioners—three for the Province of Quebec, two for Nova Scotia and New Brunswick. The system which prevails in the United States, is preferable for uniformity and for good administrative facilities. There is only one point to consider, is it in the public interest to limit the rate of interest when the Government will come down with a general measure? Yes; in the United States the Act of Congress already cited fixed the rate of interest at 7 per cent, when it is not already fixed in the State of the Confederation (for each State has the right to regulate the rate of interest.) The following is the rate of interest in the different States: 6 per cent. in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South

Carolina, Arkansas, Florida, Illinois, Iowa, Kentucky, Mississippi, Missouri, Ohio, and Tennessee; in New York, Georgia, Michigan and Wisconsin, 7 per cent.; in Alabama and Texas, 8 per cent.; and in California, 10 per cent. On railway bonds and special contracts, some variations are made from these rates in some of the States. It is true that in England the rate of interest is free, and that country can be cited as an example to follow, but since when? The rate of interest had fluctuated frequently when in 1837 and 1839 the power was granted with certain restrictions, again in 1854, only all these restrictions were abolished; but can our position admit of comparison with a kingdom which has acquired for ages the highest degree of riches and national prosperity? In France after having abolished all the restrictions on money loans, it has been again deemed wise in the interest of society to fix the *maximum* rate of interest. In England, up to the present, there is no reason to complain of this power, for the immense capital of the English people is a guarantee that the rate of interest will be always reasonable, by reason of the supply that there will be in the money market. We have the proof in examining the discount charged by the Bank of England from 1st January 1844, to 1864: In 1844, the rate of interest was 4 per cent. for 249 days, and  $2\frac{1}{2}$ , for 406 days in 1845; in 1845 from 3 to  $3\frac{1}{2}$ , 1846, 3, 1847 (financial crisis) from  $3\frac{1}{2}$  to 8; at this last rate 28 days, at 5, 119 days, etc.; in 1848 from 3 to 4; in 1849  $2\frac{1}{2}$  399 days, 1852 from 2 to  $2\frac{1}{2}$ , 1853 from  $2\frac{1}{2}$  to 5, 1854 5 to  $5\frac{1}{2}$ , 1855 from  $3\frac{1}{2}$  to 5, 1856 from 5 to 6, 1857 (another crisis) from 6 to 10,—10, 45 days, 8, 31 days,—1858  $3\frac{1}{2}$  to 6, 1858 from  $3\frac{1}{2}$  to 6, 1859 from  $2\frac{1}{2}$  to  $4\frac{1}{2}$ , 1860 from 3 to 6, 1861 from 3 to  $7\frac{1}{2}$ , 1862 from  $2\frac{1}{2}$  to 3, 1863 from 3 to  $7\frac{1}{2}$ , 1864 from 6 to 9. England is at this day making the experiment of a new system, and if it does succeed, it will certainly be there where capital abounds. In Canada, on the contrary, we have not the necessary capital for developing the immense national riches which we possess, and prosecuting the different branches of industry, and in a country where capital is so limited, the loans of money must be limited also. It is to be hoped that the Government will be ready to offer a measure as soon as possible, relative to our financial institutions, based on the best guarantees. It is of the greatest importance that on a measure such as this we make our views and opinions known, as well as through the press, He finished a long, able speech by saying he would support

the present Bill, as it gives to the paper money that guarantee which the public has a right to expect from the Government of this country.

**Hon. Mr. Chapais** said in answer to the remarks of the hon. member who last addressed the House (Mr. Bureau) that this very day the Government would give notice of resolutions in the other House, to fix the legal rate of interest. Our own legal tender notes resembled very nearly the American system of currency, and he agreed with other hon. members that the currency of the United States was in many, if not every, respect, the best suited to the wants of this country. The Government were considering a general system of banking, and would be prepared to bring it forward next Session, and he would assure the hon. members that the guarantees for the security of the public would occupy the best attention of the Government, as one of the most important and desirable provisions that could be introduced into such a measure.

**Hon. Mr. Wilmot**, referring to a statement he made when the Currency Bill was before the House a few days since, in speaking of the course of trade, and inadvertently said, that when the rate of exchange was below  $9\frac{1}{2}$  per cent, at which the sovereign by law was fixed, that gold left the country: the reverse was the fact. He intended to have said, that when the premium on bills was above that rate, sufficiently high to pay the charges and a commission, gold was exported from the country, causing the banks to restrict their discounts, and withdraw their circulation, rendering money scarce, and throwing labor out of employment, which created wealth. In regard to the bill now before the House he had much pleasure in supporting it, as he considered it a movement in the right direction, and he believed it would have a beneficial effect if carried out on the trade of the whole Dominion. Hitherto he had to regret, that the measures relating to trade, &c., brought in by the Government, had not met his approval, and what was of much more importance for the well working of the Union, had not met the approval of the great majority of the people of the Province from which he came. He considered that the issue of Government legal tender notes would give security to the public, and at the same time the banks would be indemnified by receiving interest upon their issue at the rate of five per cent, besides a commission of one per cent annually in

managing them. This subject of banking and currency had long engaged the attention of the Parliament of Great Britain. He (Mr. Wilmot) happened to be in England in 1856, when Hon. Mr. Watkin brought forward a motion asking for a commission to investigate the causes of the panic which had just occurred, and the Government promised to take the matter into consideration and investigate it. We see also in the United States an extraordinary revolution of their whole system of currency and finance. It is a question more important in his opinion than any other which can be brought before this Parliament. He knew it was a dry subject to talk about, although the question of economy was one which entered into the consideration of every family, and affected every individual. Rev. Sidney Smith had said "that broaching the currency question was the end of all argument, for the subject was so deep, he thought the bottom had dropped out." We should endeavour, however, to get at the bottom of the subject, instead of going off on side issues. Money after all is but the representation of commodities produced by labour, and the supply of it should be governed by the same natural law of supply and demand, that regulates barter. Upon that principle he was a free trader, but if a monopoly is given to the holders of money, while the system of free trade was applied to the holders of all other property, then he was rather a protectionist than a free trader. In adopting a banking and financial policy for this new Dominion, we should not only look to Great Britain for an example, but also to the United States, and other countries, and take that which was best from all, and most suitable to our circumstances. The issue of notes on public securities is not confined to the United States (£15,000,000) fifteen millions of pounds of the notes of the Bank of England, are issued upon that amount of the national debt. The issue now proposed will be legal tender, received for duties and taxes, and secured by the Dominion. We have had experience that banks have failed in Canada and in New Brunswick.

**Hon. Mr. McCully**—What about the banks of Nova Scotia?

**Hon. Mr. Wilmot** was coming to that directly. It was a fact that Treasury or Government notes had been in circulation in Nova Scotia ever since he (Mr. Wilmot) could recollect. The banks in that Province, like those in England, have been limited to five pound notes, all the circulation below that is in provincial notes, and the result has been, that

with an authorized issue of notes to the extent of \$800,000, they have been able to put up most of their public buildings, without paying one penny interest for them, while no bank has failed, and as large dividends have been made as by banks in any other part of the Dominion, therefore, so far as the banks are concerned, no injury is likely to arise to affect them in consequence of carrying out this bill. The amount asked for is \$8,000,000; he (Mr. Wilmot) would rather have seen it \$13,000,000; if \$8,000,000, it would be no larger an amount per head for the Dominion than now exists in Nova Scotia. If this system has worked well in Nova Scotia, and been a great advantage to the public, while it has inflicted no injury upon the banks, what harm can arise from extending it to the whole Dominion? Money is that which the law makes a legal tender. Currency may be of different kinds; money extinguishes debt like barter; bank notes transfer debt. If he (Mr. Wilmot) owed \$4,000, and had bank notes, while he held them the bank that issued them would be his debtor, but after paying the debt, the party receiving them would be the creditor of the bank. These notes being issued by the State, and the whole property of the country being taxable for them, are better security than notes issued by a joint stock company, with a limited liability. One of the cleverest financiers of the day, Mr. Gladstone, lays down the proposition that all money, whether metallic or paper, should be issued by the State, and the public should be thoroughly secured, and a portion of the benefits accruing from the circulation should go to the revenue. Sir Robert Peel introduced a currency measure to take from the banks the power of issuing notes, and to place it in the issue department of the Bank of England. This was known as the Bank Act of 1844, which according to the bullionist theory was to make the Bank of England notes convertible into gold on demand at all times. The first trial of this Act was in the crisis of 1847, when the Government was compelled to authorize the bank to issue notes beyond what the law provided. This was repealed again in 1857, and in the late crisis of 1866 the joint stock banks in London held a larger amount in deposit of the Bank of England than the whole amount of gold in both the banking and issue departments, and they threatened to withdraw it unless the Government authorized the bank again to break the law. Had they demanded and received their deposits in gold, all other depositors and note holders

would have been deprived of their legal rights, and the Bank of England note would have been inconvertible, not that the Government were to have the right to issue notes to any extent they pleased, but that a portion of the annual taxation should be a basis for that issue, and in banking purposes the extent of that issue should depend upon certain specified securities, to be deposited in a public department. In reply to Mr. McCully he said he did not argue against the proposition that there should be some mode by which the Government should give security, but at the same time he held that the State had an inherent right in case of absolute necessity to issue notes simply upon their credit, as had been done in the United States.

**Hon. Mr. Macpherson**—What security will those legal tenders rest upon?

**Hon. Mr. Wilmot** said there was a limit to the amount to be issued; the Government have the power by the action of Parliament to tax the Dominion of Canada to the extent of \$14,000,000 therefore to that extent there can be no great loss, if power to issue those notes be given to the Government, as they must get money in some shape from the people. It was shown by statistical returns that there were \$1,400,000,000 invested capital in Canada, and a portion of this was invested in public works, while the whole amount of our banking circulation, according to his hon. friend's (Mr. Macpherson) statement was about \$12,000,000 for Ontario and Quebec, to which must be added about \$2,000,000 for the Lower Provinces. This would make about \$3 per head in the shape of bank circulation, or one per cent on \$1,400,000,000 invested capital. Now, we know all that money is required for is to exchange the surplus products of industry, and have we circulating medium enough to meet the requirements of the country? We find by the statistical returns given in the "Year Book," 1868, that the amount of raw material alone produced in Canada is valued at \$210,500,000, without taking into account the value of manufactured goods. In the United States it has been their policy, caused by their necessities, to have a very extensive currency, amounting to \$925,755,000, or \$30 per head, while we have only \$3 per head. This extensive circulation has entirely revolutionized the preconceived ideas of political economists, for the general idea was that by issuing paper, coin was driven out of the country, and the fact now appears that they have \$183,000,000 more gold than prior to the war. By issuing these notes we will create an

additional amount of legal tender money to carry on trade, as it cannot be carried on with gold alone, on account of the amount we have being so infinitesimal compared with the requirements of trade. The internal trade of a country can be carried on with properly secured paper, and all that gold is wanted for, is to pay the balances between the imports and exports. He then referred to the late bank failures in Canada being caused by a panic, which would not have occurred if these notes had been in circulation, as they would have been guaranteed by the Dominion, and there would be no running for gold. He said the circulation of a country in the first place, belongs to the State, and if the Government have parted with it, they have parted with a public right. He had expressed no opinion in favor of a larger amount of Government circulation than they could tax the people for, and for banking purposes, based upon public securities. He hoped to see the day when there would be in the Dominion of Canada, a circulation sufficient to represent the surplus products of the country, so that they would not be subject to those panics which had inflicted so much injury and ruin upon the commercial community. He then referred to the panic which took place in England in 1825, when seventy of the banks failed, but afterwards nearly all paid twenty shillings in the pound. This panic, he said, was not caused by the want of realized wealth, but by the want of a sufficient representative in circulating medium. Our ships then which had sold for £13 a ton in 1825, went down to £2 10s in 1827. He had had a great deal of experience in business and legislation, and had studied this subject well, and he had now endeavored to give some of his reasons why he should support the Bill. He also referred to the various panics and suspension of specie payments in the United States in 1837 and 1857.

**Hon. Mr. Reesor** said the hon. member who had just sat down, had made a most extraordinary speech, having taken the ground that the bill before the House ought to be passed, and at the same time he takes the ground that we want more currency in the country. If the bill before the House is carried, and goes into operation, the banks being brought under its influence, as shewn yesterday, the effect must be to lessen the amount of currency circulating in the country to the extent of \$6,000,000. That is the opinion of bankers and business men throughout the country. Under their charters banks are allowed to discount bills to three times the amount of gold and provincial



bonds they have in hand—three times the amount of these available securities which are held in reserve under this bill. If the banks come under its operation they must withdraw all their circulation, and give the Government whatever they may have in reserve, and get in return legal tender notes to the amount of that reserve. Then we have only the legal tender notes to work on, and that is the reason why the circulation of the country will be reduced, which is a fact no one will dispute. There is not a merchant in the country but takes that view of the question. The Government only hope that by some means or other, people will manage to draw money from other sources to supply this want. The Government say they want to take from the people this currency, which is doing the business of the country, and which has been made available since the establishment of the banks. Take for example a manufacturing firm, it may be for working iron, (and there was such an establishment in the county which he had the honour to represent), take a firm like that, enjoying bank accommodation to the extent of \$500,000, withdraw one-third of that accommodation, and the result would be that they must turn away one-third of their hands. Thus there would be a loss of one-third in the means of productive industry, one-third less consumption of imported goods and so much less ability to pay taxes: this will affect the whole revenue of the country. Apply this to the whole manufacturing industry of the country and it will ruin some, and by their failure it will bring down others, and lead to the most disastrous results. A certain writer on political economy has said that money to the trade of a country, is like tools to an artisan. You take away the tools of a mechanic and the value of his art is gone. In like manner if you take away from the business part of the community the currency, the tools of trade, you deprive it to that extent of employing labour. In referring to the banking system of England he said this was a young country, and we wanted capital to develop its resources. In England the people were not only able to lend to their own Government, but they were able to invest in the bonds of the United States, Canada, and many other countries. The investments of English capitalists were not limited to national securities, but through agents it was extended to mortgages on real estate, and a large amount was so invested in Canada. The payment of interest caused a great drain of gold out of this country; therefore we are not in a position to do away with the advantages of banking capital. Even in Great Britain, where there is such a vast accumulation of wealth, they sustain a joint stock banking system, and not Government legal tender currency, such as is being introduced in Canada. If the Government must have more money let them increase the taxes, or borrow elsewhere, and not take from us the means of employing labour by which the resources of the country may be developed and the population increased. Let the Government borrow the money direct from other countries, as they can do it on terms better than individuals can. They can borrow it at 6 per cent., while single individuals would have to pay nine or ten per cent. Some of the hon. members who support this measure imagine that we are relieving ourselves of any difficulty that might arise from a failure of the banks to pay specie; he would remind them that nearly every country in the commercial world, within the last two hundred years, had tried a national banking system and found it a failure. It was tried in Russia, Austria and France, and proved unsatisfactory. When there was a demand for gold they had to stop specie payments, and their notes were sold at a discount. The same results had attended the system in the United States, but there it had been adopted as a matter of necessity, and they were involved in debt, a large part of which had grown out of the depreciation of their national currency. Their credit became so poor, owing to a disastrous war, that their gold at one time was at a premium of 295 per cent., so that in incurring a debt of \$3, they in reality only received what was worth little more than one dollar in gold. The worst is yet to come with that country, because so long as it was running into debt, and while it continued to issue notes, so long it was prosperous in trade, but since these debts are being paid, and while the amount of circulation is being contracted they must suffer in proportion to that contraction. Whatever arguments may be urged on behalf of the American system, because they adopted it to carry on a war, they do not apply in favor of this bill. This bill is not founded upon the American basis, because their plan was to increase instead of decreasing the circulation. By this means their commercial enterprises have been for a time extended. The Government of England has never ventured to take from the banks their circulation but have on the other hand protected the banks as they have the commerce of the country; neither have they interfered with

the banks of Scotland. There is not a commercial country in Europe that has in operation the system proposed to be adopted here. It is extraordinary that we seem to have so much more wisdom in the financial departments of our Government than they claim in any other country in the world, that we should introduce all at once, the principles involved in which have been discarded for years by the statesmen of Europe. What do the supporters of the bill say in order to urge upon us the necessity of passing it? They say banks have failed in Canada. Very few have failed. The Bank of Upper Canada was established forty-five years ago, and a Provincial currency would have depreciated in passing through what that bank had to pass through. In 1837 we had a rebellion in Canada and the Bank of Upper Canada in consequence of the derangement of business during that period suffered great losses. Where Governments issue large sums in paper currency, the experience of the world is, that sooner or later it depreciates in value, and as soon as depreciation is apprehended, demand is made for gold, and the usual results follow—suspension of specie payment. Are these defects in our present banking system? Then we should endeavor to remove these defects. You would not think a man wise if, when he found a slight leak in his dwelling he should at once destroy it, instead of repairing the defect. Our banks have worked well, and done an immense amount of good in the country, having contributed largely to its wealth. In times of hardship and severe trial, they have been identified with the enterprise and industry of the country. He considered they were running a great risk in accepting any extension of the principles involved in this Bill, because there was no provision for that degree of elasticity in the supply of currency, that the trade of the country required, and until the Government were able to point out how that deficiency could be provided, it was most unwise to force it upon the country.

**Hon. Mr. Benson** said—The Postmaster General in resuming the debate upon this bill, has very fairly explained its provisions; it was a permission only in its enactment, extending to all Banks in the Dominion the option of issuing legal tender notes of the Government instead of their own circulation. No reasonable objection can be made to the bill, nor is it the intention, I believe, to offer any, on the contrary, he would give it his support under existing circumstances; but there was a principle involved in it to which he was opposed,

and he felt it to be his duty, as well as the duty of every member of this House, to state their views regarding that principle. It is evidently the intention of the Government to carry out, if possible, the system of banking inaugurated a year or two ago, notwithstanding the expression of opinion so unanimously given by the country, and the almost unanimous opinion of all persons connected with banking. In reply to the question on the subject by the Committee appointed by this House, it was stated that these were the opinions and views of those who represented the interests of the Banks. He would ask who were so competent to give correct opinions as those engaged in this business, who were capable of judging correctly of the wants and requirements of the commerce of the country. The interests of Banks were the interests of the country, they represented the interests of all classes who had invested their money in these institutions, and these comprise very generally the people of the country. From his own knowledge of the business of Western Canada, extending over a period of thirty-five years, he had no hesitation in saying that the present system of banking is the best adapted to its wants and requirements, and that now contemplated by this bill, as well as what we may expect to follow it, is not adapted to our requirements, and if persisted in by the Government, cannot fail to bring with it great embarrassment and stringency in all banking operations in the future. It must necessarily reduce the circulation of the Banks to a point wholly inadequate to the wants of trade, and prevent that expansion of the circulation necessary at seasons of the year when it is so much required for moving large quantities of grain and lumber, particularly that of grain and flour; it is well known this is generally done in the short period after harvest to the close of navigation. It has not been asserted that the present circulation of our Banks has ever been too much for these purposes, and what will be the result when this circulation is reduced at least one-third, if not one-half; and the general result upon the trade of the country cannot be otherwise than injurious. When money becomes scarce it increases the rate of interest, while at the same time it reduces the value of every description of property and produce. It has been stated that a safer circulation is required than that now in use, and the failure of two institutions is given in proof. What are the facts? In a period of forty years one Bank has failed and another suspended payment for a few months, and then

entered into an arrangement with another institution whereby it secured one-third of its capital to its shareholders, and the payment of its indebtedness in full. The Bank of Upper Canada has not been able to do so, and a loss has fallen upon the shareholders and the public. What is the extent of this loss to the public? It is not to be named in comparison to the advantages the public have derived from that institution. He remembered in the early period of that institution, and no doubt some whom he now addressed can go back with him to this period, and bear testimony to the liberal mode of business adopted by that Bank—its discounts were not demanded in three months. The generous system adopted to meet the wants and circumstances of our young and rising country was the payment of only 20 per cent. every three months, giving the period of fifteen months for the payment of its discounts. Nor was this all, the invariable consideration that was given to all who had transactions with it, the leniency which it extended to its customers, should not be forgotten by the public, and to no institution is this country more indebted for the building up and sustaining its commerce than to the Bank of Upper Canada, and he said the benefits derived from that bank far outweighed all the loss that has been sustained by it; then, gentlemen, does the system proposed secure the public against panic, or does it give security under all circumstances. Is it not possible circumstances may arise, sufficient in the minds of the Government, to suspend payment of specie for its notes, or may not a pressure be brought to bear in times of depression by public opinion, which may for a time, at least, reduce their value in public estimation, and bring them to a rate below their par value, although it may not be so great as it would be by the failure of the bank. He was an advocate for safety, but we must take care that we do not pay too much for it, and he was fully satisfied that we should be doing so if we adopt the legal tender system. Let us be content with what we have found hitherto so well adapted to our wants, and by adopting the mode or form of return as that suggested by the hon. member from Toronto, (Mr. Macpherson), we will obtain all the security we require. He was of opinion had this been the return required heretofore from the banks, neither the Bank of Upper Canada or the Commercial Bank would have ceased to be numbered among the useful institutions of the country. An hon. member has stated that the wants of the

Government require the introduction of this system, and that it was the opinion of celebrated writers in England upon banking and currency that all circulation should be issued and secured by the Government of a country. He had every respect for the opinion of these writers, and had no doubt these opinions have been formed from the circumstances of their own country, but he contended they are not applicable to ours, or at all adapted to the peculiar trade necessary to be fostered in a new country like ours. He much preferred the opinions of those brought up in our own midst, and acquainted with our commerce and its requirements. As to the necessities of the Government, they are the only reasons for the introduction of this new system entitled to consideration, but there are other methods which are now under consideration of the Government for the supply of these wants. Let them wait and see how far they may be enabled to supply their wants from these, although far from being unobjectionable, as interfering with the resources upon which the banks depended for the extension of their circulation. They are perhaps less so than the one that is now proposed, which gives the control of the circulation to the Government. He trusted the Government will be influenced in the course it may adopt by the information which has already been received, and will be received in answer to the questions of those gentlemen representing Committees appointed by both Houses of the Legislature, and that they will, at an early part of the next session of Parliament, bring in a measure upon this subject that will meet the wants and wishes of the whole country.

**Hon. Mr. Macpherson**, in reply to the Postmaster-General, said he had not spoken exclusively from the banker's point of view, but from a point of view which embraced the general interests of the country. He had shown that in certain cases under this bill banks might be benefitted at the expense of the general interests of the country. The hon. gentleman then recapitulated his chief objections to the currency of the country being taken by the Government, and remarked that so long as the Government remained unconnected with the currency, and not responsible for its redemption, they would stand as they ought to do, over the banks, and hold them to a fulfilment of the conditions of their charters, in respect to redeeming their notes in specie when required. But if the Government itself were responsible for the redemption of the currency, it might, and in times of panic

would, be interested in the suspension of specie payments. He said that the discussion had taken a wide range, extending to the question of the rate of interest. He (Mr. Macpherson) thought there should be free trade in money, and that any restriction imposed upon the rate of interest was calculated to enhance the price of money to the borrower. His hon. friend (Mr. Bureau) had spoken of the rate of interest in New York being limited to 7 per cent. Suppose it were limited to 7 per cent, here, and the right to circulate notes withdrawn from our banks, how could they, at that rate, cover the expenses of management and losses, and pay their shareholders a remunerative dividend? Those who know how business is carried on in New York know that the law there against usury is a dead letter, as it had been here. His hon. friend expressed an opinion in favour of the National Bank system of the United States. He (Mr. Macpherson) thought that if the Government insisted on changing the present system, he would much prefer something like that, to the Dominion note system, because it would make money less costly to the borrower; as the capital would be invested in public securities bearing interest at the rate of 6 per cent. He (Mr. Macpherson) had no intention of opposing the second reading of the bill, for he had given notice yesterday that when the House went into committee upon it, he would move that an additional clause and an improved form of bank return be added to the bill. His hon. friend (Mr. Campbell) had asked him to withdraw these. He would like to oblige him, but he could not in this case. He attached much importance to the proposed form of return. It had been prepared with the assistance of gentlemen of experience connected with banks, and he hoped the House would adopt it.

**Hon. Mr. Campbell** then moved that the bill be read a second time, which motion was carried on a division.

On motion of **Hon. Mr. Campbell** the House went into Committee of the Whole on the bill,

**Hon. Mr. Dever** in the chair.

After several clauses of the bill were adopted,

**Hon. Mr. Macpherson** moved an amendment to add a clause to the bill with form of bank return to be made to the Government monthly, and published in the *Royal Gazette* (*vide* yesterday's debate.)

**Hon. Mr. Campbell** thought the amendment was not in order, and ought not in fairness to

be introduced in connection with this matter. Several of the banks enjoy individual charters, and those continue in force until 1870. In those charters the form is specified, and is as much a part of the charter as any other part of it, therefore no change should be made except with reference to each particular bank, after due notice had been given, and an opportunity afforded for discussing the proposed change, each on its own behalf. As a matter of right this amendment ought not to pass, therefore he hoped his hon. friend would oblige him by withdrawing it.

**Hon. Mr. Ferrier** said he could not see or comprehend the cause for the alarm that the hon. member who proposed this amendment (Mr. Macpherson) seemed to entertain. He thought it quite uncalled for, and a violation of the Bank charters, and hoped the hon. mover would consent to its withdrawal, and not divide the House on it.

**Hon. Mr. Anderson** thought this form of bank return would be a great improvement, as it would enable the public to know the position of the banks, and the manner in which their capital was invested.

**Hon. Mr. McMaster** said as he was connected with a bank, he had not expressed an opinion in connection with this measure, nor did he now intend to say anything in reference to the bill itself; but in regard to the amendment, he thought its provisions were wise and desirable. The Postmaster General had said that the whole question will be taken up next Session, but at the same time he knows that the charters of some of the banks remain in existence until 1871. In view of this fact this amendment ought to be adopted, because its provisions will contribute very materially to the safety of the public.

**Hon. Mr. Macpherson** did not wish to press anything that was unfair; if the Hon. Postmaster-General would show that this amendment was unfair to the banks, he would be the last one to object to withdrawing it. One hon. member (Mr. McMaster) who is a bank director, is in favour of the amendment, and another bank director (Mr. Ferrier) from Montreal, opposes it only on the ground of its being unnecessary, and he seems to be under the impression that he (Mr. Macpherson) proposed it from some feeling of alarm. He had no feeling of alarm, but he believed it to be necessary to ensure the better management of the banks; at all events it would give the public and shareholders such information as would enable them to judge how the bank

was managed. How can this form be called unnecessary when, had it been in operation during past years, it would have given such information as would have prevented the failure of the only two banks which have failed in Canada? If the returns with respect to the amount due by corporations had been required, the Commercial Bank would not have made the advance which led to its ruin.

**Hon. Mr. Ferrier**—I was not one of the stockholders, but I knew perfectly well the large amount they loaned to this railway. Their legitimate business was to attend to the commercial interests of the country, and not to loan their capital to railways.

**Hon. Mr. Macpherson** said his hon. friend may have had that information before the shareholders had it. At the annual meetings there are but few shareholders present, and very little information obtained, but by this return information will be brought before the shareholders every month, then if they do not know the state of the bank it will be their own fault, as they have an opportunity of knowing when anything is going wrong, and checking it before it becomes disastrous.

**Hon. Mr. McMaster** remarked that his hon. friend (Mr. Ferrier) had said, that though he was not a shareholder in the Commercial Bank, he was aware of the amount they loaned the railway company. He (Mr. McMaster) did not think any one was aware of it until it became a matter of litigation. He again expressed his approval of the amendment, as he thought every security should be afforded to the public.

**Hon. Mr. Aikins** said this schedule was in the interest of the public, and not in the interest of the banks. He felt satisfied that if we had known the assets of the bank of Upper Canada, a different course would have been pursued in relation to the stockholders of that bank. The stockholders should have the information which this return will give them.

**Hon. Mr. Campbell** said he had hoped his hon. friend would withdraw his amendment and saved this discussion. The Government cannot accept this amendment to the bill, because there is to be legislation upon this subject during the next Session of Parliament. He did not object to the proposed form of return in many respects, and he apprehended that when legislation took place upon this subject, many of his hon. friend's suggestions would be adopted, but to some provisions of his proposed scheme he (Mr. Campbell) ob-

jected. The public have a right to know everything in regard to the solvency of a bank, but they have no right to demand any further information. His hon. friend's "return" went beyond that and provided that banks shall give a statement of their discounts and assets in every Province in the Dominion. The public are interested not in the solvency of the banks in each particular Province of the Dominion, but in their solvency as a whole. It is no advantage to the public to have this statement for each Province, as they frequently have a large amount of deposits in one Province, and very few discounts. It was a well known fact that a large portion of the lumber and grain of Ontario is moved by institutions having their headquarters in the Province of Quebec, therefore no correct conclusions can be drawn from a return being made for each Province. In that respect he thought the scheme of his hon. friend was defective, and ought not to pass, but his main objection to it was because it was seeking to alter, at the instance of a private member of Parliament, a form of 'return' which was general throughout these banks existing under a general charter. The Government have expressed an intention to assume the responsibility of legislating upon the subject during the next Session of Parliament, therefore he trusted the Committee would not adopt this amendment.

**Hon. Mr. Simpson** supported the amendment, and thought the statements required by the amendment only reasonable and just for the public; and the bank with which he was connected (Ontario Bank) would willingly furnish it or any other details that may be desired for the satisfaction of the public generally. He dissented from the statement of the Hon. Postmaster-General, viz.: "That the banks whose head offices were in the Province of Quebec, furnished more capital for the lumber and grain trades than those in Ontario." He felt quite certain that the banks of Toronto and Ontario supplied more funds for these objects than any of the other banks according to their capital, though all the banks did as much as possible in that way, according to their capital and the wants of their customers. He concluded by saying he thought the proposed form would be willingly followed by all the banks, as far as he knew, and could see no objection to it, but a great deal of good, and hoped it would pass.

**Hon. Mr. McMaster** said it was important that this schedule should be adopted, as these returns would enable the Legislature to know the position in which the banks stood before

legislating upon the subject. It would also enable the public to know whether the amount of bank accommodation granted to any of the Provinces was based upon the amount of capital deposited there.

**Hon. Mr. Ross** regretted that his hon. friend pressed his amendment. He believed it was out of order, and would be so ruled when the House resumed, and the Speaker took the Chair. He hoped, his hon. friend would withdraw it.

**Hon. Mr. Mitchell** entirely endorsed the views expressed by the last speaker, that this return was admirably adapted to guard the public interest, but the question was not whether it was desirable to give this information, but whether this is the proper time to introduce this amendment, which if the mover pressed to a division might result in the defeat of what a large majority of the House desires to adopt. The Postmaster-General had stated that it was the intention of the Government to be prepared to deal with the subject of banking at the next Session of Parliament, therefore he would ask his hon. friend not to press the amendment to a division.

**Hon. Mr. Benson** considered the proposed return a great improvement on that now in use, but thought its introduction now would be untimely, and for that reason he had refused to second the amendment when asked to do so by the hon. mover. He hoped his hon. friend would withdraw it.

**Hon. Mr. McCully** said if they passed this amendment, it might be decided when the Speaker took the chair, that it was one that affected private persons or a company, and of which they ought to have had notice, therefore it could not be put from the chair.

**Hon. Mr. Tessier** believed the proposed return would be a great improvement, but feared it was not in order, and that even if carried in Committee, it would be ruled out and lost when the Speaker took the Chair. He therefore saw no use in dividing the Committee. He would suggest to his hon. friend to withdraw the amendment; and if he saw fit, embody it in a separate bill.

**Hon. Mr. Macpherson** then said that rather than have his amendment thrown out on a point of order, he would withdraw it, and introduce it in the form of a bill.

It being six o'clock the House separated.

#### AFTER RECESS.

**Hon. Mr. Dever** reported that the Committee had agreed to the bill without amendment; it was then read a third time and passed.

The Bill intituled "An Act respecting the Department of Justice," was received from the House of Commons with several amendments, which were read a third time and agreed to.

The Bill intituled "An Act respecting Penitentiaries and the directors thereof, and for other purposes," was received from the House of Commons, and read a first time.

**Hon. Mr. Mitchell** presented to the House a return to an address, relating to correspondence concerning the building of vessels of wood and iron, &c.

The Bill intituled "An Act to confirm the amalgamation of the Commercial Bank of Canada, and the Merchants' Bank, and to amend and consolidate the Acts of Incorporation of the said banks," was read a second time.

The bill was then referred to the Committee on Banking, Commerce, and Railways.

The Bill intituled "An Act to amend an Act intituled an Act respecting the Statutes of Canada," was read a second time.

The House in Committee agreed to a Bill intituled "An Act constituting the Department of Inland Revenue."

The Bill intituled "An Act respecting the Geological Survey of Canada," was read a second time.

Also, The Bill intituled "An Act to impose a duty on foreign reprints of British copyright works."

The House then adjourned until Monday at three o'clock.

## THE SENATE

Monday, May 11, 1868.

The Speaker took the chair at three o'clock.

After routine,

The Speaker reported to the House that the period for receiving petitions for private Bills; also for presenting private Bills to Senate, and for receiving reports of Standing or Select Committee on private Bills expires this day.

On motion of the **Hon. Mr. Mitchell**, seconded by the **Hon. Mr. Hamilton** (Kingston), it was: Ordered, that the time limited for receiving petitions for private Bills, also for presenting private Bills and also for receiving reports of any Standing or Select Committee on private Bills be extended to Tuesday of next week.

**Hon. Mr. Ross** presented a petition of E. L. Montizambert, praying to be permitted to withdraw from the service of the Senate at the close of the present Session, on the same conditions accorded to the other employees of the House, who have been in the service of the Legislative Council of Canada for more than twenty years. Referred to Select Committee on Contingent Accounts for the present Session.

**Hon. Mr. Hamilton** (Kingston), from the Committee on Banking, Commerce and Railways, to whom was referred the Bill intituled, "An Act to confirm the amalgamation of the Commercial Bank of Canada and the Merchants Bank, and to amend and consolidate the Act of incorporation of the said Bank." Reported the same to the House without amendment.

Ordered that the said bill be read a third time to-morrow.

**Hon. Mr. Chapais** introduced "An Act relating to Quarantine and Public Health." Read a first time.

Ordered, that the said bill be read a second time on Wednesday next.

**Hon. Mr. Macpherson** presented to the House a Bill intituled, "An Act respecting Bank Statements." Read a first time.

Ordered, that the said bill be read a second time on Wednesday next.

The Bill intituled: "An Act to amend the Act intituled, 'An Act respecting the Statutes

of Canada,'" was read a third time and passed.

Ordered, that the Clerk inform the House of Commons that the Senate have passed this bill without any amendment.

Also the Bill intituled: "An Act constituting the Department of Inland Revenue," was, as amended, read a third time.

Ordered, that the Clerk go down to the House of Commons and acquaint that House that the Senate have passed this bill with several amendments, to which they desire their concurrence.

AN ACT RESPECTING PATENTS  
FOR INVENTIONS

**Hon. Mr. Chapais** explained the different clauses of this bill at length. The main object of the bill was to assimilate the laws of all the Provinces of the Dominion in one comprehensive measure. He explained the different clauses of the bill, which, he said, had been prepared with great care, and he thought the bill would give general satisfaction.

**Hon. Mr. Botsford** said the propriety of granting exclusive rights for a long period to inventors, was a subject of much discussion in the present day, and the feeling was rather hostile to it. He did not rise to oppose the principle of the bill, but for the purpose of asking the Minister of Agriculture whether it is intended that the patents now in force in the several Colonies shall come under the provisions of this bill, and whether they shall have to apply every five years for an extension of their patents; as the 31st section says, "All patents issued under any Act of the Legislature of the late Province of Canada or of Nova Scotia, or of New Brunswick, and all patents issued for the Provinces of Ontario and Quebec, under the Act of the late Province of Canada to the date of the coming into operation of the present Act, shall remain in force for the same term, and for the same extent of territory, as if the Act under which they were issued had not been repealed, but subject to the provisions of this Act in so far as applicable to them."

**Hon. Mr. Chapais** said the bill did not allude to any extension of territory; the patentee in any of the different Provinces cannot under this law obtain patents in the Dominion for their respective patents, but they remain in force in their respective Province.

**Hon. Mr. Botsford** said the clause he had read provided that those patents should be

subject to the provisions of this Act. Did that clause apply to patents now in existence the provision that they should expire in five years?

**Hon. Mr. Mitchell** said it did not apply; the bill gave those patents neither any extension of time or territory.

**Hon. Mr. McCully** said his hon. friend (Mr. Botsford) was quite right in saying that the spirit of the age is rather hostile to the extension of privileges to patentees. A great deal might be said in regard to whether a man who has taxed his ingenuity in devising some labour-saving machinery is not as much entitled to protection as a professional man in his profession. The difficulty is in regard to assigning patent privileges to a third person. A man cannot convey his mind as he can convey his patent, and this makes the difference between the two classes of subjects. He, in connection with others, had taken a very active part in endeavouring to limit the number of patents granted to foreigners in Nova Scotia, and in consequence the privilege of taking out patents had been so confined to the people living in that Province, that we have been able to avail ourselves of all the improvements that have been discovered in any foreign country, or in British territory. In our mines—and especially in our gold mines—we have the advantage of adopting the best machinery for working them, which we could not have had without paying a large amount for patent rights, if we had granted patents to foreigners. When our ingenious young men see new machinery abroad, they can avail themselves of their knowledge in constructing similar machinery without costing them such a large amount of capital as it would do if subject to patent laws. He (Mr. McCully) had not read the bill very carefully, as it was not going before the House to-day, but if it was what he believed it to be, nothing would give him more pleasure than assisting to pass it. While he was not disposed to prevent ingenious men from having the advantage of their ingenuity and labour, he thought a young country like this was not in a condition to compete with the world in regard to patents, therefore we should not allow strangers to come in and obtain patent rights the same as our own people. These patent rights cause a great amount of litigation in a country, as parties often make some slight alteration in an invention, and make a fortune from it. Very few inventors have been known to improve their fortunes by their ingenuity, for it

is generally some other person who avails himself of the labour, skill, and ingenuity of the inventor; and makes a fortune out of those who use the invention.

**Hon. Mr. Sanborn** said if his hon. friend (Mr. McCully), had not viewed both sides of the question, he had certainly argued in both sides of it. The first position he takes is, that a person who has by ingenuity and thought invented something not in use before, is entitled to that as a matter of property, then he says it becomes a different thing when he wants to transfer it, for he cannot transfer his mind. There is no necessity for him to transfer his mind, but only the product of his mind; it is his property he transfers, and not his mind. It has been recognised as a fact not only in America but in Europe, that the granting of patents to the individuals of any country induces activity in business. What does a man desire to invest if it is not for the purpose of obtaining a profit? This should be secured to him by patent rights, otherwise there will be nothing to stimulate men to invent new improvements. There is no country where inventions have gone on so extensively as in the United States, and in no country have such practical results attended them. He then referred to his endeavours to get a patent law passed, which he had introduced into the Legislative Council of Canada twelve years ago, when some of the members who, at first, were interested in the measure, suddenly changed their minds under the conviction that they were violating the principles of free trade. He said they should look at the results of patent laws, instead of treating them as tending to produce monopolies. In countries where inventors were encouraged, enterprise was excited, and new discoveries were made in every branch of industry. He thought the objection to granting patents to foreigners could be obviated by stipulating in the Bill that foreign inventors who take out patents for their inventions should establish a manufactory for them within our own borders, then it would be impossible for them to take out patents here for the purpose of selling them. If our patent laws are liberal the trade will regulate itself, and instead of one having inferior articles of machinery manufactured here we shall be able to get better articles at cheaper prices. With regard to the present bill it appeared to be far in advance of the one which hitherto existed in the Province of Canada. He could not see what propriety there was in requiring foreigners to reside in the Province one year before getting



a patent; if they wanted to establish a manufactory they had better establish it at once, instead of having to wait a year, because it might prevent them from establishing it at all. In the Congress of the United States about twelve or thirteen years ago, there was a patent committee appointed who recommended that country to issue patents to the subjects of those foreign countries on the same terms that such countries permitted the citizens of the United States to obtain patents under their laws. Congress then passed a law founded upon that recommendation. If we permit an American to take out a patent here for \$30 we have the same privilege in the United States, but at the present time we would be required to pay \$500. He would like to see this principle of reciprocity adopted in this bill but as it was he would accept it as an improvement upon our present law. He then referred to the sixth clause where it is provided "that no patent shall issue for an invention having an illicit object in view, nor for any mere scientific principle or abstract theorem." He said a great many cases had occurred and, no doubt, would be continually occurring, where it would be difficult to determine whether the principle was abstract or practical. There was an application made for a patent not long since, for making paper boxes from pulp, but not according to any particular mode. If you are making an application for a patent for machinery, you can show how it is done by a model or design, but in the case of the pulp, it is very nearly like granting a patent for an abstract principle, and in such cases it would be difficult to decide whether a patent ought or ought not to be granted. Then in regard to the patents already granted in the different Provinces, he thought the bill should provide to extend those patents to the whole Dominion when they were renewed.

**Hon. Mr. McCully** said suppose a man had a patent for an invention for the Provinces of Nova Scotia and New Brunswick, and he sold his patent right for New Brunswick; if that patent was extended over both Provinces, who would have the benefit of it?

**Hon. Mr. Mitchell** said, in framing the bill, the Minister of Agriculture had overlooked one principle which had been agreed upon, which was that the privilege of extending patents was not to apply to existing inventions. He was glad the bill was receiving so much attention, and was being discussed with so much calmness and deliberation, be-

cause it was a measure which required much thought and reflection. He was not prepared to say that the adoption of free trade in patents would not be of more advantage than the present system. It would be like establishing the principle of free ports. He thought that if three-quarters of a century ago the port of St. John had been made a free port, and the means to sustain the expenses of the country had been levied by direct taxation, or derived from some other sources, that little town today might have been classed as one of the great cities of the continent. The same principle might have some weight as applicable to the Patent Law, and it is one which has engaged the attention of many scientific men. He believed that if the people of this country were sufficiently educated for the position, it would be well worthy the consideration of the House, whether in the present state of the country, looking at its proximity to a great people alongside of us, they should not adopt this principle. The hon. member who had last spoken expressed himself in favour of the bill, because it was a step in advance of the previous law on that subject in Canada. He has put forward the idea that people's ingenuity should receive attention and protection. He (Mr. Mitchell) said, that as an abstract principle, morally, such a proposition was right, whether it related to patents, copyright, or any other abstract principle. The question the Legislature had to consider was not only the moral effect of the legislation, but the effect it would have upon the sentiments of the country, and upon the industry of the country, in utilizing its resources. This law gives us an opportunity of taking the inventions of other nations and utilizing them. His hon. friend (Mr. Sanborn) had referred to the United States as a country in which great progress had been made on account of their patent laws. He (Mr. Mitchell) agreed with him that the United States had advanced very rapidly during the last three quarters of a century, but it was not because they have adopted a good system of patent laws, but it is in spite of them. It is because the country is possessed of great internal wealth that it has prospered, as that wealth has been developed, and notwithstanding they have had a disastrous war, it still continues to prosper. We might as well say that the prosperity of the United States was caused by that war as to say it was caused by the number of patents that had been taken out. His hon. friend (Mr. McCully) had stated that in Nova Scotia there were but few patents given to foreigners. In

New Brunswick the case was the reverse of this, for there any one could get a patent for \$10, and it had the effect of checking the industry of the country. He referred to a shoe factory, which had been established some years ago, the proprietors of which had to pay ten cents per pair for every pair of shoes they made, because they made use of some machinery invented in the United States, and for which they had taken out a patent in the Province.

**Hon. Mr. Sanborn** asked how the patentee could ascertain the amount he was entitled to receive from the manufacturer, and whether a superior article of shoes was not produced by the encouragement given by that patent.

**Hon. Mr. Mitchell** was not prepared to say how they ascertained the total amount, but it might be by affidavit; neither was he prepared to say the shoes were better. It afforded better facilities for making them, so that they could be made cheaper. The effect of the extreme liberality of the patent laws of New Brunswick, allowing every one to come in and take out patents, was to compel the leading manufactories of the country to pay toll to foreign inventors, or perhaps to some person who picked up the invention in some foreign country, and take out a patent for it in ours. He could mention many cases where those patent laws have borne hard upon our manufactories. He held, as an abstract principle, that in a young country like this, where the population were sparse, where the intelligence of the people has not been directed into the channel of invention, and situated as we are along side of a country the very reverse of this, it is our interest as a people to throw as many restrictions about monopolies as possible, but were we in a different position, and the sentiments of the people in favour of doing away with existing restrictions, we could fairly say, that it might be for the interest of the country to adopt a system to allow free trade in patents as in everything else, and the effect would be that every invention discovered in the United States would be open to be adopted in our trade. Then as protection had been given to manufactories both here and in the United States they would spring up here in many parts of the country where they do not now exist. In the present state of public sentiment he thought that policy could not be adopted, therefore they should throw as many restrictions against the obtaining of patents as possible. In regard to the suggestion of his hon. friend (Mr. Sanborn) to introduce a section into the bill to enable the American provision

for reciprocity in patents to come into operation in this country, he must say that from what he could see of the policy of American statesmen, they take good care to be extremely liberal in any principle of reciprocity that brings advantage to their own people, and were he (Mr. Mitchell) an American citizen, having something to say in regard to the law for the extension of reciprocity in the patent laws to Canada, he would agree with the provisions contained in their bill. He would ask his hon. friend why they had not adopted the same principle in reference to copyrights?

**Hon. Mr. Sanborn** thought they were wrong in that respect.

**Hon. Mr. Mitchell** said the Americans were quite willing to be liberal when it suited their own interest, but they had refused for the last half a century to enter into a treaty whereby the genius and talent of European authors could have had that protection which his hon. friend was so desirous American inventors should have. He then referred to the unfortunate position in which the Canadian publisher was placed in regard to reprints of British copyright works, in consequence of the policy adopted in the British Parliament, thus compelling us to give the preference to the American publisher over our own. While he was prepared to favour the principle of free trade in every way in which it could be extended, he was not prepared to allow American citizens to come into our country and take out patents for inventions which they may have picked up in foreign countries, and make our people pay for the application of those patents, as they did under the old Canadian law. Such restriction should be introduced into our patent law as would allow our people the utmost liberty in utilizing every invention existing in a foreign country.

**Hon. Mr. Sanborn** hoped his hon. friend was not going to oppose the bill; he had advocated everything that was not in the bill, and opposed what was in it.

**Hon. Mr. Mitchell** denied that he was advocating every ground that was not in the bill. His hon. friend (Mr. Sanborn) was going to support the bill, because it was one step in advance of the old Canadian Bill, while he (Mr. Mitchell) was supporting it, because it was one step the other way. They both supported it, but it was from two different points of view. He supported the bill, not because he believed a system of patents was an advantage to a country, but because public opinion

demands that a patent law should exist, and if they must have such a law, they should have it open to as few objections as possible.

**Hon. Mr. Chapais** explained that existing patents would not be affected, or come under the provisions of the bill.

The bill was then read a second time.

**Hon. Mr. Chapais** moved that the bill be referred to a Committee of the whole House to-morrow.

**Hon. Mr. Sanborn** said the bill would place inventors in the separate Provinces in a worse position than they were now, but he hoped the hon. mover would consent to amend the bill in committee, as he thought that a wrong principle altogether. The privileges should be extended to the whole Dominion. He said that it was in a great measure due to the wise and judicious legislation of the United States on this subject, and everything that fostered their own manufacture and enterprise, that caused that country to make such rapid strides in wealth and colonization during the first half century of their career. If not, to what else could their great prosperity be attributed? The patent laws are an absolute necessity to foster the infant manufactories of a young and rising country like Canada, when free trade might suit old communities. He was relieved when he found the Hon. Minister of Marine and Fisheries was about to support this bill of his hon. colleague, though he spoke against its clauses almost throughout. But the hon. member seems now to have arrived at the conclusion to save the bill from defeat by the "rule of contraries," to his great credit and grasp of mind be it said. He also thought there were many good provisions in the bill, and would support it as a move in the right direction.

(A message was brought from the House of Commons to the Clerk, returning "An Act to amend the Acts relating to the Niagara District Bank," and that they had passed the same without amendment.

Also a message returning the Bill intituled "An Act respecting Aliens and Naturalization," and that they had passed the same with several amendments, to which they desire the concurrence of this Hon. House, which said amendments being read were concurred and a message ordered to be sent to the Commons that the Senate doth agree to said amendments without any amendment.

Also a message from the Commons with a Bill intituled, "An Act respecting Larceny and

other similar Offences," to which they desire the concurrence of this House. Read a first and ordered to be read a second time to-morrow.

The petition of the Northern Railway was then received and read, for construction of elevator and other works connected with said railroad.)

**Hon. Mr. Mitchell** thought he had stated the case already, that he was in favour of free trade on patents if public opinion was educated for it, but if they must have a patent law it should be such a one as was contemplated by this bill. He again referred to the manufactories of St. John, and said many of them had to pay toll to the casual traveller or inventor, who took out a patent for an improvement on some machinery used in their establishments. The nail trade had been monopolized by the United States until the time of the war, but during that time the manufactories of St. John had nearly driven them out of the trade with the West Indies. At the close of the war labour became cheaper, and they adopted a new mode of turning the heads of the nails, for which they took out a patent, by which they have been able to secure that trade to themselves. What we want is to give our people an opportunity of using foreign articles to enable us to compete in the markets of the world with the more advanced manufactories of the United States. His hon. friend (Mr. Sanborn) had spoken of the great advances the United States had made in wealth and civilization during the first half century of their career, and had asked to what it could be attributed. He (Mr. Mitchell) would tell him it was the markets derived from their extensive country which had been the cause of their prosperity, their manufactories having had a monopoly to supply the whole Southern people. That was what had built them up, and the same facilities for trade would build us up, while free patent laws would give to our people the advantage of the ingenuity of the people on the other side of the border, and we would have greater resources than we now have to compete with them in the foreign markets of the world.

**Hon. Mr. Reesor** said that in the 11th clause there is a provision that any one may act as agent in obtaining patents for inventions, but in that application the applicant is not obliged to declare, under oath, that the inventor has been a resident of Canada for one year, as is specified by the bill. That provision should be made more clear.

**Hon. Mr. Mitchell** said that could be done when the bill was in Committee.

**Hon. Mr. McCully** related a circumstance of a Captain of a coasting vessel who had a "gaff" on his vessel for a number of years, the whole fitting up of which did not cost over \$3. This Captain went to Portland with his vessel, when a man came on board and said, "You have my patent gaff, and you must pay ten dollars for it." The Captain at first refused, but after consulting with the gentleman to whom the vessel was consigned, he came to the conclusion that he had better pay it, and he did so. He then referred to the number of patents granted in the United States, there being scarcely a stove manufactured there but was patented; and he thought if that principle was adopted in Nova Scotia, it would destroy their manufactories altogether. Looking at this question on broad principles, he quite agreed with the Minister of Marine, that they should have free trade, but in allusion to the

registry of ships in the United States, he said he did not like reciprocity when it was all on one side.

The motion was then carried.

A Bill entitled "An Act to confirm a certain by-law, passed by the Directors of the Lake Memphremagog Navigation Company, and for other purposes," and

A Bill entitled "An Act respecting larceny and other similar offences," were received from the House of Commons and read a first time.

The petition of the Northern Railway Co. of Canada, "for the passing of an Act to enable the said Company to raise capital for the construction of elevators, the extension of railway stock, and other equipments, and the construction of such new and additional works as are or may be necessary for the operation and extension of the traffic, and for other purposes," was received and read.

The House then adjourned.

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## THE SENATE

Tuesday, May 12, 1868

The Speaker took the chair at three o'clock.

After routine,

His hon. the Speaker reported to the House that he had received a communication from the President of the Legislative Council of Newfoundland. The said communication expressed the feeling of the Legislative Council relative to the assassination of the Hon. T. D'Arcy McGee and their profound sympathy with his bereaved widow and family. Having been read by the Clerk, a resolution was passed acknowledging the receipt of the same and directing the Speaker to make a suitable reply.

A number of petitions were then presented and laid on the table.

## ENQUIRY RESPECTING DEBTS OF THE MARITIME PROVINCES.

Hon. Mr. McCully said there was some misapprehension existing in the Maritime Provinces in reference to the state of the accounts existing between those Provinces and the Dominion Government. It was due to the Dominion Government, and also to the Local Governments, that there should be some authenticated statement made in regard to this matter, in order to disabuse the minds of many who would be willing to do justice to the Dominion Government if they were not misled by interested parties. He thought those statements were entirely erroneous, yet for the reasons named, he would enquire:

"Whether any dispute exists between the Dominion Government and the Provinces of Nova Scotia or New Brunswick, or either, and which of them, as to the amount of their respective debts on the 1st day of July last, assumed by the Dominion? Also whether any dispute exists as to such amounts at any subsequent dates? Also whether any method of settling disputes, if any exist or should arise, as to amounts of money charged or chargeable by the Dominion against the respective Provinces or *vice-versa* is to be provided by Government?

In the British North America Act, a provision was made for the settlement of any disputes that might arise between the Provinces of Ontario and Quebec. There was also ample room for disputes to arise between Nova

Scotia and the Dominion Government, because there were certain services to which there might be some doubt as to whether they ought to be charged to the Dominion or to the Provinces, therefore, he thought it desirable that, at the earliest date, the Government should provide a disinterested tribunal to give satisfaction, so that the weaker Province would not seem to be overborne by Dominion institutions.

Hon. Mr. Campbell replied that there was no dispute between the Dominion Government and the Governments of Nova Scotia and New Brunswick as to these items. In reference to a great many of these items, the Local Governments have assented, but to some they have not yet come to a decision. In regard to the other part of the question, no arrangement has been made, because any arrangement for settling disputes must come before the Local as well as the General Government, and be mutually agreed upon.

Hon. Mr. McCully 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 statement, showing the debts of the Provinces of Nova Scotia and New Brunswick, to the Dominion, at the most recent date to which they have been adjusted."

Hon. Mr. Campbell said he had no objection to the address, but he would suggest to his hon. friend, to omit the words "to which they have been adjusted," because they have not been adjusted.

Hon. Mr. McCully said he had no objection to omitting those words.

Hon. Mr. Wilmot said, so far as New Brunswick was concerned, before the first of July warrants were issued to cover almost every service upon the local treasury, and \$250,000 were paid over to the Dominion Treasury on the first of July. He had been surprised to hear a statement made that a large amount had been paid on account of New Brunswick, therefore it was very desirable that a statement should be made.

The motion was then adopted.

Hon. Mr. Benson moved, that an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, all correspondence connected with the navigation of the Saint Clair Flats, or of the improvement thereof, and a statement of

all money paid for that object." He said he made this motion because he had received from a person interested in the trade of the country a copy of a report made by an officer of the American Government upon the position of the navigation of the St. Clair Flats, from which it appeared that that Government has decided to abandon the old channel which was made, and to which the Canadian Government contributed \$20,000, and have now contracted for a new ship canal in a more accessible position, more easy of navigation and less expensive. This canal is said to be on American territory, is only one and a half miles long, 300 feet wide and 13 feet deep at lowest water, with embankments on each side, 50 feet wide, and it will be completed in 1869. This canal will save the large expenditure necessary heretofore in crossing those flats which amounted in 1865 to the sum of \$494,369, while the new canal will only cost \$428,754. It is not necessary to discuss the importance of this subject to Canadian interests, or the extent of the navigation which must necessarily pass through this channel. It may be sufficient to say that in the season of navigation in 1866 the number of crafts of all description that passed through the old channel was 22,274, and 90 rafts, being an average of 86 vessels daily. The proportion of Canadian vessels is not given, but sufficient is now given to show the importance of the subject, and the necessity of securing for our shipping interests all the advantages possible to be obtained, and it was for this object he asked this address.

The motion was then put and carried.

On motion of **Hon. Mr. Campbell** it was ordered that on to-morrow, and on every sitting thereafter, there be two distinct sittings of the House, one from three to six o'clock p.m., unless the House sooner adjourns, and another at half-past seven p.m.

The Bill intituled "An Act to confirm the amalgamation of the Commercial Bank of Canada, and the Merchants' Bank, and to amend and consolidate the Acts of incorporation of the said Banks," was read a third time and passed.

#### COMMITTEE REPORT.

**Hon. Mr. Campbell** moved the adoption of the report of the Select Committee on the subject of alterations in the form of proceedings in the Senate, and said he trusted that the report now before the House would be regarded by the hon. members as very desirable. The object of those who prepared the

report was to give more time for the discussion of subjects which came before the House, and it suggests a more perfect mode than we have had for attaining that object.

The report was then adopted.

#### AN ACT RESPECTING PENITENTIARIES.

**Hon. Mr. Campbell**, in explaining the provisions of this Act, said that changes had been made in the law formerly in force in regard to penitentiaries, with a view of introducing a system which had been found practical in Great Britain, and which had been attended with beneficial results. One change consisted in enabling the Governor in Council to legalize penitentiaries in different parts of the Dominion; for instance if public works were carried on, those public works might be constituted legal penitentiaries where convicts might be employed under the surveillance of their keepers. This would not only promote their own health and improvement, but it would be an advantage to the public to have those works carried on in this manner. In the penitentiary system of Ireland they have intermediate penitentiaries for convicts who have spent a portion of their term in more severe labour, and, perhaps, in complete silence; but having served that portion of his time a man is allowed, as it were, for good behaviour, to be removed to another intermediate prison, where the work is not so severe, and he is allowed some privileges. It would be impossible in the state of finances of this country to have intermediate prisons, therefore it is considered advisable to constitute penitentiaries and make them intermediate prisons, where convicts after serving a portion of their time and by their conduct, entitle themselves to be considered in the way of improvement, can be sent where the work will be less and some privileges will be granted to them. There was another provision in the bill to which he desired to call the attention of the House. It is proposed in one of the clauses of the bill to have penal cells, because it is found by experience, and from the reports of those who have studied this question, that the true way to reform the conduct of a convict is to teach him in the first place the hardship of the sentence he is undergoing. Having been so punished if he shows a desire to conform himself to the rules of the prison, and faithfully perform his work, a certain degree of relaxation might be permitted. This would hold out to the convict a ray of hope, and it would remove what has been considered a great obstacle in the way of the successful

working of our penitentiaries, in as much as a convict cannot hope for any change in his sentence on account of his conduct. That hope is held out by the section of the bill which authorises the remission of the time of the sentence in accordance with his good conduct, to extent of five days for each month. These are the principal changes made in the bill as compared with what has hitherto been the law in Canada proper. He could not speak of the laws on this subject in the Lower Provinces, but he believed they were the same as in Canada, and have been administered with more or less success in the reformation of convicts. He would now move the second reading of the bill.

The motion was then adopted, and it was ordered that the Bill be referred to a Committee of the whole House to-morrow.

#### TAKING EVIDENCE IN CANADA.

The order of the day being read for the second reading of the Bill intituled, "An Act to provide for the taking of evidence in Canada, in relation to civil and commercial matters pending before courts of justice in any of Her Majesty's Dominions, or before foreign tribunals."

**Hon. Mr. Campbell** said that both in Great Britain and the United States, they had a law by which evidence could be taken in these countries for suits pending in a foreign country, and they can compel the attendance of witnesses, and compel them to give evidence after they have attended. This bill will exercise the same powers as if the suit was pending in our own courts. He would now move the second reading of the bill.

**Hon. Mr. Tessier** wished to know how evidence taken in foreign countries was to be legalized and binding in the Province of Quebec, there being such dissimilarity existing now in the laws of evidence obtaining there from those of the other Provinces of the Dominion, and other countries of the world.

**Hon. Mr. Campbell**—The objection raised by the hon. member (Mr. Tessier) had not escaped the attention of the Government, but until one court could be established for the whole Dominion, the Government felt it necessary to pass such a law as this, and if it should be found necessary, the Province of Quebec would doubtless avail itself of the advantages of this bill, and copy from it. All these details will adjust themselves in a short time after some trial of the present legislation.

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**Hon. Mr. McCully** doubted very much whether this Legislature had the power to pass such a law, and feared that serious, if not dangerous, consequences will follow its passage if carried into effect. Such, at all events, were his apprehensions, but he would not press his objections now.

The bill was then read a second time, and on motion of **Hon. Mr. Campbell** was ordered to be referred to a Committee of the whole House to-morrow.

#### GEOLOGICAL SURVEY.

The House went into Committee of the Whole on the Bill intituled "An Act respecting the Geological Survey of Canada,"

**Hon. Mr. Dumouchel** in the chair.

**Hon. Mr. McCully** alluded to the provision of the bill, allowing balances to be held over, and said it was not consistent with the principle adopted by the Government in relation to the Departments of the Civil Service, and late discussions would show how strongly the Government felt on this subject. If the objections were good and valid then, so they must be considered now, and he was at a loss to see how the Government can change their public policy on one measure of this kind, after the high grounds taken by them lately in this House.

**Hon. Mr. Campbell** said it was found by past experience that continuity of this service was necessary to secure its value, and therefore they had voted for this service in terms of four or five years. This service had been of great benefit to the country. He had known individuals who had discovered minerals upon their farms, and not knowing the value of them, had referred to the geological report, and found information given by the best scientific men upon these minerals which showed them that they were very valuable. This bill proposes to extend this service to the Maritime Provinces.

**Hon. Mr. Flint** wished to ask if there was any provision in the bill for the establishment of schools for miners, in which they could be trained to assay those minerals, instead of our having to be dependent upon persons coming from the United States. It is highly important that something of this kind should be done for the purpose of developing the mineral resources of the country. He did not agree with the Postmaster-General that a great benefit had been derived from this survey. If every

one who has tried to get geological information from those conducting that survey had been treated as he (Mr. Flint) had been, they would get very little information indeed. He had sent ores to them from his part of the country since 1865, but he had never yet been able to obtain the least information from that staff. He did not think the geological survey was worth the money that was bestowed upon it. He hoped the Government would take this matter into consideration, and see that some portion of this money was expended in giving information to persons, to enable them to give us proper information, otherwise we might as well save the money as to expend it in the way we do.

**Hon. Mr. Letellier de St. Just** stated as a well known fact that the chemical department of the geological survey had not met the general expectations of the people of this Dominion. From one cause or another there was a general dissatisfaction with the late and present working of this important branch of the public service. It was much to be regretted that such was the case, as he considered it one of the greatest *desideratums* for this young country, abounding in mineral wealth, that the most competent and painstaking scientific men should be employed in making known its varied sources of hidden wealth to the world.

**Hon. Mr. McCully** spoke in high terms of the persons who were conducting this survey. He had supposed that when the Government brought down this measure they would have had some opportunity of knowing what the arrangements were, but it appeared the arrangements were to be made by the Governor in Council. In Nova Scotia they were anxious to know what amount of money was to be spent in that Province for this purpose. He trusted that when the staff was organized, and the survey was extended to Nova Scotia, they would not forget those persons of very creditable attainments in that Province who had made this science their study for many years, but that their services would be made available for the purpose of giving the Dominion the most creditable information which can be obtained in regard to its geological value. He did not wish to be understood as opposing the measure, as he approved of it, and intended to support it.

**Hon. Mr. Chapais** said that this was one instance to show how the most scientific men of the universe may be deceived for a time regarding any new discovery. He knew for a fact that for a length of time the best

Chemists and most learned Geologists in Europe, had agreed with Mr. Hunt that the particular ores to which reference has been made as having been referred to Mr. Hunt, were incapable of fusion. Mr. Hunt had not the required materials to make the assays or experiments desired, which is a complete justification, as far as he is concerned, if any were wanting; but the later experience has disproved that mistake, but no reproaches can be made to our staff when other eminent men, with all the appliances, were in error also.

**Hon. Mr. Campbell** said, in reference to the question put by his hon. friend (Mr. Flint), that the Government were quite alive to the importance of having a school for miners. There was no provision for taking any steps at present in this matter, but the importance of the subject would receive the attention of the Government. The remarks made in reference to the errors committed by the staff of Sir William Logan would exercise a useful and wholesome influence. The remarks which had fallen from the hon. members of the House would have great weight and secure others from falling into similar errors. Those very sands to which allusion has been made, were sent to Europe by the officers of the Hudson's Bay Company, and were pronounced valueless by scientific men. It is impossible to prevent those errors from occurring, and we must set against them the valuable result which will be derived from the salt works which have been brought into notice by Sir William Logan, and which did fair to rival the salt works in the State of New York. He might specify numerous instances where the results of this geological survey have been most valuable to the country. He believed the arrangements of Sir William Logan would include on his staff the name of one of those persons referred to by his hon. friend (Mr. McCully), he being one of the first to bring forward men of promise from all parts of the Dominion.

**The Speaker** said when he was in Europe, in France, last year, he found men of the first scientific attainments, who all agreed in pronouncing Mr. Hunt one of the ablest chemists of the age, without exception.

The bill was then adopted, read a third time and passed.

#### FOREIGN REPRINTS OF BRITISH COPYRIGHT WORKS.

The House went into Committee of the Whole on a Bill intituled, "An Act to impose a duty on Foreign Reprints of British copyright works."



(Hon. Mr. Guévremont in the chair.)

**Hon. Mr. Ryan** would make a few remarks in reference to the first clause. It was in reference to this clause that he had suggested to the Postmaster-General the adoption of an amendment. The object of the amendment was to give to the printers and publishers of Canada an opportunity of doing what this bill will give to the printers and publishers of the United States. At present he believed that all copies of English copyright works printed in the United States were prohibited from coming into Canada. This bill will allow them to come in by paying 20 per cent. *ad valorem*, which 20 per cent goes to the author or whoever possesses the copyright in England. It appears very natural that we should be put on the same footing as we are allowed by an Act of the Imperial Government to put the printers and publishers of the United States. This would be a benefit to us, as we would then employ our operatives doing the work which is now done in the United States, and which we admit into Canada on paying 20 per cent to go to the author. His object was to allow our operatives to have the same privileges as those of the United States in regard to this matter. He had thought that this might be easily accomplished, but upon looking into the subject and consulting some of the legal members of the Government, he found there is a legal difficulty unfortunately in the way. The hon. gentleman then read several extracts from the law upon this point to show that this legal difficulty existed, and went on to show that these reprints of British copyright books could be more cheaply printed here than in the United States under their system of taxation. He had been told by practical printers that in Montreal if they had permission, they could publish a great number of those works not only for Canada but to compete with the United States in the United States market. This would be an advantage not only to our operatives but to the authors of those works, because they now get nothing on the numerous copies published in the United States, but only 20 per cent on those imported into Canada; if they are printed here the printer would not only have to pay this percentage upon those sold in Canada, but also upon those sold in the United States. It appeared but reasonable and right that we should by some means obtain the power of making such regulations as would confer these benefits. It was his intention to give a notice of motion to-morrow for an address to Her Majesty, praying that through the action of the Imperial Parliament we should have this power.

**Hon. Mr. Sanborn** did not see any necessity for an address to Her Majesty in reference to this subject; they should deal with the question themselves.

**Hon. Mr. Ryan** said if they could act upon it by legislation, it was well to do so, but he had consulted the law officers of the Crown, who say it is incompatible with the Copyright Acts of the British Government.

**Hon. Mr. Sanborn** did not so understand it; we have a perfect right to legislate upon patents, and this subject would involve the same principle. It was a matter of justice to the author that we should legislate upon it, and grant him the same privileges we do to the inventor, although it was merely a moral obligation. We are laying aside that principle of self-interest which usually influences the legislation of countries, and magnanimously conceding to the authors of those copyright works a right to have an interest in them. If we yield that principle we ought to give them a right to take out their copyright here. That would meet the objection raised, and our publishers would have privileges under the Copyright Act. The point made by his hon. friend was, that our publishers in Canada want to have the same privilege in regard to those copyrights as they have in the United States.

**Hon. Mr. Ryan**—There is now a penalty imposed, the right of every author being extended to all the Provinces. That copyright is pirated in the United States, and it is found difficult to prevent those publications from coming into Canada, therefore to obviate this, there is to be a duty imposed of 20 per cent, for the benefit of the author. Anyone publishing a British copyright work in Canada is liable to an action.

**Hon. Mr. Sanborn** said the Imperial Act on this subject was of no greater force than any other Imperial Act; if this was recognized our local legislation does away with it, because under the Union Act power is given us to legislate upon the subject. He then referred to the bill being in the interest of the authors, and not in the interest of the public, and he could not see how those who advocated the interests of the public, in regard to patents for inventions, could now support this bill.

**Hon. Mr. McCully** thought that though copyright was something for the benefit of the author, yet, no man produced a good book without its being a benefit to the public. It was a benefit to the man who read the

book as well as to the man who wrote it. There was no reason why other people should take the benefit of the ability and long services of the author, and undersell the book which he has produced.

**Hon. Mr. Sanborn** said the object of the Bill was to put this duty of 20 per cent upon the large number of British copyrights now in existence, whereas now we have them free.

**Hon. Mr. Ryan** said if his hon. friend would look at the "Acts" upon this subject, he would see that these reprints of British copyright works are prohibited from coming in at all, therefore he was under a mistake in saying they come in free. It is because this prohibition has been evaded, that they are now to be allowed to come in by paying a duty. He did not think it possible that they could pass an Act to interfere with the Imperial Act, and therefore he was obliged to go in this round about way to ask the Governor General to forward an address to the Imperial Government to induce them to take such legislation as will allow us to print those works in Canada.

**Hon. Mr. Tessier** contended that the Union Act (91st Sec.) distinctly gave us the power to legislate in respect of the rights of authors; but otherwise doubted whether the Imperial Act was in force in Canada. The Bill gave rights to foreigners which we cannot give according to these pretensions to our own publishers. He thought it would be better to put a high rate of duty on American reprints of British copyrights.

**Hon. Mr. McCully** was inclined to think that there was no intention on the part of the Imperial Parliament to confer new powers upon the Dominion by the British North America Act. It was but a reasonable construction of that Act to say it gave the Dominion power to legislate upon the subject of copyright, and it may be fairly presumed they have that right. The intention of the Act was to give to the Dominion any rights which the separate Provinces had before those rights were taken away by the passing of the Union Act. The power we now possess is no greater than exercised before Confederation in Canada, proper, so far as their jurisdiction extended. If that be the true construction of the North America Act, we have no more right to legislate against an Act of the Imperial Parliament than we had before. In that view of the case his hon. friend (Mr. Ryan) had taken a proper course in moving for an address. He was not prepared to say that this

legislature did not possess very extensive powers, still he could not help thinking that it was not the intention of the Imperial Parliament to confer upon us any greater power than we possessed before.

**Hon. Mr. Sanborn** understood the Imperial Parliament to have conceded to us by the Union Act everything which they did not reserve. The opinion has been entertained by the highest legal authorities that patents granted by the British Government, when tested by Statute Law, would be of no validity in these Provinces. Are we to minimise our powers into a mere municipality having only the powers delegated to us by the strict terms of the Union Act, or are we to be considered as something almost approaching to a nation, having power to legislate upon whatever would benefit our people if not adverse to the sovereignty of Great Britain. We have the right to legislate adversely to the interests of Great Britain in our tariffs, and if these copyrights are prohibited by what law are they prohibited? It is by our own law and for the interest of the public, and now we should consider whether we are legislating for the benefit of authors solely, or for the public in imposing this duty. We have full powers given us in the 91st Section of the Union Act to legislate upon this subject, direct and specific, but we have approached it from a wrong stand point.

**Hon. Mr. Campbell** said this was a question upon which great doubt existed as to our right to legislate upon it, therefore, the course pursued by his hon. friend (Mr. Ryan) was the only safe one to be adopted. Legal men in England would hold stronger views upon this point than legal men in this country. As an instance of this he would mention that Judges of the Court of Queen's Bench in England had assumed to exercise a judiciary power over a power which was under the jurisdiction of the Courts of Upper Canada, and it was only after application was made, and an Act of the Imperial Parliament passed, that this power was abandoned. Where we find that the Imperial Parliament have enacted in express terms particular provisions extending to all the colonies; it is held that each colony notwithstanding that it may have a Legislature of its own, is bound by the Imperial Act, as in the case of the Merchants' Shipping Act. The Bank of British North America held its power under an English Charter in Canada for some years, without any power being granted by the Local Legislature.

**Hon. Mr. McCully**—It has no other power in Nova Scotia now.

**Hon. Mr. Campbell**—It had additional power conferred upon it in Canada, but it was after it had existed here for some years under its English charter. He doubted whether the rule which governed patents would govern copyrights, because he thought that in England copyrights were issued under the authority of the Crown. The best way of approaching the subject was in the way suggested by the hon. member for Montreal, (Mr. Ryan), to move an address to the Governor-General, desiring the attention of the English Government to this law, with a view to having it altered, so as to give us the right to avail ourselves of any opportunity for reprinting English copyright books, reserving a percentage for the author. In the meantime we are all agreed that the provisions of this bill are just and right, and will redound to the advantage of authors of British copyright works, as it will increase the area of the publication of their books, to allow new reprints to be circulated where they were altogether prohibited before. Formerly the authors derived no benefit from the circulation of their works, so far as Canada is concerned, but under this bill they will receive 20 per cent, therefore the bill is good so far as it goes. It may be that although the right to legislate upon copyright is given us it does not include the right to legislate upon British copyrights. We have only the right in regard to copyrights which are issued in this country, and no right to legislate adversely to those existing in the Mother Country.

**Hon. Mr. Wilmot** did not like this round about way of coming at the question. He thought where no injury was to be done to the authors we should try to benefit our own country. This referring to Royal Charters was a policy which had been worn out. In New Brunswick they had repeatedly altered Royal Charters. The Seamen's Act had been referred to, but that was a general policy the same as the navigation law. If there was an Act passed merely to benefit our own publishers without injuring British authors, it would be the best way to try this question.

**Hon. Mr. Tessier** expressed his opinion that the Dominion Government had a full right to deal directly and in any way it judged proper with this question now before them.

**Hon. Mr. Sanborn** proposed to move an amendment giving Canadian publishers the right of printing and selling the reprint of

British copyrights by paying 20 per cent which the Bill proposed to take from the American publishers.

**Hon. Mr. Campbell** hoped the hon. member (Mr. Sanborn) would defer his amendment until to-morrow, to enable him to consult the Law Officers of the Crown on the point.

**Hon. Mr. Ryan** was happy at the new lights that have been thrown on the subject, but like all subjects where Lawyers interfere, there must be two sides for discussion; his object was to take the safest and shortest mode, and hoped hon. members would not object to the course proposed as the safest and, perhaps, in the end, the most expeditious. He feared if the Lawyers had the collection of this proposed 20 per cent, on the reprints of British copyrights, there would be very little left for the public Treasury or the authors.

The Committee then rose, reported progress, and asked leave to sit again to-morrow.

#### PATENTS FOR INVENTION, BILL

Pursuant to order, the House then resolved itself into Committee of the Whole on the bill relating to Patents for Invention.

**Hon. Mr. Shaw** in the chair.

**Hon. Mr. Sanborn** objected to the clause requiring one year's residence in the Dominion before being enabled to obtain a patent for invention—placing Englishmen in an inferior position to a colonist in a British colony. It was an anomaly and absurdity in his opinion.

**Hon. Mr. Chapais** said that the main object of the bill was to assimilate the law in all the Provinces of the Dominion, and he could not consent to the amendment in the sense proposed; he thought there should be no discrimination. If the proposed change were made, all the British subjects in the United States and other countries would be flocking in here to obtain patents. There was no injustice to Englishmen, or any one else, as all were to be placed on the same footing by this bill.

It being six o'clock the Speaker left the chair.

#### AFTER RECESS.

**Hon. Mr. Mitchell** said it would cost from £500 to £800 in England, whilst the English inventor can come here and with one year's

residence can obtain a patent for a mere trifle. We should have no national discrimination. He thought the bill a reciprocity of free trade in patent rights, and as such a move in the right direction.

**Hon. Mr. Letellier de St. Just** could see no principle on this Bill, thought it very objectionable in many of its leading features, and hoped it would be amended as proposed.

**Hon. Mr. Sanborn** moved, seconded by **Hon. Mr. Aikins**, that the following be added to the 31st clause of the bill: Any resident British subject, being the original inventor, holding a patent for any invention or discovery, in any of the Provinces of the Dominion, when this Act comes into force, shall be entitled to have the same extended to the whole Dominion for the expiration of the period the same was granted for, upon the payment to the Commissioner of Patents of twenty dollars for five years, and a sum proportioned thereto for any greater or less period such patent may have to run, and in such case it shall be lawful for the Commissioner of Patents to issue under the seal of his office, a new patent to the person applying for such extension, upon the production of his letters patent, and the deposit thereof in the office of the Commissioner of Patents, granting him the exclusive right to the use of his invention or discovery throughout the Dominion for the remaining period unexpired of his first patent, upon the terms and restrictions applicable to persons obtaining new patents under this Act, provided the patent shall not prevent any persons manufacturing, using or vending any art, machine, manufacture of composition of matter, in any of the Provinces to which the original patent did not extend, who had prior thereto manufactured, used and vended such art, machine, manufacture or composition of matter therein.

**Hon. Mr. Aikins** seconded the amendment as reasonable and just. Why should Canadians be excluded, who have, through the faith of the Legislature and Government, taken out patents for particular Provinces of this now united Dominion, from the benefit of this bill? Others can step in and use their inventions, and all the remedy will be a suit at law, always attended with expense and trouble, and often great uncertainty.

After considerable discussion, the amendment was declared carried by a vote of 21 yeas to 17 nays—majority in favour of the amendment, 4. The bill, as amended, was then

reported to the House, which amendment being concurred in, the bill was fixed for a third reading to-morrow.

#### ACT RESPECTING LARCENY.

**Hon. Mr. Campbell** moved the second reading of the Bill intituled, "An Act respecting larceny and similar offences," and said it was a bill introduced by the Minister of Justice, for the purpose of consolidating all the laws of the Dominion relating to larceny.

**Hon. Mr. Sanborn** said he did not intend to make any lengthy remarks, but as he had noticed that there were eleven bills of this description before Parliament, he thought the Government were deserving of censure in not having brought some of them before the Senate previous to this. It had been admitted by high authority that these bills could not be considered in the House of Commons, on account of the press of business which they had before them. They have been framed by a power not behind the Throne, but behind the Ministry, who have sent up a voluminous matter, and have made serious alterations in the criminal law. It seemed to be a dangerous experiment; if not dangerous it was certainly inexpedient, while we are extending the laws of the Dominion to enact new laws, without giving either of the two Branches of the Legislature time to understand them. These laws, or amendments, ought to go before a legal committee, and be carefully examined and understood. He did not wish to disparage any of the parties who had charge of those bills, but he found they were very largely copied from the English Act of 1861. There was this to be said, in justice to those who drafted them, that though they were men of extensive information, none of them had much practice in criminal law. Suggestions will occur to men who have had an extensive practice, that will not occur to those who have not had that practice. He found a great many changes had been made in the old law in regard to larceny. There was one in reference to stealing a tree of the value of twenty-five cents; the penalty for the first offence is imprisonment for a short time; and the second offence makes it one of ordinary larceny. Heretofore there was no penalty for taking a tree, only a summary trial before a Judge for taking trees to the value of \$4. Then, for stealing fences and fixtures of various kinds, there are clauses providing penalties which are not to be found in the original law. There are also clauses in reference to persons misappropriating property, and trustees taking

property which they had in trust; this is declared to be larceny. Then there is a new feature introduced into our law, although it is retained in English law, that is, introducing whipping as a punishment for offenders under sixteen years of age. That is a thing that is very repugnant to the feelings of the people of the present day. He would much prefer to have these bills lie over until another Session. He saw no absolute necessity for passing them now, as the criminal law was now in force throughout the Dominion. The Postmaster-General must see that we have no time to take up these laws and give them that consideration which they deserve.

**Hon. Mr. Campbell** said there was nothing novel in the clauses to which his hon. friend had referred, except the last. There was great force in his remarks, that we had no time to give due consideration at this late period of the Session. They had been drafted with great care by the law officers of the other Branch of the Legislature, and though they had no practical experience in criminal law, yet the reverse is the fact as regards the Minister of Justice under whose supervision they were drawn. These bills have been prepared without making any substantial change in the criminal laws of these Provinces of the Empire. To a great extent the House has to take these bills upon the faith of the officers who have charge of them. They have embodied the

criminal laws which existed in the several Provinces of the Dominion, and even if we now had more time to consider them we would to a great extent have to take them upon the faith of those who have examined them more minutely than we could.

**Hon. Mr. Tessier** regretted that a bill of this importance was brought in at the end of the Session, when there is no time left for discussion. He also objected to the clause that enacts the "whipping penalty" as repugnant to our feelings, and only suited for military discipline.

The bill was then read a second time. To be referred to a Committee of the whole House on Friday next.

A message was brought from the House of Commons to return the Bill intituled "An Act respecting the Navigation of Canadian Waters," and to acquaint the House that they had passed the said bill without amendment.

A Bill intituled "An Act respecting Malicious Injuries to Property," and also

A Bill intituled "An Act to incorporate the Canada Shipping Company;" were brought from the House of Commons, and read a first time.

**Hon. Mr. Allan** presented the eleventh report from the Committee on Standing Orders and Private Bills.

The House then adjourned.

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## THE SENATE

Wednesday, May 13, 1868.

The Speaker took the chair at three o'clock.

After routine,

### PATENTS FOR INVENTION BILL.

Hon. Mr. Chapais rose and said (in French and English) that in consequence of the amendment proposed and carried into Committee of the Whole, the Government would not take the responsibility of passing the bill as it now stands. He would, therefore, move that the order of the day for the third reading of the bill be discharged, and so dropped the bill.

### CAUSES OF THE RECENT FINANCIAL CRISIS.

Pursuant to the order of the day the House went into Committee on the late financial crises in Ontario.

Hon. Mr. Macpherson, in submitting this report on the financial crisis, said he thought the House would admit that the Committee had been the means of submitting a large amount of valuable information, both in regard to the crisis of last autumn, and on the general subject of banking and currency. So far as the crisis was concerned the report was a mere summary of evidence, and here he would state that he regretted very much that an error took place in printing a portion of that report. It was his intention, as well as the intention of the Committee, not to express any opinion in regard to the matter, but a very valuable officer of the House, in revising the proof, thought it was the intention of the Committee to express an opinion, and had prepared the report accordingly. When he (Mr. Macpherson) saw the report he immediately wrote to that officer, calling his attention to it and telling him that a correct report must be printed and an explanation given. That correct report has been printed and the explanation he had now given. The evidence given in the first report was exceedingly valuable, and it contained a large amount of information respecting banking and currency. The gentlemen connected with banking in Upper Canada are almost unanimous in opinion in regard to the causes of the crisis. The only exception was a gentleman connected with the Bank of British North America, who held views somewhat different from the others. He had stated in moving for the appointment

of this committee, that it was no part of his intention to reflect on any banking institution in the country, and the committee had acted upon this principle in conducting their enquiry, and in submitting their reports. It was no part of the duty of the committee to enquire into the particular causes of the failure of the Commercial Bank, though it seems to be the common opinion that that was their intention. It is not the duty of any bank, more than it is the duty of any commercial firm, to sustain any other bank when in a position of embarrassment, unless it be for its own interest. He did not intend in any way to assail the management of the Bank of Montreal, or to hold either it or the Government blameable for the failure of the Commercial Bank. His object was to enquire into the cause of the crisis in Ontario, which he held to have been more wide spread in its consequences than could be properly traceable to the suspension of any bank. Though the Commercial Bank did a large business, its suspension was not sufficient to account for what succeeded it. Every bank should be governed by its own interest as to the course it should pursue, and its success, like other institutions, depends upon its management, and when that management is bad, it will certainly fail. He would now, with the permission of the House, read one or two extracts from the evidence. He would first read what was said by the cashier of the Bank of Toronto, who is obviously very familiar with the subject upon which he has given evidence. In answer to the question of what legislation would be best adopted to prevent a recurrence of similar crises he says: "No legislation has hitherto been devised, and in my opinion it would be impossible to devise any by which the failure of banking establishments would be entirely prevented." Then the manager of the Bank of British North America, in Montreal, says: "No Government legislation can prevent the recurrence of such events as have unhappily taken place within the past two years in Canada, viz., the failure of the Bank of Upper Canada and the Commercial Bank. Such events can only be prevented by the circumspect, cautious and intelligent management of those who have the direction and charge of the banking institutions of the country." Mr. King says: "I think it is quite beyond the reach of legislation to prevent the recurrence of monetary derangement, caused by imprudent management or excessive competition in banking. The Legislature may mitigate the effects of such monetary derangement by an improvement in the

banking system, and by providing greater security for the note issues permitted in the country." He (Mr. Macpherson) agreed with those gentlemen that nothing can be devised here which would prevent the bad management of banking institutions, and if bad management does take place nothing that we can do will prevent failure. He thought the evidence obtained fully justified him in asking for a committee of enquiry on a subject of so much importance, especially to the people of Ontario. His object was to discover whether any particular system was the cause of that unfortunate crisis. The evidence is very distinct upon the subject and the gentlemen who have given the evidence ascribe the crisis to the effect of the Provincial Bank Note Act. It was not his intention to censure those who took a legitimate advantage of the system which they found in existence, but if the system is defective we should remedy it. He would now read some of the evidence. Mr. Hague says: "In considering the subject of banking and currency in Canada, it is to be observed that the question cannot be considered simply in the light of an abstract proposition, and as if a system had to be inaugurated *de novo*. "We have in existence a number of chartered institutions with whom are inextricably associated all the financial interests of the country, the commerce both foreign and domestic, the agricultural, the manufactures, the fisheries, the mining, the shipping, the railways of the Dominion, all stand in such intimate connection with our existing chartered banks that no measure can be taken either to enlarge or restrict their functions, either to jeopardize or benefit their interests, but must tell through numerous channels upon every department of business, and act at once on the revenues of the Government itself. These considerations, while they should not operate to prevent measures being taken for the improvement and reformation in the constitution and charters of our banking corporations, so as to give greater security to the public, should undoubtedly lead to caution, lest in endeavoring to remedy evils in one direction others of a graver and more dangerous character are not brought to pass." The hon. members would see that all the gentlemen who have given evidence here are opposed to the extension, or continuance of the Dominion note system, and desire that the Parliament should retrace its steps in regard to that Act. They are in favour of the system formerly in existence, and suggest additional guarantees for the further security of the

noteholders. Mr. Hague goes on to say, "Approaching now the important subject of a circulating currency, I must again take the liberty of calling attention to the position in which the country is placed. At present, nearly all the banks of Canada circulate their own notes. The only important exception is that of the bank which receives the Government deposits, and transacts the Government business, including the agency for issuing and redeeming Provincial currency. This institution ceased to issue its own notes about eighteen months ago, and since then has been issuing only the notes of the Government. I have already pointed out the position in which this institution stood with the Government enabling this change to be carried out without disturbance to its general business. It would, however, be far different with the other Banks, which have a large circulation. On this circulation, is founded a large amount of the banking business of the Province of Ontario, and to destroy it, would necessitate so large a curtailment of business facilities, that the repetition of the revulsion of 1857 would be inevitable." This evidence, he said, went to considerable length, but as it was in the hands of members, he would not take up the time of the House in reading it. He said an overwhelming majority of the people of Ontario, and he believed a majority of the people of the Dominion, desire that we should return to the system, which existed before those Dominion notes were issued. He would call the attention of the House to the amendments to that system, suggested by a practical man, whose duty and business it is to watch the currency and form an opinion as to the best system for the country, including the best means of securing its redemption. The first suggestion, which he would not detain the House by reading, recommended that those charged with the management of banking institutions should have an interest in them to a sufficient amount to make them take a deep interest in their prosperity. The second suggestion was that a reserve should accumulate until it reaches not less than 25 per cent. on the paid up capital. The third is to prohibit the reduction of the capital of a bank, under any circumstances. If the capital has been impaired by losses a call should be made upon the shareholders to pay up the amount necessary to bring the capital up to its original amount. In this connection he would allude to the difficulty encountered in managing a bank with a small capital. Where the capital is small the profit is necessarily small. To secure good management high salaries

have to be paid, and this seriously impairs the profits where the capital is small. It is simply an impossibility that a bank with small capital can command the management of men of the ability and character necessary to give it success, and no bank should be chartered with a capital less than \$1,000,000. Banks with small capitals will generally run the risk of inferior management, trusting that it may turn out fortunately. The fourth suggestion was in reference to the returns to be made by the banks. The fifth suggestion is: "That the privilege of circulation ought certainly to be continued, but it might be an advantage to restrict it to the amount of capital and Government securities." The sixth says: "The banks should be required to hold 20 per cent. of their demand liabilities in specie or legal tenders, and so long as they do this to prevent public interests suffering by any bank jealousies or hostilities, they should be bound to receive all current notes on deposit provided the same were daily redeemed." Seventh: "In case of it becoming necessary to wind up the affairs of a bank, the interests of creditors should be paramount, and the stockholders to be called on to make good any deficiency to the extent of their ability without delay." That was all he would detain the House by reading upon the subject, and he would only repeat that the other gentlemen who have given evidence are in favour of a return to the old system, and are especially opposed to the Dominion note system, either in its extension or continuance. In case the financial requirements of the Dominion should induce the Government to desire the introduction of a new system, the Committee recommend a system somewhat analogous to the national banking system of the United States. That system is one by which bank notes are issued upon the credit of national security. Suppose a company determines to establish a bank, they take a certain amount of securities, one million dollars for instance, to the controller; the Government upon that security issues to them 90 per cent. in bank notes. A margin of 10 per cent. is reserved for security in case of depreciation in value of securities, and they are required to redeem their notes in legal tenders, or as they are usually called greenbacks. These securities, placed with the Government, are held for the security of the noteholders. If through any mismanagement the bank is unable to redeem its notes, and this is brought under the notice of the Government, they close the business and realise these securities for the benefit of the noteholders, as the Government is responsible for them; but they retain a lien upon the assets of the bank for

whatever the difference may be between the liabilities of the bank to the noteholders and the amount the securities may realise. That is the national banking system of the United States. The benefit to the bank is, it draws the rate of interest, whatever it may be, upon the amount of security it deposits with the Government. If \$1,000,000, in securities is deposited it receives \$900,000 in notes, and interest upon the million. The distinction between that and our Dominion note system is, that our Dominion notes have to be paid for in gold. The banks might just as well pay their gold over their counters, unless the Government be in debt to them. The National Bank Note system is one which with certain improvements might possibly be made to answer the purpose here, and give the Government as large an amount of money as they would have under the Dominion note system. Certain changes would have to be made before adopting the system. It is all very well in the United States where specie payments are suspended to pay a percentage for the whole amount of security, but here it must be upon a specie basis, as banks would be required to redeem their notes on demand, therefore it would be necessary for them to reserve a certain amount of gold to meet the demands for redemption. Probably 20 or 25 per cent, would be sufficient for that purpose. If the National Bank system should be entertained, he would suggest that instead of the banks purchasing securities with their gold, and depositing these securities with the Government as a basis for their issues, they should deposit the gold itself with the Government, to remain as a gold deposit, at interest, at the rate of 6 per cent. until required under the provisions of the law. In his opinion, this would be a great improvement; it would secure the currency upon a basis that would not be liable to depreciation, and therefore render it perfectly safe. It would also protect the banks from loss by the depreciation of Government securities. This, in his opinion, would be not more than just. If this mode were adopted, there would be no reason for withholding from the banks any portion of their capital as a margin to cover possible loss. They would be entitled to receive notes for the full amount of their capital. If the securities are not sufficient to pay the notes, the Government pays them, but recovers the deficiency from the Bank; but that would not be required by the mode he suggested of depositing gold with the Government instead of debentures.



**Hon. Mr. Ferrier** enquired whether his hon. friend had made provision for the expansion of the currency?

**Hon. Mr. Macpherson** said the difficulty in regard to expansion was a defect both in the Government note system, and in the National Bank system. He thought that any system which could not be made to expand, as the wants of the country required, without any particular connection with the Government of the country, was one that was unsuited to the requirements of Canada. If a regular and safer mode of expansion could be devised, it would remove one of the greatest objections to a National Bank system, but if that cannot be done then he had as great an objection to a national banking system as he had to the Dominion note system.

**Hon. Mr. Wilmot** would like to enquire whether his hon. friend intends that the gold shall be deposited with the Government, and they shall pay interest for it?

**Hon. Mr. Macpherson**—Does not the hon. gentleman see that they would be paying interest in any case? They pay interest on debentures which are mere vouchers for the gold received for them. Why then not avoid the circumlocution of exchanging gold for debentures and then depositing those debentures with the Government? He, of course, did not expect that the Government would keep the gold in their vaults, but would sell securities, and buy gold when it was wanted.

**Hon. Mr. Wilmot**—When the Government issue debentures, they get money which they expend, but it is a different thing for the Government to hold this gold and pay interest for it.

**Hon. Mr. Macpherson** did not suppose any Government would be justified in doing anything so absurd as to hold a vault full of gold.

**Hon. Mr. Wilmot**—What would they do with it?

**Hon. Mr. Macpherson**—What do they do with the securities, which are equal to gold? The hon. member concluded by saying he hoped the Government would not oppose the adoption of the report, but he had strong fears that the Government were inclined to extend the Dominion note system, which he (Mr. Macpherson) believed was unsuited to the wants of the country. He did not suppose the Government had any desire but to serve the best interests of the country, and it was the duty of the members of the House to bring before them what they believed would attain that

object. That was what he (Mr. Macpherson) had now been endeavouring to do, therefore, he hoped the report would be adopted, and he thought it could not fail to have a beneficial effect upon the country. It will show to the other House that we are in favour of a return to our former system of banking and currency, with some additional guarantees which he had endeavoured to explain, but failing that, if the Government desire a system to give them a larger amount of the capital of the country, then the opinion of the House would be in favour of something analogous to the National Banking system of the United States. He then moved the adoption of the report.

#### RESUMED DEBATE ON THE FINANCIAL CRISIS

**Hon. Mr. Campbell** hoped his hon. friend would forgive him for expressing his surprise at the course he had pursued, in presenting this matter before the House. He was sure his hon. friend, as a business man would naturally desire to pursue a course which would advance the object he has in view, in a practical way. Instead of advancing his object in a practical way, he seeks, by the adoption of this report, to commit the House, which is a practical body, to a series of theories, based upon the evidence of a few bankers, whose testimony is taken and upheld by his own opinion. When he moved for the Committee to be appointed, he had assured the House that he did not desire to reflect upon any banking institution, or the Government, which assurance he (Mr. Campbell) had felt bound to accept, but he must confess that his hon. friend has been unfortunate in the course pursued, if such was his intention. The witnesses summoned, and the report made, does reflect upon the Government, and does reflect upon particular institutions. The first report was put forward in an irregular manner; it was reported in the newspapers before it was submitted to the House. That was a breach of Parliamentary privilege.

**Hon. Mr. Macpherson**—I explained how that occurred. I said an error was made by an officer of the House.

**Hon. Mr. Campbell** said he did not make any remark in regard to any error creeping into the report, but he did complain that the report did not make its appearance first on the Table of the House, before appearing in the public newspapers of the day.

**Hon. Mr. Macpherson**—My conviction is that no copies of the report were distributed

before it was laid upon the Table of the House. I saw a telegraphic report of it in the newspapers, but that report was not obtained from me. If my hon. friend means to say that I, as chairman of that Committee, was a party to that report getting into the papers, I can assure him that he is in error.

**Hon. Mr. Campbell** had supposed so, but would now apologize for having formed that opinion. It was unfortunate that a report of this kind should have been placed in the hands of the public in a garbled manner.

**Hon. Mr. Macpherson**—The correct report was in the papers.

**Hon. Mr. Campbell**—It is a mistake to suppose that the newspaper report was correct, because it is asserted in that report that it was the opinion of the Committee that the proceedings of the Bank of Montreal aggravated the commercial crisis, whereas in the correct report it is not expressed as the opinion of the Committee, but it is expressed as the opinion of witnesses who gave evidence before the Committee. A report went abroad through the Province creating the impression that the Committee had formed and expressed an opinion in a very direct manner in reference to this particular point. He was anxious to draw attention to the irregularity of allowing a report to get into the newspapers before it was printed by the order of the House.

**Hon. Mr. Macpherson** was no party to giving an incorrect copy of the report at any time to any newspaper.

**Hon. Mr. Tessier** did not communicate the report to any newspaper or any one else.

**Hon. Mr. Allan** did not know that the report was incorrect until his attention had been drawn to the fact. The Committee simply gave expression to the opinions of the gentlemen who furnished the evidence, but refrained from expressing any opinion themselves.

**Hon. Mr. Campbell** was quite ready to accept the explanations. In regard to the witnesses who were examined, they were all bankers. Was it to be assumed that the whole monetary interests of the country are to be decided upon simply by a committee of bankers? Why were there not persons summoned before the Committee who were largely engaged in commerce? Why was it that only those persons were summoned who were likely to have an opinion in one direction? Why were the witnesses mostly confined to bankers in Toronto? Why was it that in the

City of Montreal, where four-fifths of the business is done, only two bankers were examined? Was not an effort made to arrive at a conclusion adverse to the action taken by the Government and the Bank of Montreal?

**Hon. Mr. Macpherson** explained that other witnesses were examined from Montreal, and questions had been submitted to bankers in Ontario and Quebec.

**Hon. Mr. Campbell**—Why was it the question was submitted only to bankers? Did those persons engaged in mercantile pursuits have no knowledge of monetary affairs that they must be all left to a few bankers, coming principally from Toronto? The most unfair course has been pursued; the Committee instead of giving the result of the investigation, only give certain points as to what should be done in the future as the recommendation of the Committee. What do they recommend in the future? A general recommendation "that your Committee recognize it as one of the first duties of Government, to provide a secure currency—one that will command the largest measure of public confidence, and be convertible into coin on demand." The Government recognizes that as its duty and they have now a committee chosen with great care composed of members from all parts of the Dominion. This Committee have propounded a series of questions in order to elicit evidence from all classes of the community to get the information necessary for legislating upon the subject. Instead of leaving the question open for the House to consider, the chairman of the Committee proposes that we should commit ourselves by pronouncing upon a series of theorems in advance of practical measures. The report goes on to say. "That your Committee are of opinion that the extension of the bank of issue system, now partially in operation, would be unsuited to the requirements of the country and injurious to its best interests." When the hon. gentleman made his speech it was impossible to understand from it whether he was in favour of a return to the old system, or in favour of the American system. His mind was not made up.

**Hon. Mr. Macpherson**—I am in favour of returning to the old system.

**Hon. Mr. Campbell**—His report does not say so. It says "that if the financial requirements of the Dominion should induce the Government to desire the introduction of a new system, including the taking possession of the currency of the country, then your Committee would recommend that the issue of the paper

currency be based upon the deposit with the Government of public securities of the Dominion, under a system somewhat analogous to that of the National Bank system of the United States." Thus it will be seen, that before the hon. gentleman has been able to make up his mind as to which of the two systems is best, he asks this House to commit itself, and say one of these courses is best, instead of leaving the question to be considered in a practical way at the next Session of Parliament. The report does not follow the evidence; it recommends either a return to the old system, or the adoption of a national banking system, and asks us to pronounce upon that mere question of theory. The report only embodied those parts of the evidence which would tell most against the action taken at that particular time, by the Government of the day, and they recommend a choice between two systems, whereas one witness alone, Mr. Hague, has made nine or ten recommendations.

**Hon. Mr. Macpherson**—He is generally in favour of the old system, and suggests these improvements.

**Hon. Mr. Campbell**—Why were they not put in the report? He has confined himself to two recommendations in the report, and these contrast unfairly with the witnesses he has quoted. Mr. Hague says in his evidence: "Let no bank be chartered in the cities of Montreal, Quebec, Toronto, St. John, or Halifax, having a smaller capital than one million dollars, and let the maximum capital for any such bank, at no time exceed five million dollars." Why were these recommendations not put forward in the report equally with the others? Then again, Mr. Morton makes recommendations involving eighteen or twenty heads, all of great importance, and yet they are not taken notice of in the report which has been made. He (Mr. Campbell) then alluded to the opinions of some of the witnesses, as attaching no importance to the fact that there were provincial bank notes at the time of the crisis; the opinion seemed to be that those provincial notes exercised no influence, as they had only replaced Montreal bank notes. He (Mr. Campbell) did not believe the general public really realised that there was a crisis. There was a distrust for two days in regard to bank notes, and then the crisis was over. It had attracted the attention of his hon. friend who had suggested that this Committee should be appointed for the purpose of enquiring into it, and now we are asked to adopt a report, the result of that enquiry. He would ask the

House to leave the matter to be dealt with upon the responsibility of the Government, at the next Session of Parliament, as according to the principles of responsible Government, the Government should not shirk the responsibility of the measure. When the Government, after having investigated the subject, and prepared a measure, submits it to Parliament, then the House, if they dislike it, can reject it, and the Government suffer the consequences of that rejection. But to tie members down to theories, was a course he never saw pursued before, therefore he trusted his hon. friend would withdraw his report, and not divide the House upon it.

**Hon. Mr. Allan** said that he was at a loss to conceive in what way the report now before the House reflected so severely upon the policy of the Government, as to afford any good ground for the very unusual degree of warmth displayed by the Hon. the Postmaster-General in the remarks which he had just made. Certainly there was nothing either in the report itself, or the manner in which the enquiry, on which the report was founded, had been conducted, to justify the very severe strictures of the hon. gentleman. Now he (Mr. Allan) would desire in the first place, to confirm what had been said by the hon. mover of the report, as to the circumstances which led to the formation of the committee, and the spirit in which the enquiry into the subject now before the House had been conducted by that Committee. A very strong feeling had existed throughout the whole of Western Canada, during the financial troubles in November last, and up to the time of the meeting of Parliament, that causes far deeper and wider than the failure of the Commercial Bank, had contributed to bring about the monetary crisis which produced such unfortunate effects upon the trade and prosperity of the country, and under those circumstances, he (Mr. Allan) did not think that those who might be considered as more particularly the representatives of Ontario in this Senate, had done anything more than their duty in endeavouring through the instrumentality of a Parliamentary enquiry, to obtain such information in relation to these important subjects as might throw additional light upon the causes which led to the financial embarrassments of last autumn, and might tend to prevent their recurrence in the future. It is true that the Postmaster-General had both upon this and upon a former occasion ridiculed the idea of there having been a crisis in Ontario at all, but the mercantile and

farming community of Ontario knew too well by hard experience, that by whatever name it might be called, there *had* been a period of financial pressure, embarrassment and distrust, which for the time had told most disastrously upon all the industrial operations of the country. Assuming then, as he thought he unquestionably might, that a financial crisis *had* existed beyond all doubt in Ontario, the Committee of which he was a member, had endeavoured to obtain the best and most reliable information from those parties whom they considered best qualified to give it, and had applied in the first instance, not only to the leading bankers in Ontario and Quebec, but to leading merchants and others engaged in trade and commerce generally. Unfortunately the adjournment which took place, immediately after the formation of the Committee, prevented their carrying out these enquiries as extensively as had been originally intended, but the report, nevertheless, presented a most valuable body of evidence, from many able and intelligent men, thoroughly conversant with the trade and commerce of the country, and well qualified to express an opinion on the subjects referred to them. The Committee in conducting these enquiries had done so in no partisan spirit. He (Mr. Allan), for his own part, utterly disclaimed any such feeling. They had endeavoured to obtain the best and most reliable information, and had endeavoured to lay before the House, a fair and impartial summary of the evidence. The Hon. Postmaster-General had alluded to an expression which had crept into the report (through an error of one of the officials of the House in correcting the proof), by which the Committee were made to state as their *own* opinion, and one, therefore, in which they wished the House to concur—what in fact they had merely submitted to the House as the opinion of the gentlemen whose evidence they had reported. His hon. friend had also commented very strongly upon the report of the Committee having got into the public prints before it had been submitted to the House. As to the first, it had already been satisfactorily explained by the chairman of the Committee that the one alluded to had been inadvertently committed by an official of the House in correcting the proof, and had been corrected immediately upon its being brought under the chairman's notice. With regard to the latter complaint, he could confirm what had been said by the chairman, and for himself, individually, he could declare that he knew nothing whatever about the matter, and if any

copy of the report had been improperly obtained, it was wholly without his knowledge or consent. Throughout the whole of this enquiry, the Committee had not sought to find fault with the management of any particular institution, or to make a case against any particular institution, but to lay before this House such information as would enable hon. members to judge of the real feeling which existed among the businessmen of the country, in reference to the important subjects referred to in the report. He believed that the report would be found to contain a fair and impartial summary of the evidence submitted, as well as a guarded and careful expression of opinion, not arrived at hastily, or without due consideration, on the part of the Committee itself, but carefully weighed and well considered before submitting them to the House. But the Hon. Postmaster-General had objected most strongly to the consideration or adoption by this House of any of the views put forth in this report, inasmuch as he says, that it is asking this House to commit itself to mere theoretical views and opinions on measures not now before this House, and moreover that these theories are opposed to the present policy of the Government, and if the report was adopted now, it might seriously embarrass hon. members, when the financial policy of the Government on these subjects came before the House for their consideration at a future day. Now if the Government had any definite policy at present on this subject, or had any measure before the Parliament for their consideration during the present Session, he (Mr. Allan) could understand the objections which had been made by his hon. friend, but there is now no such measure before either House, and moreover if the Government do come with such a measure before Parliament at a future Session, how will it in all probability be brought before this Senate? Just perhaps, as many other important measures have been—during the very last week of the Session—when hon. members have neither time nor opportunity allowed them for discussing its details, or considering them with that care and deliberation which their importance demanded. For this reason, then, he thought that the Committee had done a most important service in bringing this subject under the attention of the House at the present moment. By so doing an opportunity had been afforded for a calm and deliberate expression of opinion on the part of members of this House—opinions which this House have undoubtedly a right to express, and

which are entitled to respect and consideration at the hands of the Government. After the full explanations which had been given by the hon. chairman of the Committee, and having regard to the fact that there were other gentlemen in this House who were peculiarly fitted by long training and experience to speak with authority on such subject, he (Mr. Allan) would not take up further time by any observations of his own on the various points alluded to in the report. The House were now fully in possession both of the evidence and the conclusions which the Committee have deduced from that evidence, and if these conclusions commend themselves to the judgment of hon. members, it would be for them to say, whether they would give effect to them so far as an expression of opinion on the part of this House could do so by voting for the adoption of the report.

**Hon. Mr. Wilmot** drew a different conclusion from the evidence given before the Committee to that which was embodied in the report before the House. He thought the subject of the crisis was well worthy of being investigated, as at that time there was a general feeling of uneasiness, a great want of bank accommodation and high charges. This was at a time when agricultural produce was high and a great demand abroad for it. It was then if bank accommodation was required the people should have it in order to get their articles to market. In looking over the evidence it rather appeared that the banking system of the country was not in the sound state that some of the hon. gentlemen try to make us believe. There must be something wrong, or that state of things could not exist. He would read one or two remarks from the evidence given by some of those gentlemen. Mr. Paton says: "Trade generally was satisfactory. Importations, especially of dry goods, were in excess, and a serious fall in the prices of dry goods had taken place. Speculators in breadstuffs had lost heavily, and the demand for manufactured lumber from the United States had almost ceased, leaving a large stock of that article in the manufacturer's hands or stored in the United States. The farmers were on the whole prosperous, the high prices obtained by them for wheat and barley, compensating them for the shortcoming in the yield, which was not an average one." Mr. Paton gave that as one reason, why those difficulties occurred. There had been large importations and consequently a large demand for foreign exchange, and this naturally had its effect upon the banking circulation of the country. He says: "The failure of the Com-

mercial Bank, the sudden withdrawal of banking facilities from its numerous customers, and the disturbance of the financial arrangements of those having accounts with that bank, or holding its notes were causes in themselves sufficient to produce much depression in the business of the country, and great monetary derangement." That is another cause of the crisis. The Commercial Bank had a large circulation, and furnished large facilities to its customers, therefore, the failure of that bank must have had a very serious effect upon business. Mr. Cassels says: "The chief causes of the monetary derangement and consequent depression in business, were the suspension of the Commercial Bank of Canada, for which event the public were not prepared, and the very general feeling of distrust occasioned thereby in the minds of the farmers in the other banking institutions in Ontario, and which led to a run on several of them." He then refers to the timely and liberal aid offered by the Bank of Montreal, but for which the distrust would have extended and produced the most serious consequences. This evidence is directly contrary to the report of the Committee. The hon. member then referred to Mr. Hague's evidence, in regard to panics in England, and explained fully the working of the banking system of Scotland, since the time of the Darien scheme. He said instead of paying gold, they settle their balances by a draft on London at twenty-one days. This keeping a large supply of gold on hand was one of the old barbaric ideas. In England, as the gold goes out, it affects not only the foreign trade, but every manufacturing establishment of every kind and description in the country. In the Bank of France, if the gold goes out, they give a higher rate for it, but in England they merely pay a higher rate of interest. The intelligence of the age should devise some other idea than that the value is in gold. Its value is only as we can turn it into exchange. If labour creates wealth, money is the exchange for it. Money to the body politic is like blood to the human body: it carries on the circulation of the country. He could not concur in this report of the Committee, and while he thought it most desirable that this subject should be investigated, they should not decide merely upon the opinions expressed by gentlemen connected with banks. The whole public at large were interested in the question, therefore it was of importance that it should not be decided by the *ex parte* views of any of those men who have given their evidence upon this subject. The

hon. gentleman then expatiated upon the national Banking system of the United States as contributing to the successful prosecution of their war, and in conclusion he alluded to the great want felt in the country of a safe and secure circulating medium.

**Hon. Mr. McMaster** said it was not his intention to take any part in the discussion, and he only rose to express his surprise that the Postmaster-General had displayed so much excitement when he replied to the hon. chairman of the Committee, (Mr. Macpherson.) His departure from his usual dignified way of expressing himself, satisfied him (Mr. McMaster) that he had a very weak cause. The purport of the Postmaster-General's remarks was, that should the members of the House support this report it would tie down their hands, so that they could not have a free discussion of it upon another occasion. He (Mr. McMaster) regarded the question in a different light, and he felt surprised that the report did not come out in a more decided manner in reference to the different points. He thought the Committee deserved great credit for the able manner in which they had discharged their duty, and they were especially indebted to the chairman for the attention he gave to the preparation of the questions which elicited this information, which was of great importance at this present time. The gentlemen who gave this information were competent to give an opinion upon this question, and their evidence is treated in a candid and impartial manner in the report, although he did not think the report expressed the views of the Committee to as great an extent as it should have done. He would have been better pleased with the result of the labour of the Committee had they taken up the different systems, discussed them in an exhaustive manner and then recommended the one which in their judgment would have been best adapted to the wants of the country—the one most likely to promote their interests and extend the trade of this Dominion. True, they have expressed themselves in rather a decided manner in reference to the legal tender system now in operation, but he thought they might have gone a little further and demonstrated the disastrous results which must inevitably follow, should the amount of accommodation now extended to the trade of the country be withdrawn for the purpose of purchasing legal tenders. He would say without reflecting upon the bank that has charge of the legal tender system, that when that bank commenced to prepare for the present

state of things a great amount of contraction took place, while if the other banks had been obliged to adopt the same system, the consequences to Upper Canada would have been of a disastrous character. Reference had been made to the United States banking system, and he was free to admit that it contained some very wise provisions, at the same time, when that system was adopted by the American Government, it was intended mainly as a means of carrying on the gigantic war which then raged in that country. The deficits we have every year in our financial statements are large, and in view of the great expenses about to be authorized by this Legislature, which was very little short of thirty million dollars, our financial condition will not be very prosperous. But still he did not think it was necessary for them to resort to the desperate expedient the American Government were obliged to adopt to carry on their war. In regard to our present banking system, he was not prepared to say it was perfect, but if they adopted the schedule prepared by the hon. member for Toronto (Mr. Macpherson), and a necessary means by which the double liability of the stockholders could be collected, he thought the system then would furnish security quite as good as Government security.

**Hon. Mr. Reesor** said as they were all expected to vote one way or the other on this report, they might venture to make some enquiries if there was anything doubtful, in order to be able to understand it. He had listened with a great deal of attention to the remarks of the Postmaster-General, and he thought that after he (Mr. Campbell) had spoken with so much warmth, he would have shown that in some particular at least this report was really defective. But notwithstanding the care which he (Mr. Reesor) had watched the course of his remarks he found that all the statements he made in regard to the report simply resolved themselves into this: that the report does affirm a general principle, that the chairman of the Committee was undecided himself in regard to what he wished to declare on behalf of the Committee, and if the House adopt the report they will adopt something very indefinite. The chairman stated very distinctly what his views were, that they were in favour of preserving our present banking system by recommending such amendments as would make it as perfect as possible. These views are also embodied in the report in a clear and distinct manner, with no redundancy of language. The Committee there express a hope that the Government would sus-

tain our present banking system with such reasonable amendments as might give satisfaction. The Committee next refer in their report to the American system, and it is quite proper that they should report in favour of another system, in the event of the present system being taken away. In the meantime we have only to consider the value of the present system as compared with the Government note system, and it was perfectly legitimate for the Committee to say which they preferred. They have declared almost unanimously that our present banking system is better than that recommended by the Government. They go on further to say that if the exigencies of the country require a change, they recommend the adoption of the American system, with some modifications. The Postmaster-General went on to state that the House was not competent to judge of a bank note system. Why then did he bring in a measure of that kind, which had never been tried in any other country, and ask us to take it upon trust, while at the same time they say it is devoid of that system of expansion so necessary in this country? Are we to throw aside a system which we have tried for thirty or forty years and found to be good, so far as any human scheme can be good? He says the bankers are not the parties to judge of the value of a banking scheme. Who are to be the judges? Are the lawyers, medical men, or farmers, more familiar with the currency of Ontario than the directors of banks, assisted by the whole business men of the country? Then are not the members of this House, representing nearly every class of business in the country, the persons to judge of the danger of introducing this Government scheme, and among them there is none more capable than the chairman of the committee who has brought up this report. The hon. member concluded by reading some extracts from the writings of Sir Robert Peel and other English authorities in support of his views.

**Hon. Mr. Tessier** (in French) said he thought it was very proper to have a report of a committee composed of such able men submitted to the House on this important subject. It was the only way to deal with such a subject. He regretted the House was not fuller on the occasion of bringing up the consideration of this very important question of banks and banking. If this Branch of Legislature is not competent to deal with such subjects, what is the use of it? Why did the Government not issue a Commission themselves instead of opposing the action of this Commit-

tee, who have endeavoured to do a service to the people of this country? This report is not for the purpose of condemning the Government, but to put them and the public on their guard as to the dangers to be dreaded from the banking system. In the Province of Quebec we have had no failures of any account for a long time, and in Ontario only two banks. The Bank of Upper Canada was killed by the Government account, and the Commercial Bank by lending money outside their legitimate business. It appears the printers got hold of some portions of the evidence and report, and gave a *resumé* thereof as usual; what was the harm? He thought the banks ought to give more details for the information of the public and have them regularly published in the *Official Gazette*. He thought the report would be productive of much good, and thought it ought to be received.

**Hon. Mr. Olivier** (in French) said it was but seldom he addressed the House, but the question now before it was so important, he thought he could not give a silent vote. The hon. gentleman from Quebec, who represents the Gulf Division, (Hon. Mr. Tessier) seemed to overlook one of the most important conclusions of the report, in which it is expressed that the Committee hopes the Government will recommend Parliament to come back to the old system of banking. Now, he was not ready to concur in that suggestion of the Committee, although he had but very imperfect notions about banking systems, still, in his own mind, it would appear desirable that we should rather adopt the system followed in other countries, not to allow banks to issue notes of a small amount, say for instance, not under five pounds. By this plan he thought we could, perhaps, meet the views of the contending parties. On the one hand, the small currency that passes daily in the hands of the labouring classes, being in Dominion notes, would be perfectly secured, while the expansion in the currency that seemed to be wanted by the trade would still exist, as the banks could issue five pound notes and over, for their discounting business. He must confess he expressed these views with great diffidence, but the real question now before the House, was not so much what would be the most perfect system; the question was rather if they were to bind themselves to all the conclusions of the report. For himself, he was not ready to do it, and he would vote against the adoption of the report.

**Hon. Mr. Macpherson**, in reply to the Postmaster-General, said that he would not comment upon his loss of temper. He had reported very distinctly for a return to the old system of banking, and he advocated the same system now. The report does not stop there, but it goes on and makes a suggestion in case it is decided not to return to the old system. The Postmaster-General was scarcely as fair as usual when he imputed to him the withholding of certain views and suggestions of Mr. Hague's evidence. His evidence goes strongly for a return to the old system, and the suggestions he offers are all in support of that system. The Postmaster-General spoke as if the suggestions were for a different system; he ought not to have fallen into that error with the evidence before him. Then a great deal had been said about the evidence being confined to the bankers of Ontario. Neither the evidence, nor the enquiries, were confined to Ontario. Questions were sent to gentlemen in both Quebec and Ontario, but as the subject of enquiry pressed more fully upon Ontario, more answers were received from that Province. The Postmaster-General complains of the resolution to adopt the report, that it is a violation of the principles of responsible Government, as the Government were responsible for all the business before the country. He (Mr. Macpherson) did not think it was the duty of the members of this House, simply to confine themselves to measures introduced by the Government. If that was the case, responsible Government would differ but little from a Governor in Council. It is our duty to inform the Government of the opinions of the House and country. He did not think that the House, by committing itself to this report, would prevent, or render it impossible for them, to consider whatever measure on this subject may come up at some future Session of Parliament. It would be merely an intimation to the Government as to the general course of financial policy which should be pursued, and if the Government bring up some scheme which would commend itself more to this House than that recommended in the report, then this House would be at liberty to adopt it.

**Hon. Mr. McCully** thought there was a very important principle involved in the adoption of this report. There was no question which had cost him more thought and anxiety than this, and he found it very difficult to know how he ought to give his vote. There had been a great deal said on both sides of the question, which had commended itself to his judgment,

at the same time looking at the question from every point of view he was not willing to adopt the report of the committee, because he felt that as a consistent member of the Senate he would be obliged to support a Bill founded upon the principles embodied in that report. He knew that the position of the Government would be exceedingly embarrassed if that report be adopted, because they have framed their whole financial policy upon the existing state of things, and all their arrangements must be founded upon the Currency Bill passed this Session. While he looked upon that measure of the Government with a good deal of jealousy he could not help feeling a conviction that the community should look with just as much jealousy upon banking institutions. He knew that at any moment it only required a word to be passed round from one bank to another to so limit or enlarge the discount as to influence all the public affairs of the country.

The debate was then postponed until the next sitting of the House.

The following Bills were brought from the House of Commons and read a first time:—

"An Act to incorporate the Merchants' Express Company of the Dominion of Canada."

"An Act to annex a portion of the Seigniorship of Belair to the County of Quebec, and another portion to the County of Port Neuf."

"An Act constituting the Department of Customs."

"An Act for the better securing of the Crown and of the Government."

"An Act respecting the manufacture or importation of Copper Coins, or Tokens."

"An Act respecting Persons in Custody charged with High Treason or Felony."

"An Act respecting Riots or Riotous Assemblies."

"An Act to fix the salary of the Governor-General."

The House then adjourned until half-past seven o'clock p. m.

#### AFTER RECESS

#### FINANCIAL CRISIS—RESUMED DEBATE

**Hon. Mr. McCully** resumed—If the Government were about to adopt a policy upon the question of banking he could appreciate the position and principles which the hon. mover of the report had enunciated. He would



then feel less embarrassed than he now did. If it was a new question he would be apt to take the same view of it as those who had spoken in its favour. The Session is now about closing, and the Government have marked out its own policy for the coming year, and their business and undertakings are all based upon that policy. If this report is to mean anything, it is intended to have a direct application to the future, and must be considered, if adopted by this House, as an instruction to the Government with regard to their future policy on the subject of banking and finance. He thought at this late period of the Session it was inopportune to give those instructions, and it would be hardly fair to the Government to place them in a position which would to some extent put them afloat from what they might fairly have conceived would have been the policy of this Legislature for the next twelve months. What does the hon. mover expect will be the practical effect of this report, if adopted by the House? It is in direct antagonism to a bill already passed this present Session. The committee who prepared this report, in fairness to the country and to themselves, should have had before them men of all classes and of all interests in the community. What would be thought of a report on the subject of "strikes" if it was prepared only by masters? You should take the opinions of men on both sides of the question, and draw your own deductions. Then there would be a substance and validity in the report which cannot be in it if founded upon the opinions of a single class in the community, and that class interested in bringing about what that report itself contains. That is fatal to the efficacy of this report. What would be thought of a report on banking if not a single banker sat upon the committee, or had given evidence before them? While a great deal of consideration ought to be given to the opinions of these eminent men, it was not fair that their opinions alone should be taken in a report upon banking. He then referred to the bankers of Nova Scotia, and their readiness to charge seven per cent. before the time arrived when they would be required to pay one per cent. upon their circulation. He thought whoever drafted the banking bill intended it only to apply to incorporated banks, but there was a class of private banks in Nova Scotia which possessed no charters, yet they were receiving seven per cent. for all the notes they discounted under this Act. He would not longer occupy the attention of the House, but would merely say that he would not interfere with

the policy of the Government, or throw obstructions in their way. He did not oppose the report because he considered it advocated an unsound principle, but because it was inapplicable to our present position. The hon. mover deserved great credit for the interest which he has taken in sending this report abroad, to be read by every one who reads the newspapers, but when he presses its adoption upon the Government as a policy, he is going a step further than he (Mr. McCully) can follow him.

Hon. Mr. Simpson said he could not give his vote without saying a few words upon the subject before the House, but the representations made by the Postmaster-General in reference to the bankers of Upper Canada, had left him undecided whether he should speak as a merchant or as a banker. If he spoke as a merchant he did not know if his opinions would carry as much weight, although it is said a successful merchant makes the best banker. He referred to his long residence in Canada, and of the great benefit the country had derived from the Bank of Upper Canada, and for which it would only be an act of justice for them to make some acknowledgment. He had never known any bank which had been directed or controlled by Government that did not come to grief. He referred to the disparaging way in which the opinions of the bankers had been referred to by the Postmaster-General, who looked upon them as a class of men not fit to give an opinion upon these matters; but notwithstanding this they had helped to move twenty million dollars' worth of the productive industry of the country. He is mistaken when he says this report contains only the opinions of a few paltry Upper Canadian bankers. These reports contain the opinions of gentlemen of learning, education, and experience, from England, Scotland, and Canada. The questions contained in those reports were submitted to some of the leading merchants of Ontario and Quebec. When the report was first drawn up he had been shown a draft of it, and he did not agree with some portions of it, but upon the whole he thought it gave a fair synopsis of the answers given to those questions by bankers and others. He thought the information given was in the right direction. We are told we have no right to interfere with the policy of the Government. What is the policy of the Government? They say they are going to get all the information they can upon the subject; they have appointed a committee, who have prepared a long string of questions, and when they are answered they are going to deter-

mine upon those answers. The only policy they seem to have is to get all the money they can. The Postmaster-General seemed to have an opinion that there had been no such thing as a crisis in Ontario. If he (Mr. Simpson) had before him the telegrams sent to all parts of the country, and the correspondence sent to Mr. King, of Montreal, he could show that Mr. Galt held a different opinion from the Postmaster-General upon this subject. If he (Mr. Campbell) had been a farmer driving into Toronto with a load of wheat, and wanted to get home before sundown, he would have been convinced there was a crisis. He then explained the cause of the late crisis, saying it was principally due to the fact that almost every bank in Ontario had expanded its circulation very largely, and in referring to the character of the banks he said the banks of Canada, in proportion to the business done, had shown more loyalty in meeting their engagements, and in promoting the interests of the country, than any banks in the world. He spoke of the great loss the country would sustain by the adoption of the Government scheme in consequence of the contraction of the currency; as for each legal tender it must take so much gold to pay the Government for it. He thought the Committee had done a good work in preparing this report, which would, no doubt, have its effect upon the country.

**Hon. Mr. Ferrier** said he agreed with the Hon. Postmaster-General that the Boards of Trade of the large cities ought to have been consulted, as well as the business men of the country, otherwise the information is not complete. He must say he was also opposed to changes in banking. The old system has worked well for the last half century, and under it the banks have grown with the wants and requirements of the country. The Upper Canada Bank and the Commercial Bank were not conducted according to their charters, and hence they had to succumb. The information contained in this report is very valuable, but there the commission should have stopped, and not try to attach blame to any other persons, either the Bank of Montreal or the Government.

**Hon. Mr. Bureau** (in French) said it was unusual to have such a long acrimonious discussion on the reception of a report of any Committee named by this House, but the importance of the subject of banking was second to no other question of the day, and hence the interest taken in this matter was quite natural. Reports of Committees generally commend themselves to the House, but this is an

exceptional case, not only from its intrinsic importance, as from the circumstances attending this enquiry. He thought the Government, as a party interested, as it were put on their trial, should have been represented, as well as the Bank of Montreal also, to whose action the report attributes the calamities that befel the country in the suspension of payment of the Commercial Bank, and the consequent danger and alarm occasioned to all the other banks. There were many good points and suggestions in the report, but he for one could not endorse all its recommendations or suggestions. If it was now a question to establish a commercial or banking system for the country, he would be prepared to go into that question, but such was not the purport or scope of that commission or report. He wished to judge of all questions coming before this House on their own merits, without regard to the interests of political parties, or how they may affect any Government. He was not, what was generally understood by the term, a supporter of the Government, but that was no reason for his voting on this or any other question, contrary to his convictions of right. Viewing it in this light, he must vote against the reception of this report.

**Hon. Mr. Sanborn** did not pretend to have any particular wisdom in financial matters, but he felt it to be his duty to explain his reasons for the vote he should give upon this report. This report seems to create surprise in some minds and in others embarrassment. He could not say that his mind was altogether relieved from embarrassment. When the chairman had moved for this Committee to be appointed, we had been led to suppose that the subject would be dealt with, and a report made which would have been satisfactory and instructive; but now when the report has been brought forward, it creates an alarming sensation. He thought they were too much inclined to take action in matters without coming to any definite results; when they grappled with questions of the first importance to the country they should come to a conclusion upon them. It has been said by the Postmaster-General that the Committee in this case have sought their information not from the best sources, because it has not been obtained from all sources, but only from the bankers. Not only have they obtained information from bankers and those engaged in banking throughout Canada, but they have obtained it directly and indirectly from merchants. If the information had been given only by bankers, where would you have found a class of men

better qualified to give this information. Almost all of them have been extensively engaged in business before they became bankers. We have been told that the Government have a policy upon this subject, and we are disturbing that policy. If they have a policy they have not propounded it; on the contrary, in the House of Commons the Minister of Finance, who is at the head of this particular department, stated that the Government were undecided in their policy. (Hear, hear.) They have struck a Committee for the purpose of informing themselves upon this subject. They will derive evidence of the same nature probably as this Committee. This Committee has had the assistance of the Government (Hear, hear.) The chairman of the Committee cannot be accused of any desire to embarrass the Government, and therefore he (Mr. Sanborn) was wholly at a loss to know why this report has been received by the Government as it has. It has been intimated that if this committee had taken a proper course they would have sent their questions to the physicians, lawyers, and clergymen of the country to get answered. If they had done so, and brought in their report would not the Postmaster-General have said, "I am surprised that the Committee, with the ability they possess, did not send those questions to bankers who know something about these matters, instead of to professional men who know nothing about them." He thought many of the hon. members who have put forward their views on this matter seemed to be positive in their theories one way or the other, but the course adopted by the Government does not satisfy any of these theories, or the difficulty which has been complained of, but has operated unfavourably to the general banking interests of the country, and those interests are identified with its commercial prosperity. He referred to the report of the Committee in which a synopsis of the evidence is given, which he read, and said both the Committee and the evidence recommended a return to the system heretofore maintained, but if another policy is adopted then they recommend another course should be taken. The question now presented to us is, are we prepared to adopt the conclusions at which that Committee have arrived? To do so cannot harm any one, even the Government.

**Hon. Mr. Wilmot**—The report says: "That your Committee are of opinion that the extension of the Bank of Issue system, now partially in operation, would be unsuited to the requirements of the country, and injurious to

its best interests." This is declaring that the very bill this Senate has just passed is injurious to the best interests of the country.

**Hon. Mr. Sanborn** said he knew his hon. friend had his theory upon this subject, which he demonstrated to his own satisfaction, and he has come to the conclusion that that bill is the first step towards arriving at the theory he has propounded, but he (Mr. Sanborn) thought if he starts upon this ground, he will never arrive at the position he lays down as the proper one to be adopted by the Government, that is to make the circulation of the country a paper currency based upon the property of the country. He (Mr. Sanborn) was not prepared to say whether that system would be a good one or not, but he maintained that the modification of that system which was passed to gratify the necessities of the Government at the present time, and which interfered with the banks of the country, was not a step in that direction.

**Hon. Mr. Mitchell**—That bill was not passed to gratify the necessities of the Government at the present time, but to extend that system to the Lower Provinces.

**Hon. Mr. Sanborn** said his hon. friend had been but a short time in the Government. They had some experience of that kind of legislation in Canada previously, and if it is a blessing he has that blessing extended to the Maritime Provinces. The principle was adopted before, and we are now enquiring whether the extension of that principle is desirable or not. Our object is to have the principles of that report adopted by the House, with a view of determining the policy of the country hereafter, because the question must come up at no distant day, and be decided one way or the other. With regard to the opinion that this Dominion note system did not arise from the necessities of the Government, he must beg to assure the Minister of Marine that he is wrong if he lays the flattering unction to his heart that there was no necessity for the Government to have anything to do with the proceedings taken upon issuing these notes based upon the security of the Government. In regard to this report he did not see that it committed either the Government or the House to any definite mode of procedure in regard to their policy hereafter. It is but the expression of the opinions of those best able to form an opinion upon the subject, in order to enlighten the House and country upon the question. The Government ought not to be beyond receiving light upon this matter more

than the rest of us. We should accept this report as an effort worthy of our approval. Whatever policy may hereafter be found necessary for the Government to adopt, every member who votes upon this question will be free to support the policy of the Government upon the evidence produced then. He could not help sympathizing with his hon. friend (Mr. McCully) in the embarrassment he feels, which is occasioned by the struggle between his feelings as to the propriety of voting for the report and his desire not to vote against the Government. However, he felt satisfied in giving his vote in favour of the report.

**Hon. Mr. Wark** said if he could agree with the statement that a vote upon this question would not commit the House in future, he would feel less embarrassment in voting upon it. He believed we would commit ourselves in recommending this report, consequently he hesitated to give his vote in favour of it. He regretted on all occasions to have to differ with a Committee on a subject of this kind, which they had taken so much pains to investigate. But he did not wish to give his vote to bind himself down to vote for the legislation which the report recommended. There was no necessity for adopting the report, therefore he hoped his hon. friend would allow the debate to close and withdraw his motion. He felt that he might, by voting against the report, be approving of a policy which this report condemns. He did not want to be considered as voting against the report, as he was not in favour of a Government currency. He believed that capital and banking should contribute to the support of the Government, as well as other taxable property in the Province; at the same time he was not disposed to admit that the system proposed by the Government is the best that can be devised. He thought it had been adopted as a temporary measure in consequence of the then unsatisfactory position of the country in relation to the United States, and the Fenian movement, but he did not think it was a safe experiment to adhere to. It was not an untried experiment about which there could be doubt, as it had been tested by different countries, and it was generally found that the currency became depreciated. He thought it was quite possible to harmonize the interests of the banks and the country. He believed the Government had a right to derive a revenue from the capital employed now in the banks. This was not a question between the Government and the banking interest alone; the mercantile interest was very largely interested in it. Every man

who holds a note ought to feel that it is as good as gold. That is not the case under the system of currency his hon. friend from St. John (Mr. Wilmot) spoke so highly of. Under that system there would be a degree of uncertainty that would render all business unsafe.

**Hon. Mr. Wilmot**—I always went for a currency secured upon national security.

**Hon. Mr. Wark**—They must either have a gold basis or a fluctuating paper currency like the United States. He wished to see the House remain uncommitted to any scheme at present. He did not think we should pledge ourselves to the sentiments contained in the report, therefore he would move in amendment, seconded by **Hon. Mr. McClelan**, "That this House declines to commit itself to the opinions contained in said report, believing that before Parliament proceeds to legislate upon the subject this House should be in possession of more extensive information on the important questions of Banking and Currency."

**Hon. Mr. Macpherson** said in reply to his hon. friend (Mr. McCully) that he had listened to him with a great deal of attention. He has been long in Parliament and is one of the Fathers of our Constitution. He looked upon him as great authority, and he always would feel it a matter of regret, when he (Mr. McCully) differed with him on a subject which fell to his lot to bring before the House. He thought, however, that his hon. friend was under misapprehension. He (Mr. Macpherson) was not without hope that he would yet succeed in removing that misapprehension, and if he did he would have the benefit of his support. He was under the apprehension that this motion, if carried, would interfere with the policy of the Government in regard to a bill passed before. The Government said distinctly that the bill did not embody their policy, but merely empowered the Government to extend the circulation of Dominion notes to the Maritime Provinces, and when he had said it looked like an inducement to other banks than the Bank of Montreal to come under its operations, and was an indication of Government policy, he had been told it was a mere temporary measure. The motion before us can have no effect upon the measure, therefore he hoped in that particular he had removed some of the misapprehensions from the mind of his hon. friend. The Government say they are in search of a policy on this subject, and they have invited a committee of the other House to settle that policy for them. The Committee of this House is entirely ignored upon this important question. He did not object to weight

being given to the opinions of the other House, but he maintained that the opinions of members of this House ought to be received with some little consideration. The Government do not profess any intention of bringing in their measure before next Session, and nothing we can do in the meantime can affect their policy. If it did it would not be a proper motion. It would not only be imprudent, but out of order, by a motion of this kind to set aside a bill passed through the House a short time ago. His hon. friend (Mr. McCully) seemed to take advantage of the occasion to administer a castigation to the bankers of Nova Scotia for expecting such a high rate of interest. He (Mr. Macpherson) was inclined to think that if the Dominion note system be the settled policy of the country, we would have to have a higher rate of interest than seven per cent. If the legal rate of interest is only seven per cent., how the banks can pay the cost of management, and all other expenses, and pay a satisfactory dividend to the shareholders, was more than he could understand. (A member—How did they do it when they received but six per cent?). They then had a circulation, but under the Dominion note system that is withdrawn, and their only return would be the legal rate of seven per cent. upon the bare amount of their capital.

**Hon. Mr. Wark**, at the request of several members of the House, withdrew his amendment.

The question then being put on the original motion, the House divided, and the names being called for, they were taken down as follows:—

**Contents:** The Hon. Messieurs Aikins, Allan, Anderson, Benson, Blake, Bourinot, Christie, Cormier, Dickson, Flint, Hamilton (*Kingston*), McMaster, Macpherson, Reesor, Ross, Sanborn, Seymour, Simpson, Tessier and Wilson.—20.

**Non-Contents:** The Hon. Messieurs Armand, Bill, Botsford, Bureau, Campbell, Cauchon, Chapais, Crawford, Dever, Duchesnay, E.H.J., Dumouchel, Ferrier, Guévremont, Hamilton (*Inkerman*), Holmes, Kenny, Lacoste, Leslie, McClelan, McCrea, McCully, Malhiot, Miller, Mitchell, Olivier, Price, Ryan, Shaw, Skead, Wark and Wilmot.—31.

#### QUARANTINE AND PUBLIC HEALTH BILL

The Bill entitled "An Act relating to Quarantine and Public Health," was read a second time and ordered to be referred to a Committee of the whole House to-morrow.

99267—21

#### BANK STATEMENTS

The second reading of the Bill intituled "An Act respecting Bank Statements," being called, **Hon. Mr. Macpherson** moved that the same be discharged from the orders of the day.

#### PENITENTIARIES AND DIRECTORS THEREOF BILL

The house then resolved itself into Committee of the Whole (**Hon. Mr. Bureau** in the chair) on the Bill intituled "An Act respecting penitentiaries and the directors thereof, and for other purposes," and reported the same without amendment. The said bill was then read a third time and passed accordingly.

#### EVIDENCE IN CANADA RELATIVE TO CIVIL AND CRIMINAL MATTERS PENDING IN HER MAJESTY'S DOMINIONS OR ELSEWHERE

The House here went into Committee of the Whole (**Hon. Mr. Skead** in the chair), on the Bill intituled, "An Act to provide for the taking evidence in Canada in relation to Civil and Criminal matters pending before Courts of Justice in any of Her Majesty's Dominions or elsewhere."

**Hon. Mr. Tessier** objected to the passing of this bill, as there was no power in this Legislature to pass such a law for the Province of Quebec, which has already its *Code Civil*. The Local Legislature only could legislate on the rules of evidence, right of imprisoning and examining witnesses if in contempt of our Courts of Law.

The bill was reported with several amendments.

The bill was then moved for a third reading by **Hon. Mr. Campbell**, seconded by **Hon. Mr. Mitchell**.

**Hon. Mr. Tessier**, seconded by **Hon. Mr. Bureau**, moved in amendment to add "this Act shall not have force in the Province of Quebec."

**Hon. Mr. Campbell** objected to the amendment, saying that if the Local Government of Quebec disapproved of this bill, they could legislate on the subject; in the meantime the Act could effect no possible injury or harm to that Province.

The amendment was declared lost on a division. The bill was then read a third time and passed.

**FOREIGN REPRINTS OF BRITISH  
COPYRIGHTS BILL**

The House then went into Committee of the Whole on the "Act to impose a duty on foreign reprints of British copyright works." (Hon. Mr. Ryan in the chair.) Reported without amendment, read a third time and passed.

**LAKE MEMPHREMAGOG COMPANY**

The "Act to confirm a certain By-Law passed by the Lake Memphremagog Company, and for other purposes," was read a second time and ordered to be referred to the Committee on Standing Orders and Private Bills.

**MALICIOUS INJURIES TO PROPERTY  
BILL**

The Bill "respecting malicious injuries to property" was read a second time. Ordered to be referred to a Committee of the whole House on Friday next.

**INCORPORATION OF CANADA SHIPPING  
COMPANY**

The Bill "to incorporate the Canada Shipping Company," was read a second time and referred to the Committee on Banking, Commerce and Railways.

**ANNEXATION OF THE SEIGNIORY OF  
BELAIR**

The Bill "to annex a portion of the Seigniority of Belair to the County of Quebec, and another portion thereof to the County of Portneuf," was read a second time. Ordered that the same be referred to the Committee on Standing Orders and Private Bills.

**POLICE OF CANADA BILL**

The Bill "respecting Police of Canada" was read a first time. Ordered to be read a second time on Friday next.

The House then adjourned.

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## THE SENATE

Thursday, May 14, 1868.

The Speaker took the chair at three o'clock.

After routine

**Hon. Mr. Campbell** begged to state to the House that he found he was in error in saying that the report of the Committee on the Financial Crisis, as it first appeared in the public press, was incorrect. He held in his hand a copy laid upon the Table by the hon. chairman and published on the morning after the report was presented to this House. It had been telegraphed to that paper from the manuscript copy laid upon the Table by the hon. chairman of the committee, and was therefore correct. He regretted very much that he had fallen into the error, and now took the earliest opportunity of removing it and doing justice to the hon. chairman and the committee.

**Hon. Mr. Macpherson** was glad that the Hon. Postmaster-General had made this explanation and, confirmed his (Mr. Macpherson's) statement, as he had previously stated to the House, the error had been made unintentionally by an officer of the House. After he (Mr. Macpherson) had examined the proof, as soon as he (Mr. Macpherson) had discovered it, he ordered a correct issue to be struck off, and copies sent to all to whom incorrect copies had been distributed.

**Hon. Mr. Tessier** moved, seconded by **Hon. Mr. Bureau**, the following prayer: "To resolve that in the second report of the Committee on contingent accounts, presented on the 11th day of December last, the consideration of which was afterwards postponed to the 4th day of the second part of this Session, the officers and servants being continued in their respective capacities, and with their former salaries, pending the final decision of the Senate, which report was referred back to the committee, and presented anew on the 20th of March last, and finally adopted on the 26th of March last, the sessional messengers thereby dismissed, namely: R. Greer, A. Miller, and J. Mondor were recommended as being entitled to be paid for the present Session on being dismissed at the commencement of the Session; but that they were continued and did serve until the 26th of March last, when the report was finally adopted, and that they are therefore entitled to indemnity to the amount of one-half of their sessional allowances for

one Session besides the present Session, and that it be ordered that such indemnity be paid to them on the same terms and conditions as the indemnity granted to others who were dismissed under the said report of the Committee on Contingent Accounts."

**Hon. Mr. Tessier**—These persons had continued in the employ of the House up till last Saturday, and he felt common justice required that they should be paid. They remained because there was no person empowered to dismiss them. We all should do as we wish to be done by, and surely nothing could be more just than to pay these men for the time at least they have been in our employ.

**Hon. Messrs. Seymour, McCully and Miller** were opposed now to reconsidering the vote of Committee on Contingencies. If reopened now, there would be no end to the applications, and it would have been a sham. However they might regret the cases now brought forward, they cannot do otherwise than vote against it. So it was resolved in the negative.

A message was received from the Commons with a Bill intituled "An Act respecting the inspection of steamboats, and for the greater safety of passengers by them."—Read a first time, and ordered to be read a second time at the next sitting of the House.

Also a message with a Bill intituled "An Act respecting the Civil Service of Canada"—Read a first time, and second reading fixed for the next sitting of the House.

The Divorce Bill was reported from the Commons, as having passed the House without amendment.

**Hon. Mr. Ryan** moved that a humble address be presented to His Excellency the Governor-General, praying His Excellency to be caused to be laid before this House copies of all correspondence between the Department of Marine and Fisheries and the Trinity Board, and the Harbour Trust of Montreal, since the 14th December last.—Passed.

Ordered, that such members of the Executive Council as are members of this House, do wait on His Excellency the Governor-General, with the said address.

The second reading of the Bill intituled "An Act to incorporate the Merchants' Express Company of the Dominion of Canada", being called,

On motion of **Hon. Mr. Benson**, seconded by the **Hon. Mr. Ferrier**, was read a second time, and referred to the Committee on Standing Orders.

## PRIVATE BILLS.

An Act constituting the Department of Customs was read a second time. The said bill was then passed through a Committee of the whole House,

**Hon. Mr. Christie** in the chair.

The same was then reported with an amendment, concurred in, and ordered to be read a third time at the next sitting of the House.

An Act for the better security of the Crown and of the Government, was read a second time, committed to a Committee of the Whole, reported without amendment, and ordered to be read a third time at the next sitting.

An Act respecting the manufacture or importation of copper coins or tokens, was read a second time.

The House then resolved itself into a Committee of the Whole on said Bill, reported progress, and asked leave to sit again on Saturday next.

**Hon. Messrs. Ferrier and Bureau** said the Government alone should have the power of issuing money tokens.

**Hon. Mr. Campbell** moved, seconded by **Hon. Mr. Mitchell**, that when the House adjourns on Friday, it do stand adjourned until Saturday at 11 o'clock in the forenoon.—Carried in the affirmative.

An Act respecting persons in custody charged with High Treason and Felony, read a second time—was referred to a Committee of the whole House—(**Hon. Mr. Hamilton** (Kingston) in the chair). Reported the same without amendment. Ordered that it be read a third time at next sitting of the House.

## SALARY OF THE GOVERNOR GENERAL.

The next order of the day being called for the second reading of the Bill intituled, "An Act to fix the salary of the Governor-General,"

**Hon. Mr. Sanborn** moved, seconded by **Hon. Mr. Armand**, that the same be now read a second time. He said the Union Act fixed the salary at £10,000 until changed by the Legislature of the Dominion. This was only a preliminary arrangement and the amount was not then settled. He thought the general feeling of the country was that the sum was too high for a country like this. This was said to be an Imperial office and as such should be gauged. That liberal hospitality had to be provided and the amount to be some induce-

ment to great men to accept the position. As a general rule representative governments curtail salaries. British India, with a population of one hundred and ninety-two millions and corresponding wealth, did not exceed the proposed salary. The hon. gentleman enumerated salaries of the several Governors of the British colonies, and concluded by saying that our Governor-General, at the sum proposed, was better paid than any other officer under the Imperial Government, considering climate, position, and social advantages. The personal responsibility was removed from the Governor-General to his responsible advisers—another reason for less compensation. If the honour of being a member of this Parliament was sufficient, as we are told, without pay, but only an indemnity, surely the position of Governor-General of one of the most important colonies under the Crown ought to some extent to stand in lieu of pay. The amount named in the bill is quite enough as an indemnity. He could associate with a superior people socially and intellectually. We are certainly not barbarians where an English nobleman or statesman might consider himself as transported. It is a most desirable country to reside in. We find after all that is said about the great liberality of our governors and their hospitalities and all the rest, that none of them leave us poorer men than they come amongst us; so all experience teaches. Add all the perquisites of his office, which amount to thousands and thousands of dollars as the public accounts of former years show, and they are every year increasing in a fearful ratio. He felt strongly on this subject, because he knew well the feeling of alarm in the public mind at our extravagances, which were yearly increasing and likely to do so, unless we put an effectual check by commencing with the highest salaries and coming down to the lowest and reducing them. The honourable gentleman concluded a very able and energetic appeal to the House (of which the foregoing is merely a sketch) not to disregard the strong expression of opinion from the other popular branch of the Legislature, who had changed the Ministerial into an Opposition majority on the question, clearly demonstrating that even party ties could not stifle the strong determined hostility to such a scheme of extravagance and waste in the affairs of this new, but rising country. He hoped, therefore, this bill from the Commons, fixing the Governor-General's salary at \$32,000, would commend itself to the wisdom of this House without a dissenting voice.



**Hon. Mr. Benson** said he, too, had strong feelings on the subject. He had been looking over the public accounts, and had come to the conclusion that the country would be largely a gainer by voting the whole amount of £10,000 as Governor-General's salary, but without any of those contingencies that appear yearly charged in provincial accounts. He would, therefore, move a motion in amendment, if an hon. member would second it.

**Hon. Mr. Ryan** would do so in order to have the matter discussed by the House.

"That it be resolved that the sum of £10,000 stg., named in the British North America Act, 1867, as the salary of the Governor-General, was intended and should cover all allowances of every kind and description to that officer, except a furnished residence at the seat of Government of the Dominion, and that no further sum should be paid by the Dominion for any incidental service or charge connected with the personal establishment of the Governor-General."

**Hon. Mr. McCully** thought the motion out of order. The House can only accept or reject the bill.

**Hon. Mr. Benson** thought the motion quite in order, and so argued the question very ably.

**Hon. Mr. Campbell** said the House could reject the bill. The salary was intended to cover all charges and expenses. This was a Declaratory, not a Money Bill, saying on and after such a date the salary will be such an amount. The House can express its intention as to the Imperial Act.

**Hon. Mr. Ryan** said the rejection of this bill, would leave the salary as expressed in the Union Act as a matter of course.

**Hon. Mr. Christie** said if this amendment be carried, then the House will pledge itself to reject the Supply Bill containing so many items for extras in the Governor-General's salary, as we will find, when the bill comes before this House. Did the Ministry desire this? Past experience teaches us the value of these promises. The old system of contingencies will be continued unless we act with decision at once.

**Hon. Mr. Ross** expressed himself satisfied that the amendment was in order.

**Hon. Mr. Sanborn** argued that it was not.

**Hon. Mr. Reesor** quoted from May, doubting even if the House could, by a direct vote,

reject this bill, which would increase the taxes on the people which this House had no power to do. Several members dissented from this view, but, he argued, reject this bill sent to us from the Commons, fixing the salary at \$32,000, and the amount named in the Imperial Act, viz.:£10,000, will be the salary, and thereby you increase the taxes on the people to the extent of \$18,000 yearly. Now, has this House that power under our Constitution?

It being within a few minutes of six o'clock the debate was adjourned until the next sitting of the House.

"An Act to incorporate the Bank of Agriculture," was read a first time, and ordered to be read a second time to-morrow.

Also, "An Act respecting Indictable Offences by forgery," was read a first time, and ordered to be read a second time to-morrow.

Also "An Act respecting offences to the coin," was read a first time, and the second reading ordered for to-morrow.

It being six o'clock, the House adjourned until half-past seven o'clock.

#### EVENING SESSION

Pursuant to the order of the day the House resumed the adjourned debate of the amendment to the second reading of the Bill intitled "An Act to fix the salary of the Governor-General."

**Hon. Mr. Botsford** contended that it was a Money Bill, and therefore they had no right to amend it. It was out of order to move the amendment.

**Hon. Mr. Benson** said he would consent to withdraw it.

**Hon. Mr. Wilmot** said the motion was made and seconded, therefore it was before the House, and could not be withdrawn without the consent of every member of the House.

**Hon. Mr. Tessier** remarked that this was not an amendment to the bill, but an amendment to the motion before the House, that the Bill be read a second time, and was therefore correct.

**Hon. Mr. Wilmot** quite agreed with his honourable friend that the amendment was in order. He thought the intention, when this salary was decided upon, was that it should

cover all the expenses of the Governor-General. The contingencies might amount to more than the salary.

The amendment was then by leave of the House withdrawn.

**Hon. Mr. McCully** was glad his honourable friend had withdrawn his amendment, as they could now simply vote for or against the bill. It might be expected that he, in addressing the House, should define his position upon this important question. This clause stands alone in the British North America Act. "Unless altered by the Parliament of Canada, the salary of the Governor-General shall be ten thousand pounds sterling money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the third charge thereon." No other clause in the Act contains the same provision for alteration by the Parliament of Canada, therefore we may assume that it was the policy of the Imperial Parliament, and of the delegates, for it is not to be supposed that this was passed without their consent, that this sum should be the maximum of the Governor-General's salary. The clause invites the attention of Parliament to reduce the amount, but not to enlarge it. It is not in their power to give any more. (Cries of oh, oh.) He did not mean to say we had not the abstract power to enlarge it, but it would have to be by the consent of the Imperial Government. The principal point to which he wished to direct attention was that the Imperial Parliament left it to the Parliament of Canada to fix the amount of salary. Now he would ask which House has the right to fix the salary of any officer of the Dominion? That is an important constitutional question. It is the people who pay this amount, and it is the people's representatives, according to the Constitution, who are the men to deal with money questions. A Money Bill must arise with the other House, but it is the prerogative of this House to accept or reject it. We cannot add to a salary or diminish it; we can only reject the bill. If the House of Commons had sent up a bill fixing the Governor-General's salary at ten thousand pounds sterling, he would not have said a word against it, because it is their duty to deal with the amount. He would ask the House are they prepared to defy the people, and tell them they are not permitted to fix the amount of salaries which they have to pay out of their earnings? That is the point we have to deal with (no, no). The people of Canada, through their representatives, are

competent to fix the salaries of the Dominion. If we vote against this bill we defy the House of Commons, and we say we are the judges; we are above you, we are irresponsible, and will fix the salaries, while you will have to return and give an account of your actions to the people. He (Mr. McCully) was not disposed to assume that position. If this Senate interferes and prevents the action of the Commons in this matter, it will produce disappointment over a large portion of the Dominion. The people of Nova Scotia have said over and over again that the amount was too large. The people's representatives have declared that \$32,000 are sufficient for the salary of the first officer of the Dominion; if they find it is not, they have the power to rectify such mistakes, if it be a mistake, when they meet again. He (Mr. McCully) would never thrust himself between the people and their right to dispose of the public money.

**Hon. Mr. Letellier de St. Just** could not endorse the expressions of the previous speaker, that this House should vote on this as on all other questions as they pleased, in defiance of the Commons, and without any regard to their opinions. He objected to such a doctrine as fraught with danger to the working out of our system of Government, which he thought was the best in the world for a free liberty-loving people. He regretted also to be obliged to give a vote which might be considered perhaps to be opposed to the interests or feelings of the present Governor-General, who has always acted fairly with all political parties in this country, since his appointment amongst us. He did not allude to the question of the liberality and extent of his hospitality, and he, for one, never wished to allow such considerations to influence his opinions in voting for this measure. He felt bound to vote for the bill as containing an ample, liberal allowance for our Governor-General without any other perquisites.

**Hon. Mr. Wilmot** said, as one of the delegates, he would be expected to give his opinion upon this subject. He took exception to the views put forward, that because another Branch of the Legislature, directly representing the people, pass a particular bill connected with the taxation of the country, we should endorse that principle. We have no more right to endorse the opinions of the other House, than we have to endorse the acts of the Government. We stand between the Crown

and the people, and we should act independently, whether we have a majority with us in the House of Commons or not. (Hear, hear.) It had been stated that the members of this House who were members of a certain delegation, are bound to act upon what was agreed upon by that delegation. Circumstances may alter cases. If he (Mr. Wilmot) was prepared twelve months since to support a proposition to give the Governor-General a salary of \$50,000 and the circumstances of the country were now such that retrenchment were required, he would be prepared to-day to vote for reducing it. (Hear, hear.) That was the principle which had governed him during a long course of legislation. In reducing salaries, he preferred that the reduction should be made in the salaries of future incumbents, instead of in the salaries of those officers who had long been in the service of the public. (Hear, hear.) The Senate came to a decision the reverse of this principle.

**Hon. Mr. Mitchell**—The principle was laid down when the question was discussed—that there were no employees in the Senate except the Clerk and the Usher of the Black Rod, and their appointments were subject to the action of the Senate.

**Hon. Mr. Wilmot**—If the principle is laid down that in starting this new Dominion no man's salary is fixed, and no public faith is involved, it applies to every public officer from the Governor-General downwards.

**Hon. Mr. Mitchell**—Where the Government of the Dominion, since the first of July last, have entered into any engagement they are bound to carry it out, but we are not bound by any engagement made by the old Province of Canada.

**Hon. Mr. Wilmot**—Having decided that all engagements entered into before the first of July last, relative to Canada and the other Provinces, were at end, the question arises are we bound to pay this large salary to the Governor-General? The Union Act states clearly that his salary is to be \$50,000, until it is altered by the Legislature of Canada; therefore, having this power, and the finances of the country being such that our expenditure exceeds our income, the first principle for us to adopt is retrenchment. He had been charged with extravagance, because he had not voted for reducing the salaries of the employees of the House. The whole amount which will be saved by reducing all those salaries will be less than \$13,000, but by passing this Bill we will make a much larger

saving than we will by all the economy adopted at that time. This Senate have adopted the principle that economy was to be established, (hear, hear) and the Government have endorsed the same principle, therefore he thought it was their duty to vote for the bill.

**Hon. Mr. Allan** demurred to the proposition of the hon. member, (Mr. McCully) that the members of this House did not represent the people of this country. It was because they did represent the people in the Legislative Council of Canada that they had the honour now of seats in the House, though they might be life members under our present constitution. He, therefore, was not afraid to take the responsibility of the vote he was about to give on this question. He would vote for the amount named in the Union Act, and consequently against the present bill. He could not avoid saying that when we consider the expenses that should be incurred by the Governor-General of a large and important colony like this, in vice-regal hospitality, travelling expenses from one end to the other of this large Dominion, and public and private charities, which had to be dispensed with no miserly hand, the Governor-General would be compelled to expend his salary in the country, and with that expectation, and for that purpose, he felt constrained to support the vote of a liberal salary.

**Hon. Mr. Macpherson** said it was embarrassing to be called upon to vote upon this measure without more information, with respect to the understanding in England in regard to it. Was it reasonable to suppose that the clause regarding the Governor-General's salary found its way into the Union Act, unless the matter was understood between the British Government and our delegates? If it was understood that the salary named was to be the salary of the Governor-General, then the poorest constituency in the country would say carry it out in good faith, for the country is pledged, and whatever our Delegates agreed to must be fulfilled. We should know whether that is so or not. Is it right for the Delegates to say that what passed in England in regard to this matter is not to be spoken of, and at the same time speak against what found its way into the Union Act, and speak in favour of what is proposed here against it? If this salary was agreed upon merely by a majority of our Delegates there ought to be something to show it. This salary of £10,000 sterling may seem a large sum for the salary of the Governor-General, but we must remember that it is the only Imperial salary paid by the people of

Canada. The people of the country desire that the Governor-General—the only representative of Her Majesty in the country—should be enabled to represent her fittingly. Some may say that in our primitive capital the demands of hospitality must be light, but these are not the only duties involving expenditure the Governor-General has to discharge. He should make a periodical progress through the country, one year going east and another year going west. The people should see Her Majesty's representative, and he should be able by coming in contact with the people to give his Royal Mistress their sentiments. This would be one great advantage. Another duty devolving upon the Governor-General is in regard to charities. If demands of this nature bear heavily upon those occupying comparatively humble spheres, how much more heavily must they bear upon the Governor-General? It might be questionable taste to have everything of that kind done gazetted; the true way in such matters is not to let the left hand know what the right hand does. Her Majesty's representative cannot neglect to discharge the duty which of all others will be most pleasing to the kind heart of his Royal Mistress, that of dispensing liberally in charity. His hon. friend (Mr. McCully) spoke of our defying the House of Commons by rejecting or refusing to assent to a bill coming up here. We hold concurrent authority with the House of Commons. It is our duty to amend bills which come from the other House, when, in our opinion, they require amendment, and if we did not do so we would fail in our duty. It is quite true that constitutionally we cannot originate or amend a Money Bill, but he speaks of our flying in the face of the taxing power, as if we did not pay taxes, or as if we were a great territorial body occupying a higher sphere, not affected by the legislation of the country, and exempt from its taxation. We know this is perfectly absurd; we are of the people, and probably contribute as largely, man for man, as the members of the other House, to the revenue. Therefore to say that we are not to arrogate to ourselves the right to express an opinion upon a question involving money is a principle he (Mr. Macpherson) was not prepared to admit. We have a right to know what the understanding was with the British Government. If that understanding was only an implied one, and the Colonial Secretary was left with the impression that £10,000 sterling would be paid to the Governor-General he (Mr. Macpherson) would support it, and so would the majority of the

people of this Dominion. He could say without exaggeration that when the Legislative Council of Canada was elective, he had represented the most populous constituency in the country, and he would not be afraid to go before that constituency and ask whether we should keep faith with the British Government in this matter. It was very well for the hon. member from St. John to talk about retrenchment—

**Hon. Mr. Wilmot**—Are you not for retrenchment?

**Hon. Mr. Macpherson** was in favour of proper retrenchment where this House had control—that is, to pay no more to our officers than was adequate to the services performed; but the Governor-General is not our officer, and he (Mr. Macpherson) was not willing to violate an understanding with the Home Government. If there is any justification for violating that agreement, the delegates ought to tell us.

**Hon. Mr. Wilmot**—The very Act explains itself.

**Hon. Mr. Macpherson**—The Governor-General is the only Imperial officer in the Dominion whose salary is paid by Canada, and to reduce his salary will appear to the British Government and people, to our neighbours and our own people, as it appears to him, (Mr. Macpherson,) an untimely, unworthy, and paltry measure. The British Government is spending a large sum of money in this country, and the only visible tie, connecting us with England, is the Governor-General; in the face of this we are nibbling away at his salary. Can we expect that a high-minded man, holding a first class position in England, will come out here if his salary is made the subject of discussion every Session of Parliament? This measure is unworthy of the Parliament of this Dominion. The people of Canada are willing that the Governor-General should be paid handsomely, to enable him to represent the Queen suitably, but they expect his salary to be spent in the country. They would no more expect that he would carry any portion of it out of the country, than they would desire that he should draw upon his private fortune to defray any part of his expenditure as Governor-General. He (Mr. M.) agreed with his hon. friend (Mr. Benson), that £10,000 sterling should cover all the expenses of the Governor-General. He doubted that he could represent Her Majesty suitably, and expend a smaller sum than is named in the Act

of Confederation. If he does his duty in hospitality, travelling, and charity, he will not have much over at the end of the year. He (Mr. Macpherson) knew that the delegates were able and ready to express their opinions on all occasions. He knew them too well to believe that they were silent when this subject was under discussion in the conference in London, and we are entitled to know for our guidance, what understanding was come to, with the British Government, on the question.

**Hon. Mr. Wilmot**—The whole agreement was embodied in the Act of Union, and the clause regarding the Governor-General's salary was left to the Parliament of Canada to alter or amend if the circumstances of the country required it. We should not be charged with acting in a paltry way in reducing this salary, when we leave it \$2,000 more than it was before the Union. If the circumstances of the country are such that there will be a deficit in our revenue, it is our duty to keep our expenditure within our income. When we adopt the principle of reducing the salaries of the employees of the House, we are equally bound to carry out that economy in the expenditure of the country, wherever it can be most fairly borne, and it bears just as fairly upon the head of the Government, as it does upon those who hold inferior positions.

**Hon. Mr. Macpherson**—I must call the hon. gentleman to order; I asked him a question, which he has answered, but he has no right to make another speech.

**Hon. Mr. Mitchell**—Did not my hon. friend make two speeches last evening upon one subject?

**Hon. Mr. McDonald** regretted that he felt himself constrained to differ from many with whom he usually concurred most cordially, in regard to the provision to be made for His Excellency the Governor-General. On the general question of economy he desired as earnestly as any one to give effect to the views which undoubtedly actuate the great majority of people. He did not always see an open course to reduce expenses save at the cost of considerations which sometime possess more than a money value; but none are more convinced than he, that both as a matter of duty and interest, it is necessary to resist everything tending to encourage extravagance in the organization of the Government, and the general administration of the affairs of the Dominion. The Legislature of his own Province, in the arrangement of its affairs, has set an example which he should be glad to see

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followed here. It has cut down expenses to the lowest point compatible with efficiency; and while neglecting nothing that is essential, has cared most wisely for the wishes and welfare of its own constituents. Our friends from Nova Scotia and New Brunswick have come here after having been educated in a similar school, and their influence will undoubtedly tend to check, if not to prevent, undue expenditures. Entertaining these opinions he shared fully the feeling expressed in a proposition submitted to the other House, that is the reorganization of the public service throughout the Dominion the strictest economy should be observed; that superfluous offices should be abolished; and that salaries should be framed with a proper regard for the services rendered. He was not prepared to sustain such a proposition in a shape that implies want of confidence in the Government; but nevertheless cherished the hope that the Government, in maturing its plans, will not ignore these points, or disappoint the popular will touching economy as a prime element in the organization and conduct of the various branches of the public service. He would cut down whatever admits of being so treated without injustice to the present incumbents; and in determining salaries and payments where existing interests are not concerned, he would carry retrenchment as far as it can be carried without impairing the efficiency, or lowering the credit, of the Government. It was because, in his judgment, economy involves something more than the saving of money, that he should deem it his duty to vote against the reduction of His Excellency's salary. He did not forget that, estimated according to the average means and incomes of the people of this country, £10,000 sterling is a large salary. He knew that it was large compared with the salaries paid to Ministers themselves, to the Judges, or to any other class of public men. He knew that nothing would be more easy than the gaining of credit for economy by voting for the reduction of a salary so far in advance of the incomes to which Canadians generally are accustomed. And yet he was prepared to take the responsibility of voting for £10,000, not simply because he considered that salary one of the informal elements of the compact entered into by our Delegates to London, but also because he held that it was not in excess of the allowance which the country may be fairly asked to provide for one whose position must hereafter entail liberal hospitalities, and the maintenance of a dignity becoming the delegated head of the Empire on this Continent. We shall not be

satisfied with inferior rank or ordinary attainments. We require, and the interests of the Dominion and of the Empire alike require, the presence here, as the representative of Her Majesty, of a statesman capable of promoting the vast concerns which as yet we ourselves hardly realize, and of maintaining the state which in all communities has much to do with the satisfactory administration of public affairs. For these reasons he was willing to appropriate an annual sum commensurate with the character and abilities which alone are worthy of the position, and with the requirements of the office, political and social. The question, as he saw it, was not whether the salary was above the every-day standard, but whether it was greater than may be properly paid for services and standing such as those which will hereafter be associated with the office of Governor-General. The true standard of comparison in this case is Imperial, not Colonial; and thus considered he was convinced that the sum originally fixed cannot reasonably or justly be called extravagant.

**Hon. Mr. Ferrier** advocated the allowance of £10,000, but no extras, which, looking over the accounts lately published, seemed to amount to a fearful sum yearly. The Governor General was expected to subscribe liberally to all charitable and patriotic objects, instancing the fire in Quebec, when the Governor-General headed the list of subscriptions with £500, and a large house then subscribed £600, and so on; by this example a sum of over £15,000 was obtained on the spot. He should entertain liberally and bear his own travelling expenses. The travelling expenses from Quebec to Montreal and Ottawa, (before the seat of Government got settled down here,) ran up the travelling expenses to large sums that seem to alarm us now, but we must remember that was an exceptional state of things, and not likely to occur again. He would read from a paper he held in his hand, the following despatch, bearing on the subject, with the comments made thereon, which he thought quite appropriate:

"The salaries of Governors of the British Dominions are necessarily large, because it is expected that they will expend much of the money they receive in hospitality. The Legislature of Tasmania recently reduced by statute the salary of its Governor, but it was disallowed by the Queen, and the following

despatch gives the reasons of its disallowance:—

"Downing Street, July 10, 1867.

"Sir,—I have the honour to acknowledge the receipt of your despatch, No. 9, of the 9th of February, forwarding a copy of an Act of the Legislature of Tasmania to reduce the salary and allowance of every future Governor of the colony, which you have reserved for the signification of Her Majesty's pleasure. I regret that I cannot advise Her Majesty to give effect to this Act. It is a matter of the highest importance to secure for the government of the colony the services of men of proved judgment and ability, and that the means of these officers should not be so cramped as to preclude them from taking their proper position in the colony the exercise of a *well-regulated hospitality, by visiting when necessary different parts of the colony, and by taking part in the charitable organizations which are called for by the state of the colony or of society.* After careful reflection and inquiry, I am satisfied that the existing emoluments of the Governor of Tasmania are not too high for this purpose; that for the proposed salary, Her Majesty's Government would not readily, if at all, find a person properly qualified and also willing to accept the Government; and further, that any person so appointed would find himself unable to *discharge the social and other duties of his office in the manner which is required by the interests of the colony.* I regret greatly the present pressure of the finances of the colony which has led your advisers to propose this measure. I trust, however, that the grounds of my decision will satisfy your Ministers and the members of the Legislature that such a measure would not be likely to conduce to the general advantage, and that the position of the Governor should be maintained in its integrity.

"I have the honour to be, Sir, your most obedient humble servant,

"BUCKINGHAM AND CHANDOS"

**Hon. Mr. Campbell** desired to say a few words upon the bill now before the House. In the first place he desired to correct a mistake made by some of the hon. members as to the character of the bill. It was not a Money Bill granting supply to Her Majesty, but a bill to fix the salary of the Governor-General at some future period. It was the right of the House of Commons, preliminarily, to deal with such a subject; but it not being a Supply Bill—simply a resolution of the House of

Commons regarding the salary of a high officer of the Crown—the question is not only open, but it is our duty to express an opinion upon it, whether that opinion differs from that expressed by the House of Commons or not. In referring to the contingent expenses of the Governor-General, he said they had been rendered necessary in consequence of his being required to change his place of residence from one part of the country to another, before the Seat of Government was fixed at Ottawa, but as a rule, the salary of the Governor-General covered all the expenses it was proposed to cover. It is more economical to have the salary cover all expenses, than to fix it at a low sum and pay contingent accounts. As an example of a large nation being governed at small expense, we have been told again and again, that the President of the United States received a salary of \$25,000, and he (Mr. Campbell) had supposed that this salary covered all expenses. Did that represent the cost of that officer to the people of the United States? We find by referring to the public accounts of that country, that the salary of the President is a mere bagatelle to the whole cost. We find the amount charged for gas alone is between seventy and eighty thousand dollars. The very hospitalities of his table is, in many instances charged as a contingent account. It is far better to fix a handsome sum to cover all expenses, than to fix an inadequate sum to be pieced out by contingencies allowed from time to time, which will cover more than the whole salary. He did not think they were perfectly free to deal with this matter, because he believed that the salary named would not have been inserted in the Union Act without an accord between the British Government and the representatives of the North American Provinces. If there was an understanding of that kind he thought it was wrong in this early stage of the Constitution to make any change in that salary. We must bear in mind that the responsibility of selecting a Governor-General for this Dominion rests upon Her Majesty and her advisers. In the exercise of that responsibility they have their opinion as to what amount of salary ought to be attached to that office in order to get the kind of man that would in their opinion fill that high office, and advance the interests of the Dominion. Then the delegates having in accord with Her Majesty's Government agreed upon such a sum as they thought necessary for that purpose, we should not alter that amount until Her Majesty's Ministers have had an opportunity of expressing an opinion upon it. They may say, "The

representatives of the British North American Provinces agreed that \$50,000 was the sum they were to give as a salary to the Governor-General in order that we might procure for them a man with such experience in public life as would most conduce to the interests of that colony, and had they adhered to that sum, we would have adhered to that responsibility, that the salary being changed, we cannot adequately carry out that duty." Having in that way agreed to the salary, we ought not to alter it until the British Government have expressed their views upon it. There is another view of this matter which will be taken in England, and it will tend to our disadvantage. This is the only salary which we fix in connection with the public service in England, and there will be a contrast drawn between that and the immense sums of money which they expend for the safety and welfare of this country. There is now being expended by the people of Great Britain one million two hundred thousand pounds sterling annually, exclusive of the naval service, permanent barracks, and hospitals, which he supposed would make a total of one million and a half pounds sterling expended for our security. This position of Governor-General is the only patronage of any kind which they exercise in this country, and our representatives having fixed the salary it does seem wrong for us in this first Session of Parliament to change it without giving the British Government an opportunity to express their views upon it, or without even knowing whether they can get a suitable person to come here for that sum. The present salary may seem a large sum, but it is not when compared with the salaries which men of experience are likely to get in other colonies or in England. Men who are asked to leave for a time their own political life in the mother country to take a position as Governor of a colony would have to do so in many cases at a considerable sacrifice. Suppose a man who has a high position in the Parliament of England leaves it for a time, he loses all those chances which political life gives, the wave of success passes over and he is forgotten. It is very seldom that an opportunity for advancement happens to the Governor of this country, although it did in one instance through the Confederation of these colonies, but in an ordinary and nominal state of things, he has to go home to regain the loss that must invariably be inflicted upon his career as a public man by his absence. So far as the Government were concerned in this question they would like to see the matter rest

where it is until they had a further opportunity of ascertaining whether the office could be filled by a suitable person for a less salary than is now given.

**Hon. Mr. Benson** said he wished to be assured by the Government that if we vote £10,000, this sum would be in lieu of all other contingencies, and he was satisfied such an arrangement would be the most satisfactory one to all parties and that the country would gain by it. He did not wish to be niggardly, but felt the country should not be saddled with these large sums yearly for extras for the Governor's establishment. He was not satisfied the way the question came up here; if assured that the £10,000 would include everything he would willingly vote for it, but if the old system is to be continued in voting large sums every year for contingencies, which amount to a great deal more than the salary, he sympathized with public opinion on this matter strongly, and unless strong assurances were given that no extras will be charged in the public accounts under this head for the future, he should vote for the second reading of the present bill.

**Hon. Mr. Reesor** said the delegates who had been sent to England to confer with the British Government in regard to the Union Act had not exceeded the powers given them in fixing the Governor-General's salary, as they had left the matter open to be determined by the Parliament of Canada. It had been said that a Money Bill could not be altered or amended by this House, but must be accepted or rejected. He would go further and say it was very rarely that a Money Bill was rejected by the House of Lords, and our position relatively to the House of Commons, was very nearly similar to the relative position of the House of Lords to the House of Commons in England. The Senate of the United States was also guided in Money Bills by the same rules as the House of Lords. He then referred to a measure passed in the House of Commons in England in 1860 repealing the duty upon paper, but which was rejected in the House of Lords. In that case the Bill passed the House of Commons by a majority of only nine, and the House of Lords had the feeling of the whole country in their favor by rejecting it. He said if they passed this Bill now it would be quite competent for the House of Commons at any future time to increase the Governor-General's salary if it was found necessary. He thought it was requiring too much of the members of the Government in this House to ask them to give

any pledge that a change would be made in regard to contingent expenses in the event of this bill being rejected. As they have had an ample opportunity while the discussion was going on in the other House, to propose that \$50,000 should cover all expenses, it was but reasonable to infer that they did not desire to do so. Under these circumstances he felt bound to support the bill.

**Hon. Mr. Campbell** said it was the desire of the Government that the Governor's salary should cover all the charges, but he could not speak positively in regard to travelling expenses.

**Hon. Mr. Mitchell** felt that the question was one on which the delegates should speak, particularly the members of the Government. There was one point which he wished to give an explanation to the House, particularly as it had been called for so repeatedly by his hon. friend from Toronto (Mr. Macpherson.) He said he thought it was the duty of the delegates to state to the House the terms of the arrangement in regard to this salary, and he called upon him (Mr. Mitchell) by name to give an explanation as to whether there was an understanding on this subject between the members of the delegation, and any of the members representing the British Government. When the question had been put to the leader of the Government he had replied to that question. During the course of the proceedings of that delegation which lasted for many weeks it was necessary to have frequent interviews with the members of the Imperial Cabinet, and in those discussions it was sometimes necessary to have further explanations with reference to them. He believed the question of the Governor's salary was one on which there was a great deal of discussion, and it was one on which it might be thought the opinions of the members of the British Government should have some weight and some importance in suggesting, or at all events, in indicating to the members of the delegation the views Her Majesty's Government entertained in the matter. Whatever his individual opinion might be, he believed the sum fixed upon by the delegates met with the approval of Her Majesty's Government, but whether they would have consented to any less sum he, as one of the delegates, was not able to answer. He was opposed at this time to any attempt being made to reduce the salary of the representative of Her Majesty. Having so recently matured the scheme for uniting the Provinces of British North America, this only



connection between us and the Mother-Country should not be interfered with this first Session of the Parliament of Canada. If it was found by practical experience that this sum was more than the finances of the country would bear, he thought the British Government would not interfere to prevent them from reducing it, but it was injudicious to make this reduction so soon after the representatives from the different Provinces had agreed with Her Majesty's Government as to what this amount should be. For these reasons he felt bound to oppose the passage of the bill. Reference had been made to the course pursued by him (Mr. Mitchell), in advocating a reduction of salaries, as opposed to the course he was now pursuing in regard to the salary of the Governor-General. There was a great difference between the two cases: in the one case a convocation assembled for the purpose of framing a Constitution for British North America, and an understanding was come to with the British Government, in regard to the sum which the Governor-General shall receive, which was inserted in the bill; in the other case, we had a Constitution without a single employee, and when Parliament assembled, there had been only two appointed, and their appointments were subordinate to any action which Parliament might take, therefore no injustice was done by this Senate in fixing the scale of salaries. Although he did not agree with all the arguments used by those who opposed the bill, yet having been one of the delegates he felt that the faith of the country was pledged to the Government of England in this matter. It would morally have a bad effect upon the Union of this country, if we were to insert this entering wedge so soon after the Constitution was formed. He had made these few remarks feeling that it would have been improper for him to give a silent vote upon this question; and feeling that a pledge had been given to the British Government he felt bound to oppose this bill.

**Hon. Mr. Sanborn** gave a detailed statement from the public accounts of the contingent expenses of the Governor-General for some years back up to the present time. In this present year according to the estimates the public expense for the purchase of furniture and other items connected with the establishment of the Governor-General would be \$122,000. He had been compelled to give this statement; the arguments against the bill were placed upon the ground that these duties and expenses devolved upon the Governor-General, or that in the contemplation of the

law they were to be paid out of his salary. It never had been done, but it was the duty of the Government to see that it was done hereafter whatever his salary may be. The hon. member for Toronto (Mr. Macpherson) said he would be willing to go before his constituency upon this question, and he had no fear but he would be elected by a large majority. He (Mr. Sanborn) could only say to him that he would rely more upon his good standing in the country than he would upon the proposition. In that large constituency which he represents there are a great many men with small means who would hardly appreciate the conduct of the delegates in pledging the country to the sum of \$50,000, because they thought it was necessary to support a high officer of the Crown. He (Mr. Sanborn) should go in opposition to the hon. member if he took that as the ground of his canvass. He is far more secure sitting in this House under the mandamus of the Queen, than if he was going back to the electors of his constituency, and telling them he was decidedly in favor of keeping the salary of the Governor-General at \$50,000, instead of reducing it to \$32,000.

**Hon. Mr. Macpherson**—That sum was fixed according to the arrangement made with the Imperial Government by our own delegates.

**Hon. Mr. Sanborn** said his hon. friend was wrong in asking an explanation from those delegates, unless it was to give publication to their opinions, because he knows none of them would betray the secrets of that convocation. It would be contrary to the privileges they enjoyed for them to come here and declare what transpired there, and how each one had voted upon the questions which came before them. The course they have taken is the course taken by all statesmen. It is not the men, it is the *littera scripta* we look to. We come here as legislators, and not to hold an enquiry as to what was the intention of those delegates in London. We are here independently, and we must take the law as our only guide, and interpret it for ourselves. According to the best legal authority the author of a bill after it becomes law, is not to be taken as evidence upon that law, because he is the person most likely to be mistaken, having a theory of his own to maintain. The hon. member from Nova Scotia (Mr. McCully) gave a correct statement of the matter when he said the clause which relates to that subject is exceptional, as it lays the question before Parliament. The salary is made provisional, and it comes before us for our decision, as to whether that provisional salary is the one to

stand or not. The Minister of Marine says it is ungracious to reduce the salary at this time, but he (Mr. Sanborn) thought if they allowed it to go on for several years, they would be told there was a vested right involved in its reduction. He thought by the course taken in the other House this bill was not to be lightly treated. The Government had brought it forward with all the prestige and power which they have in that House, but they were defeated upon the measure by a vote of two to one, or a majority of fifty. It was not for us to take a position to set at defiance the expressed wishes of the people, as expressed through their representatives. He maintained that this was not a question upon which we should rush forward with a desire to maintain our privileges, because the bill was one which was in accordance with the wishes of the people. He would be the last one to abridge any of the privileges of this House, or to give up any of our rights to legislate where we have the power, but upon a measure of this kind we would be placing ourselves in a false position before the country, if we did not sustain the verdict given by the representatives of the people.

**Hon. Mr. Botsford** said he thought we should be informed of the compact entered into by the Delegates from these Provinces to the Imperial Government, which he felt ought to be sustained. He respected the vote of the House of Commons on this question, as we should do on all others. They hold the purse strings, and we in this House should act in accord with that branch of the Legislature on every occasion. He would therefore vote for the passing of this bill. The second reading of the bill was then declared carried on the following division:—

**Contents:** The Honourable Messieurs Aikins, Anderson, Armand, Benson, Bill, Blake, Botsford, Bourinot, Bureau, Burnham, Christie, Cormier, Dever, Dickson, Duchesnay,

E. H. J., Dumouchel, Flint, Guévremont, Hamilton (Kingston), Holmes, Leonard, Leslie, Letellier de St. Just, McClelan, McCrea, McCully, McMaster, Malhiot, Miller, Olivier, Reesor, Sanborn, Seymour, Simpson, Wark, Wilmot, Wilson.—37.

**Non-Contents:** The Honourable Messieurs Allan, Campbell, Cauchon, Chapais, Ferrier, Hamilton (Inkerman), Kenny, Lacoste, McDonald, Macpherson, Mitchell, Price, Ross, Ryan, Shaw, Skead, Tessier.—17.

On the motion of the **Hon. Mr. Sanborn**, seconded by the **Hon. Mr. Armand**, the said bill was ordered to be read a third time tomorrow.

The House then went into Committee of the Whole on the Bill intituled "An Act relating to quarantine and public health (**Hon. Mr. Letellier de St. Just** in the chair, reported the same with several amendments, which were concurred in, and the bill read a third time and passed.

The Bill, as amended, intituled "An Act constituting the Department of Customs", was read a third time and passed.

Also, the Bill intituled "An Act for the better security of the Crown and of the Government", was read a third time and passed without amendment.

"An Act respecting the inspection of steam-boats, and for the greater safety of passengers by them", was read a second time, and passed through Committee of the Whole (**Hon. Mr. Macpherson** in the chair), without amendment, and ordered to be read a third time to-morrow.

The Bill intituled "An Act respecting the Civil Service of Canada", was read a second time, passed through Committee of the Whole without amendment (**Hon. Mr. Ferrier** in the chair), and ordered for a second reading to-morrow.

The House then adjourned.

## THE SENATE

Friday, May 15, 1868.

The Speaker took the chair at three o'clock.

After routine,

**Hon. Mr. Hamilton (Kingston)** reported from Committee on Commerce and Railways to whom was referred the Bill, intituled "An Act to incorporate the Canada Shipping Company," that they ordered him to report the same without amendment. Same ordered to be read a third time to-morrow.

**Hon. Mr. Allan** from Standing Orders and Private Bills Committee reported, "That having examined the petition of the Canada Vine Growers' Association," praying for certain amendments in their Act of Incorporation, and found that no notice has been given; but as no other interest than those of said company are likely to be affected, your Committee beg leave to recommend that the rule relative to notice be suspended in this case. Ordered said report to be adopted.

The Bill intituled "An Act to annex a portion of the Seignior of Belair to the County of Quebec, and another portion thereof to the County of Portneuf," was reported from same Committee and read a third time, and passed without amendment.

Also "An Act to confirm a certain By-law passed by the Directors of the Lake Memphremagog Navigation Company, and for other purposes," was reported from same Committee, read a third time and passed without any amendment.

**Hon. Mr. Chapais** presented to the House a Bill intituled "An Act respecting Trade Marks and Industrial Designs."

"An Act to incorporate the Merchants' Express Company of the Dominion of Canada," was reported from the Committee on Standing Orders and Private Bills with several amendments, which bill as amended was then read a third time and passed.

The Governor-General communicated to the Senate the despatch received from the Secretary of State for the colonies, in answer to the address voted to Her Majesty the Queen, on the 18th day of December, 1867, which was referred to the Joint Committee on the printing of Parliament.

An Act to declare certain persons therein mentioned, indemnified for having sat and voted as members of the House of Commons,

while having certain offices under the Crown, was read a first time, and ordered for a second reading at next sitting.

An Act respecting the Consolidated Revenue Fund, was read a first time, and ordered for a second reading at the next sitting of the House.

An Act respecting offences against the person, was read a first time, and ordered to be read a second time at the next sitting of the House.

An Act respecting the duties of Justices of the Peace out of sessions, in relation to persons charged with indictable offences, was read a first time, and ordered for a second reading to-morrow.

A message was received from the House of Commons returning Bills intituled,

An Act respecting the Department of Inland Revenue, and

An Act respecting the Department of Customs, that they have agreed to the amendments in the Bills, without amendment.

Also a message returning the Bill intituled,

An Act for the organization of the Department of Agriculture, and that they had passed the same without amendment.

**Hon. Mr. Ryan** moved, seconded by **Hon. Mr. Ferrier**, to resolve that an humble address be presented to His Excellency the Governor-General, praying that His Excellency would be pleased:

1st. To call the attention of Her Majesty's Government to the provisions of the Imperial Act 9th and 10th Vict., cap. 95, by which power is given to Her Majesty to approve of any Act passed by the Legislature of any British possession, admitting into such possession foreign reprints of British copyright works, provided that reasonable protection to the authors is, in Her Majesty's opinion, thereby secured to them.

2nd. To impress upon Her Majesty's Government the justice and expediency of extending the privileges granted by the above cited Act, so that whenever reasonable provision and protection shall, in Her Majesty's opinion, be secured to the authors, colonial reprints of British copyright works shall be placed on the same footing as foreign reprints in Canada, by which means British authors will be more effectually protected in their rights, and a material benefit will be conferred on the printing industry of the Dominion.—Carried.

And ordered, that such members of the Privy Council as are members of this House, do wait on His Excellency the Governor-General with the said address.

Pursuant to the order of the day, the Bill intituled, "An Act respecting persons in custody, charged with high treason and felony," was read a third time and passed.

#### GOVERNOR GENERAL'S SALARY.

An Act to fix the Governor General's salary, was read a third time and passed, on a division.

The Acts respecting the inspection of steamboats, and for the greater safety of passengers by them, was read a third time and passed.

An Act respecting the Civil Service of Canada, was read a third time and passed.

An Act respecting larceny and other similar offences, was partly passed through Committee of the Whole, (**Hon. Mr. McCre** in the chair), progress reported, and leave granted to sit again at the next meeting of the House.

An Act respecting cruelty to animals, was read a first time, and ordered to be read a second time to-morrow.

An Act respecting the prompt and summary Administration of Justice in certain cases, was read a first time; second reading to-morrow.

An Act respecting the trial and punishment of juvenile offenders, was read a first time, and ordered for a second reading to-morrow.

It being six o'clock, the House then adjourned until 7.30 o'clock p.m.

#### AFTER RECESS.

##### AN ACT RESPECTING LARCENY.

Pursuant to the order of the day the House went into Committee of the Whole, on a Bill, intituled "An Act respecting larceny and other similar offences."

**Hon. Mr. Campbell** remarked that it had been said all these bills on the criminal law had been copied from the Statutes of England, and it had been intimated that laws which were proper in a populous country like England, were not proper here, because the rights of property were not so strictly looked upon. He could inform them that the greatest care had been taken to strike out everything that was not adapted to this country. It was not a complete adaptation of the English laws, but these bills were prepared after a careful examination of them and an adaptation of those

portions which were applicable to Canada. The provision relating to stealing pigeons had been pointed out, and it had been said there was no use in having a law on a subject so trifling. He knew a pair of pigeons, in Toronto, said to be worth \$80, and there were many fanciers of particular breeds, who believe a pair of pigeons may be worth \$100. The law is intended to apply to house pigeons, and it is no unreasonable thing to say a person shall be punished for stealing them. Then the same objection had been taken to a provision of the bill, making it criminal to steal oysters. That was intended to apply to Quebec and the Maritime Provinces, and it applied not to oysters in general, but to oyster beds, which had been planted. After a man has spent his time and labour in planting an oyster bed there is no reason why he should not be protected. Another objection has been taken to the provision of the bill relating to saplings and small shrubs. That is not anything new in the laws of Canada, and it was very desirable to have some criminal law to protect that kind of property. He thought if there were any defects in the law they should let experience teach them what those defects were, because without any practical experience of their working they would not be in any better position next Session to legislate upon them than they were now. These bills were the fruit of seven or eight years' attention to this subject by a commission of eminent men in England, and they were considered as safe a starting point as we could get for the preparation of criminal laws. No matter what course we take we cannot legislate upon this subject from our own knowledge. In a matter involving so much study we must trust somebody else to prepare those bills, and it could not very well be undertaken by a committee of our own House. It had been said that similar legislation in reference to the Bankruptcy Law had been taken by a committee of the other House, but there a particular member had taken a particular interest in the subject, and in that way the bill had been prepared. These bills must be taken upon the responsibility of the Government, and we must wait until experience teaches us what changes are necessary before we build theories upon them in advance of their practical working. The object in having so many separate provisions was in order to be able to refer to them, item by item, in subsequent legislation. This was far better than to consolidate them in advance, because it was only after having experience in the working of the law that we can find out what is imperfect or deficient, and then we can perfect and consolidate the whole scheme.

**Hon. Mr. McCully** said that allowing his hon. friend's arguments to be sound, they ought not to send down to the Maritime Provinces a Code of Criminal Law which not a single professional man in those Provinces would know anything about. He knew what the answer would be if he went down to Nova Scotia and attempted to induce the people to accept some of those clauses. The genius of the people of that Province would revolt if we attempted to introduce them. The whole of the criminal law is severe to an extent we have long since abandoned. We look to the neighbouring Republic for an example in these laws, instead of to those old severe punishments which were formerly in operation in England. It would be far better to have these bills remain over until next Session, and then we would have time during the early part of the Session to go through them clause by clause. It was not fair that the people of the Maritime Provinces should have these laws placed upon them, without their representatives having time to consider them at all. There is one provision of the law making rape a capital offence, for which a man is liable to be hanged. This severe punishment for that offence has been banished out of our laws and the laws of England for many years. Why are these severe laws required? For the most trivial offences men are to be sentenced to hard labour, in jail, for a period less than two years. There was not a jail in the Maritime Provinces adapted for hard labour.

**Hon. Mr. Mitchell** said his hon. friend must not make the assertion that there were no jails adapted for hard labour in the Maritime Provinces.

**Hon. Mr. McCully** said he meant there were no such jails in Nova Scotia.

**Hon. Mr. Wilmot** said there were none in the country districts of New Brunswick.

**Hon. Mr. McCully** said if every one convicted of these small offences were to be confined in jail for such a length of time, the jails would be filled with these people. This would increase the county expenses, and taxation would thereby be increased all over the Province. It is well known that a hostile feeling against Confederation has been produced in Nova Scotia by the Stamp Act and newspaper postage, but if they pass a Bill to confine men in jail for two years for these trivial offences it will produce a state of feeling there which will astonish every one. In reference to the remarks made about the value of pigeons he said that not long since he

had purchased the place where he now resided, and he had found some thirty or forty pigeons. These pigeons destroyed every garden in the neighbourhood, and in consequence the pigeons were killed. Under a clause of this bill every man who touched one of those pigeons, which were a nuisance to the neighbourhood, would have brought down upon himself this penal law.

**Hon. Mr. Sanborn** said it was plain to be seen that there was a great repugnance to accept these Bills in their present shape, but in consequence of the late period in the Session in which they were brought forward, they had no time to give them proper consideration. He thought the difficulty might be removed if the Government would consent that all these Criminal Bills, if they are passed, should not come into operation until a proclamation is issued, and have it understood that that proclamation will not be issued until after the next Session of Parliament. Then a joint committee could be formed during the next Session of Parliament, who would be familiar with the subject; they would then have time to consider the matter fully, and those who objected to the provisions of those bills, would have an opportunity of giving their reasons for those objections; by this means, the committee would be able to digest a law which would be more satisfactory than a law arrived at in any other way. He was satisfied that if this law now came in force, it would be looked upon in Nova Scotia and New Brunswick with a great deal of repugnance. He then compared portions of the criminal law in the revised Statutes of New Brunswick with the proposed law, saying that these laws were more in detail than those existing in the Maritime Provinces. They were accustomed to give the general principles of their laws in a very concise manner, and that very fact would be sufficient to create a strong objection to this mode of legislating upon the subject. Their local legislation has not prepared them for these laws, and we do not know what machinery they have for carrying them out, therefore, this was one strong reason why they should not be put in force.

**Hon. Mr. Campbell** said the reasons given by the hon. member, commended themselves to the House. While his hon. friend was speaking, he had taken an opportunity of consulting the Minister of Justice who has taken charge of these bills, and in deference to the opinions expressed by hon. members of the House, he was ready to adopt the suggestion of his hon.

friend from Wellington division (Mr. Sanborn), and consent that all these bills should be passed upon the faith of the Government, who will introduce a separate Bill to provide that they shall not come in force until a proclamation is issued by the Governor in Council, after the next Session of Parliament. This will afford the Local Legislatures time to pass measures which must be necessary in order to harmonize their legislation with these bills, while the opportunity will be afforded to the Dominion at large, to furnish suggestions for the amendment of those bills.

**Hon. Mr. Letellier de St. Just** objected to aid in passing this bill on any such understanding. If it must be changed next Session, what is the use of passing it now? There was no time left to examine this or any of these bills, and he did not want to take any Bills on the word or opinion of any persons, even if a Minister of the Crown.

**Hon. Mr. Tessier** (in French) pointed out the great dissimilarity between the laws of England and those in force in Canada. We, in the Province of Quebec, consider the English Criminal Law best, and the French Civil Law best suited to our wants and wishes. He thought the English Criminal Law the best in the world and was happy to live under its power. But he could see no necessity for this hurried legislation regarding the Criminal Law procedure in the Lower Provinces for another year. We are responsible for the laws enacted as well as the Ministry. Leave the important measures before the country for an expression of opinion, and when we meet again we will be prepared to deal with them intelligently.

**Hon. Mr. Chapais** (in French) contended there was no risk in passing these bills having been well and carefully prepared by the leader of the Government and the leader of the Opposition from the Province of Quebec (Messrs. Cartier and Dorion) in the other House, and they, after mature reflection and some debate, sent these bills to this House approved of by them. The amendments can be made next Session, if required, to the portions wanting amendment, much better than if no attempt were made to pass the bills assimilating or codifying the Criminal Laws of all the Provinces. There never was a code made complete at once, being of law so different in many parts. Then surely every member of Parliament cannot read every clause of every bill that is passed into law, hence we all have to take certain measures on the faith of tried

and trusted leaders of the parties that compose the Legislature. He could not see the force of the opposition to the passage of this and other similar bills.

**Hon. Mr. Bureau** (in French) explained the *féodalité* for pigeons under the old French régime. But it is obsolete in Canada, and he could not now consent to its provisions being placed on our statute book. When the codifiers undertook the codification of our laws, they sent copies all over the country to get the opinions of those learned in the laws, and so we had a very complete and almost perfect code of civil laws. The English criminal law is the greatest glory and happiness of the French Canadians, who know and appreciate its many benefits and advantages. Before next Session we will have time to consider the bill, and then deal with all these measures so as to satisfy the public and our own consciences. It is the interest of the Government to delay the final passage of the bill, and so pass it in a form that will give full and ample satisfaction. Hasty legislation is to be deprecated, as they encumber and embarrass our system of criminal procedure.

**Hon. Mr. McCully** spoke also against forcing the bill upon the Maritime Provinces without preparation. He was satisfied that legal men of great ability and eminence in their profession had prepared and worked at this bill with zeal and assiduity, so as to make it a perfect measure of criminal procedure. He could not accept the responsibility of this measure. It was now too late in the Session to discuss and settle a measure of the importance of a bill to amend, consolidate, or assimilate the laws of criminal procedure now existing in all the Provinces into one general law for the whole Dominion of Canada. This bill, and others of a like nature, ought to be entrusted to the best legal minds of the various Provinces, and give them ample time to consider them well and arrange all the details, and not run the risk of passing an incomplete or imperfect measure on the subject of all others that requires the greatest care and diligence.

**Hon. Mr. Wark** also said he feared this hurried legislation would create confusion in our laws, and give great dissatisfaction, and hoped the Government would listen to the voice of this House, and defer it until the early part of next Session.

**Hon. Mr. Sanborn** said as there was no time in this Session to examine the bill, and he did not wish to take measures of such great im-

portance as this bill on trust, he hoped the Government would listen to the reasonable wish of the House, and defer the further consideration of this bill until the early part of next Session, when we will have ample time and leisure to discuss it in all its bearings. Great changes are often very objectionable, particularly in the public criminal laws of the land. English laws are unsuited to this country, and cannot as a general rule be imported into our prevailing systems without great danger. What we all must admit, this bill, as well as all others of the same important character, should have been brought down earlier in the Session, and then we could have devoted the time and attention which they required before passing them. There is not an absolute want of this measure in the country until the next meeting of Parliament, and then let us take it up at once, before bills come down to us from the other House, and discuss it in all its bearings. Surely this was reasonable. The Commons did not seem to him to have devoted all the time and attention that this measure demanded, doubtless they were so overwhelmed with work that they had appeared to pass some of it carelessly to outsiders. Though he did not say but this compilation is as perfect as possible under the circumstances, but he wanted to assure himself of this, and be able to give satisfaction to himself, as well as others, that such was the fact. He did not wish to throw the whole responsibility off this House, and put it on the shoulders of the Government. We, too, had our duties and responsibilities, as well as the Government, and he did not desire to assist in legislation that may or may not commend itself to his judgment. He, therefore, felt bound to oppose any further progress being made with this bill, as far as he could do so.

**Hon. Mr. Wilmot** objected to importing the English policy into this new country. The practice was wrong in principle, and the portions of the criminal procedure attempted to be incorporated with our system here will work unsatisfactorily. Hence he thought we should have time to decide what portions of them are suited to us and our wants here in Canada, and therefore he begged the Postmaster-General to accept the proposal to defer the consideration of this and similar bills until the House meets again.

**Hon. Mr. Ross** was quite content to leave the responsibility with the Government, as they were much better qualified to prepare such a measure as the present. He knew for a fact that the best legal minds of the country

had prepared this measure, and any person familiar with such measures knows well that two to five persons are as many as can assist at the same time at the same bill. This is a very comprehensive measure, and he thought well and carefully prepared. Any defects that may be discovered in its working can be remedied hereafter when desirable. The codification of our criminal laws is a move in the right direction, and he hoped they would assist in passing the bill, so that the country would not be deprived of its advantages any longer.

**Hon. Mr. Allan** also was desirous that the bill should be passed this Session, and then it would call out the opinion of the judges and professional men on its working, so that if any amendments were required we could be prepared to add them next Session.

**Hon. Mr. Campbell** said if the delay desired by some hon. members be granted, we shall be no farther advanced when we meet again then we are now, as it is certain no judge or jurist will say anything on the bill unless it is passed into law and put before the courts. It is well known that our judges are so hardly worked that they have no time to study questions not submitted to them for their decision. If any defects be discovered they can be amended and remedied next Session, but if the bill be not passed into law it is certain we shall get no suggestions affecting this bill before it is put on our Statute book. It has been taken for granted that this is a very crude, ill-digested bungle of legislation; nothing can be farther from the truth or the facts. Let any one examine over carefully the bill, and he must be satisfied that a painstaking attention and marked legal ability have been expended on this bill. As a whole he thought it a very perfect measure, though some minor isolated clauses might be amended hereafter with advantage, perhaps, but these defects (if such there be) can be remedied best after the bill goes into force.

**Hon. Mr. Macpherson** said all bills similar to the present have to be taken to some extent on trust, and he for one was willing to do so in this case. It was manifestly impossible for all the members to read every bill, and if they had the time how many of them were familiar with this subject. Let us take the advantage of the present time, and then it will not be too late to amend the bill next Session. The hon. member from Nova Scotia (Mr. McCully) always fears embarrassing the Government, but whenever they may seem to want his aid to

pass any measure of importance, he is not to be found with them. He would not for one refuse his assent to the passing of this bill.

**Hon. Mr. McCrea** reported the bill with amendments, which report the House agreed to receive on Monday next.

An Act respecting riots and riotous proceedings was read a second time, passed through a Committee of the Whole, (**Hon. Mr. Anderson** in the chair), with several amendments, which were concurred in, and was then read a third time and passed.

The House then resolved itself into Committee of the Whole on the Bill, intituled "An Act respecting malicious injuries to property," (**Hon. Mr. Benson** in the chair), reported the same with several amendments, which report was ordered to be received on Monday next.

An Act respecting Police of Canada, was read a second time, then passed through Committee of the Whole, (**Hon. Mr. Shaw** in the chair), reported without amendment, and on the suspension of the 42nd rule of the House, was read a third time and passed, and ordered to be sent down to the House of Commons to ask their concurrence to the said bill.

An Act to incorporate the Bank of Agriculture was read a second time, and ordered to be referred to the Committee on Banking, Commerce and Railways.

An Act respecting indictable offences of forgery was read a second time, passed through Committee of the Whole, (**Hon. Mr. Bureau** in the chair), reported without amendment, and ordered for a third reading on Monday.

Also, an Act respecting offences relating to coin was passed through the same stages and ordered to be read a third time on Monday.

An Act to declare certain persons, therein mentioned, indemnified for having sat and voted as members of the House of Commons while holding certain offices under the Crown was read a second time, passed through Committee of the Whole without amendment, and ordered to be read a third time to-morrow.

An Act respecting the Consolidated Revenue Fund was read a second time, passed through Committee of the Whole without amendment, and (the 42nd rule being suspended) read a third time and passed, and ordered that the Clerk do go down to the House of Commons and acquaint that House that the Senate have passed the bill without any amendment.

A Bill intituled "An Act to increase the excise duty on spirits, to impose an excise duty on refined petroleum, and to provide for the inspection thereof" was read a first time and the second reading fixed for tomorrow.

**Hon. Mr. Chapais** presented to the House a Bill intituled "An Act respecting copyright" read a first time and ordered for a second reading on Monday.

An Act for the release and surrender of offenders wrongfully arrested in certain cases was read a first time, second reading fixed for to-morrow.

**Hon. Mr. Campbell** presented a return to an address to His Excellency the Governor-General, dated 12th inst., being a statement showing the debts of the Provinces of Nova Scotia and New Brunswick to the Dominion at the most recent date.

The House then adjourned until to-morrow at 11 o'clock, a.m.



## THE SENATE

Saturday, May 16, 1868.

The Speaker took the chair at eleven o'clock a.m.

After routine,

Pursuant to the order of the day, the Bill intituled, "An Act to incorporate the Canada Shipping Company," was read a third time and passed.

Also, "An Act to declare certain persons therein mentioned indemnified for having sat and voted as members of the House of Commons, while holding certain offices under the Crown."

### AN ACT RESPECTING OFFENCES AGAINST THE PERSON

The order of the day being read for the second reading of the Bill intituled, "An Act respecting offences against the person."

Hon. Mr. Campbell moved that the bill be now read a second time.

The order of the day being called for going into Committee of the Whole on the Bill intituled, "An Act respecting the manufacture or importation of copper coins or tokens," was postponed until Monday.

The second reading of the Bill intituled, "An Act respecting offences against the person" being called.

Hon. Mr. Sanborn said the feeling of the Senate was against passing this and the other bills on the Criminal Law this Session. The proposition he had made was, that the Government should give them an assurance that these bills should be revised next Session by a Committee skilled in these matters, and this revision should be upon the responsibility of the Government. They should be put together in one pamphlet, and distributed throughout the country, in order that they might receive the comments of Judges and others well versed in law, and then, at the next Session of the House, we could settle upon a law which would require a great deal of weighing before we attempted to alter it afterwards. We ought not to pass these bills and leave them with the expectation that amendments will be sought by individual members of the Legislature at some subsequent Session. If we do so, the result will be, that instead of having a permanent code we shall have private bills brought in to amend this or that section,

which will destroy the consistency and harmony of the whole code, and render it unsatisfactory in its operation. Perhaps the Government cannot give this assurance, because they think it would be an anomalous mode of proceeding. If this is so we ought not to proceed with these bills, because it is declared in many quarters that we are not prepared to give them the deliberation which they deserve. If no other mode was proposed, he should be prepared to move that this bill be not read a second time, because at this late period of the Session, in the absence of so large a number of members, the Senate cannot give this bill that deliberation and examination its importance deserves.

Hon. Mr. Campbell was glad his hon. friend had taken that position, because it would dispose of the whole question. The Minister of Justice has said that they will not be able to agree upon a bill to pass conjointly with these measures, to stay the operation of them until after the next Session of Parliament. The Government feel that they have done everything they can do to make these bills perfect, and they can only be amended after actual experience of their working. The only practical way is to take them upon the authority of professional men and wait until defects are shown before they are amended.

Hon. Mr. McCully said the feeling of Nova Scotia was not favourable to the introduction of those measures. They are a pretty severe code taking them altogether. There is not a first class school, but some of the boys might be brought under the operation of that law, and disgraced for life, for merely taking a few apples, and this was as liable to happen to the best boy in the school as any other.

Hon. Mr. Campbell—It has been the law in Canada for twenty years, and it is the law now in New Brunswick and Nova Scotia.

Hon. Mr. McCully said if it was the law there now it would be the law whether we passed this bill or not, therefore we should take time to look into the matter and get a code up worthy to carry out the object proposed. Then we would not have to be at the expense of printing this whole law, and distributing it over the Dominion, when it will have so soon to be brought before us again to be amended.

Hon. Mr. Campbell was quite willing to be guided in this matter by the action of the House. His hon. friend had said that, perhaps, under this law the best boy in a school might

be treated cruelly for stealing apples, and when informed that it is the law in the Maritime Provinces, he says then let it be, for there is no necessity for changing it. This removes one objection that we are introducing any novelty or arbitrary Act into that Province. He believed these laws would not be enforced arbitrarily. If there was any possibility of adding to their usefulness by their being placed in the hands of a Committee for revision, he would not object to it, but he believed these laws should not have any other starting point than from professional men.

**Hon. Mr. Letellier de St. Just** objected to pass this Bill, enacting penalties that are obsolete, and never in the memory of any hon. member of this House have such been attempted to be enforced. It is too much to ask to pass this bill without examining it. If our consent is necessary to pass such measures, we ought to get the bills before the last days of the Session, when all the bills are crowded down upon us. There is no absolute necessity for this measure, until we can have time to examine its clauses during the next Session of Parliament. The fault of the delay is not with us, if fault there be, but with the Ministers who have the control of this legislation.

**Hon. Mr. Chapais**—The object of this bill is not to enact new laws, but to assimilate the existing Criminal Laws of the different Provinces of this Dominion. The same difficulty will exist next Session that prevails to-day. We find it requires experience to perfect the laws of any country, and it is only by time that they can be made perfect. The sensibilities are all on the side of the criminals, not on behalf of outraged society. The punishments, &c., enacted in some clauses of the bill, have already existed on the Statutes, and have not been altered in the past. Why would they be more so in the future. Great crimes require exemplary punishments. Society is always safer to have the remedy in its own hands, than be at the mercy of the malefactors. Far be it from him to wish to circumscribe the powers of this hon. House in the forcing of this bill, or any other, upon this House, against the wishes of a majority in it.

**Hon. Mr. Tessier** thought this House did not generally discuss enough the measures brought before it. He could not admit that this House is only an echo of the other House, without any of the responsibilities that always attach to reasoning and reasonable members of the Legislature. He wished to take nothing on trust, in matters of legislation. He entirely dissented from the propriety or wisdom of

passing bills of this importance at random, and without time to examine them before they are placed on our Statute books. Our codification of laws for the Province of Quebec, was distributed from one end of the Province to the other, to receive the criticism and remarks of all the best legal minds of the Province, and see the happy results and the general satisfaction which this code has given, but which crude and undigested laws never can receive. He felt this railroad speed in passing laws was the great cause of all our troubles.

**Hon. Mr. Miller** desired to make a few observations before this division was taken on the question before the House. The subject of the criminal law was one of the highest importance, and if he had not earlier joined in the discussion, it was not because he did not take deep interest in it, or did not fully realize his responsibilities in legislating respecting it. He had heard nothing to induce him to oppose the second reading of the bill, but on the contrary he believed the arguments in favour of passing the criminal laws under consideration in the manner asked by the Postmaster-General were sound and unanswerable. The opponents of the bill say that it is disrespectful to the Senate to be called upon at this late period of the Session to pass this and like important measures, but might not the same thing be said of the other Branch of the Legislature? The bills relating to criminal justice were passed in the House of Commons with even less debate than they have excited here. That body—the especial protectors of popular rights, and those liberties of the subject in relation to which we have heard so much buncombe spoken by some hon. members—in his (Mr. Miller's) humble opinion pursued the course this Senate should adopt on the present occasion. They threw the whole responsibility of these bills on the Administration, where it should rest, and where it had very properly been assumed. How could it be said that the same manner of passing this and similar bills in the popular Branch of the Legislature could be disrespectful to hon. members, if adopted in the Senate. Some hon. gentlemen had contended that the creation of the criminal code for the Dominion should have been referred to a Special Commission of the ablest legal minds in the country, and that if this had been done, there would be little objection to asking Parliament to adopt the result of the labors of such a commission in the manner now proposed. Suppose these bills had

come before us from such a commission, what hon. member would approve of submitting them to a species of legislation whereby they might be altered in every clause to suit the different views of the seventy professional members of this House? Lawyers did not require to be told that in many cases even simple verbal alterations, which appeared of no consequence to laymen, might destroy the symmetry, scope and character of a whole bill. He argued that the criminal laws were essentially of that class which could not be submitted to general tinkering, but could be much more safely adopted on the responsibility of the Department of Justice, and the trained legal minds that had prepared them. But if these bills had not been formally referred to a commission, it was well known they had been framed by a number of legal gentlemen of the highest standing, at the head of whom was the Minister of Justice. Therefore they have in fact, if not in name, come to this Legislature from a commission who have spent months of patient labour on their revision. Would it not then be injudicious in the haste of going through committee to make ill-considered alterations? Would it be a wise and proper mode of legislation that every member of the House on such a purely legal subject as the formation of a criminal code should be at liberty to make alterations to suit his own particular views? It had been said that the proposed code was too voluminous, and a comparison had been drawn with the criminal laws of Nova Scotia and New Brunswick, which were spoken of as models of brevity and simplicity. He had frequently heard it regretted in our Courts of Justice that this brevity was secured only by the loss of that precision of generality, which was necessary to the comprehensiveness and punishment of all classes of offences. Besides, the peculiar construction of our laws is not so favorable to a ready and precise application of the decisions of the great minds of the English Bench as is desirable. The bills before the Senate being a transcript, so far as suited the circumstances of the country, of the English law, the advantage by the proposed change must in this respect be manifest. Although much may be said in favor of simple law, it is not always possible to have it simple and safe. Was it expected that in the formation of the criminal code for the Dominion, that because our laws were brief and simple—no matter how imperfect, they should be taken as our models, in preference to those which had been evolved by time and experience, and were the productions of the ablest legal minds in Britain. He would not undervalue the clever

men the Maritime Provinces had produced, but to talk of comparing our criminal code to that of England, and setting it up as a model for the guidance of this Parliament on the inauguration of a system of laws for the Government of four millions of people, was absurd. Such a course might please the local prejudices of some small communities, but this was not the object the Legislature had in view. Where could we find a better model for our criminal code than that of Great Britain? It has been said that much of the Criminal Law of that country would not apply to Canada. He readily admitted that, but it is not proposed by the bills to apply the whole English criminal code to this country. On the contrary, we are only asked to accept such portions as are applicable to our circumstances. He thought this House should do, as had been done elsewhere, and take these bills on the responsibility of the Department of Justice. They will not come into operation till the beginning of next year, and there would be no hesitation hereafter in amending them if they worked justly. They were not asked to pass laws which would be unalterable, like those of the Medes and Persians. We want a uniform code—our present codes are discordant and imperfect. The sooner we make the first step, the sooner will we arrive at a safe and successful result. Objections have been taken to particular clauses of these bills. It would not be an easy task to frame a criminal code which would not in some minor particulars be possibly capable of a tyrannical operation. The cases supposed are extreme cases, and the objections only of a minor character. Similar objections might be urged against any law that came before us. He was therefore willing to throw the whole responsibility of the bills before the House on the Department of Justice, where the other Branch of the Legislature had left it, and where he thought the Senate would be wise in allowing it to rest.

**Hon. Mr. Sanborn** moved in amendment, seconded by **Hon. Mr. McCully**.

To leave out all the words after "be," and insert, "not now read a second time, but that it be resolved that at this late period of the Session, and in the absence of a large number of Senators, this Senate cannot give the revision and assimilation of the laws relating to the administration of Criminal Justice throughout the Dominion that deliberation and careful examination its importance deserves."

The question of concurrence being put thereon, the House divided, and the names being called for they were taken down as follows:

Contents:—The Hon. Messieurs Aikins, Benson, Blake, Bourinot, Bureau, Clifford, Christie, Cormier, Dever, Dickson, Dumouchel, Flint, Leonard, Leslie, Letellier de St. Just, McClelan, McCrea, McCully, McMaster, Malhot, Reesor, Sanborn, Tessier, Wark, Wilmot.—25.

Non-Contents:—The Hon. Messieurs Allan, Armand, Bill, Burnham, Campbell, Cauchon, Chapais, Duchesnay E. H. J., Ferrier, Guévremont, Holmes, Kenny, Lacoste, McDonald, Miller, Mitchell, Price, Ross, Ryan, Seymour, Shaw, Skead.—22.

The amendment was therefore declared carried.

An Act respecting Trade Marks and Industrial Designs was read a second time, and ordered to be referred to a Committee of the Whole on Monday next.

The orders of the day for the second reading of the following bills being called, the same were discharged on motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Mitchell**, viz.:—

An Act respecting the duties of Justices of the Peace out of Sessions, in relation to persons charged with indictable offences.

An Act respecting cruelty to animals.

An Act respecting the prompt and summary administration of justice in certain cases.

An Act for the release and surrender of offenders wrongfully arrested in certain cases.

An Act respecting the trial and punishment of juvenile offenders.

And an Act respecting the duties of Justices of the Peace out of Session, in relation to summary convictions and orders.

Pursuant to the order of the day the Bill intituled "An Act to increase the excise duty on spirits, to impose an excise duty on refined petroleum, and to provide for the inspection thereof," was read a second time, and ordered to be committed to a Committee of the Whole on Monday next.

The **Hon. Mr. Campbell** acquainted the House that he had a message from His Excellency the Governor-General, under his sign manual, which His Excellency had commanded him to deliver to this House.

The same was read by the Clerk, and is as follows:

#### MONCK

The Governor-General communicates to the Senate the accompanying despatch, addressed to him, by command of the Queen, by the Secretary of State for the Colonies:

Government House,  
Ottawa, May 16th, 1868.  
(Copy—Canada—Separate.)

*Downing Street, 28th April, 1868.*

*My Lord*,—I have the honour to inform you that having received, with pain and regret, your despatch, No. 62, of the 9th inst, informing me of the assassination of Mr. D'Arcy McGee, in the city of Ottawa, I felt it my duty to communicate the lamentable event to Her Majesty, feeling certain that Her Majesty would sincerely deplore the crime which had deprived Canada, by the hand of an assassin, of the able and devoted services of Mr. McGee.

I have received Her Majesty's commands to request you to convey to the family of Mr. McGee the expression of Her Majesty's deep sympathy with them in the loss which they have sustained through this atrocious crime.

I have, &c.,

(Signed,) BUCKINGHAM and CHANDOS.  
The Viscount Monck,  
&c., &c., &c.

**Hon. Mr. Mitchell** presented to the House a return to an address to His Excellency the Governor-General, dated the 14th instant, praying His Excellency to cause to be laid before this House copies of all correspondence between the Department of Marine and Fisheries, and the Trinity Board and the Harbour Trust of Montreal, since the 14th December last.

Ordered that the same do lie on the table.

Then on motion of the **Hon. Mr. Campbell**, seconded by the **Hon. Mr. Mitchell**,

The House adjourned until half-past seven o'clock, this evening.

#### AFTER RECESS.

The House met a half-past seven o'clock.

The following bills were brought from the House of Commons by their Clerk, viz:

An Act to incorporate the Canadian Lake Underwriters' Association, received two readings.

An Act respecting the Governor-General, the Civil List, and the salaries of certain public functionaries, was read a first and second time.

An Act to make provision for defraying the expenses of certain works of fortification required for the defense of the Dominion, was read a first time, and second reading ordered for Monday.

An Act to amend the Acts relating to the Canada West Farmers' Mutual and Stock Insurance Company, and to change the name of the Company to the Canada Farmers' Mutual Insurance Company, received two readings.

An Act respecting perjury, was read a first time, and second reading ordered for Monday next.

An Act to amend an Act to provide for the improvement and management of the harbour of Quebec, and the Act to amend the same, was read a first and second time.

An Act to incorporate the Stratford Board of Trade, was read a first time, and second reading ordered for Monday next.

A message was brought from the House of Commons to return the Bill intituled,

An Act to incorporate the Merchants' Express Company of the Dominion of Canada.

Also, the Bill intituled, an Act respecting riots and riotous assemblies, and to acquaint the House that they have agreed to the amendments made to the said bills without any amendment.

**Hon. Mr. Ross** presented to the House the second report of the Joint Committee on the Library of Parliament.

On motion of the **Hon. Mr. Ross**, it was ordered that the said report be taken into consideration on Monday next.

The House then adjourned until Monday next, at three o'clock p.m.

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## THE SENATE

Monday, May 18, 1868.

The Speaker took the chair at three o'clock.

After routine,

**Hon. Mr. Anderson**, chairman of Committee on Banking, Commerce and Railways, to whom was referred the Bill intituled "An Act to incorporate the Bank of Agriculture," reported the same with several amendments which were concurred in, and the said bill was then read a third time and passed, and ordered that the Clerk do go down to the House of Commons and acquaint that House that the Senate have passed this bill with several amendments, to which they desire their concurrence.

**Hon. Mr. Tessier**, from the Select Committee, to whom was referred the Bill intituled "An Act to provide for the improvement and management of the harbour of Quebec and the Act amending the same." Ordered that the said bill be read a third time presently and passed, and sent down to the House of Commons without any amendment.

**Hon. Mr. Chapais** presented to the House a return to an address to His Excellency the Governor-General, dated 7th May, 1868, praying that His Excellency will be pleased to cause to be laid before this House copies of all correspondence which has taken place from the 1st of January last to the present date, between the Hon. the Minister of Agriculture and the Immigrant Agents at Hamilton, Toronto, Kingston, Ottawa, Montreal, Sherbrooke, Quebec, St. John, N.B., Halifax, and any port or ports in Europe, having reference to the probable extent and character of the immigration of 1868, as well as to the arrangements made and means provided, or to be provided, in aid and encouragement of such immigration; also, of any correspondence which has taken place between the Government of the Dominion and any of the Local Governments upon the said subject.

*Ordered*, That the same do lie on the Table.

**Hon. Mr. Campbell** presented to the House a return to an address to His Excellency the Governor-General, dated 7th May, 1868, praying His Excellency to be pleased to cause to be laid before this House copies of the reports made by John Page, Esq., Engineer of the Public Works Department, on the subject of the deepening of Lake St. Peter, in virtue of

an Order in Council made about the 1st of July, 1862.

*Ordered*, That the same do lie on the Table.

On motion of **Hon. Mr. Tessier**, seconded by **Hon. Mr. Bourinot**, it was

*Ordered*, That the last mentioned return be referred to the Joint Committee of the Senate and House of Commons on the Printing of Parliament.

**Hon. Mr. Ryan** moved, seconded by **Hon. Mr. Ferrier**,

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 any correspondence, proposals or suggestions received during the present Session of Parliament, by the Hon. the Minister of Fisheries and Marine, having reference to deepening and improving the ship channel between Quebec and Montreal, and to reconstructing and uniting the Trinity Board and Harbour Trusts of Montreal.

The question of concurrence being put thereon, the same was resolved in the affirmative, and it was

*Ordered*, That such members of the Privy Council as are members of this House do wait on His Excellency the Governor-General with the said address.

**Hon. Mr. Wilmot** moved, seconded by **Hon. Mr. Wark**,

That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to direct that copies of all documents and surveys relative to the construction of a canal connecting the waters of the Gulf of St. Lawrence, with those of the Bay of Fundy, may be procured from the Local Governments of Nova Scotia and New Brunswick, and submitted to the Commissioner of the Board of Works for his report thereon, to be laid before Parliament at its next Session.

The question of concurrence being put thereon, the same was resolved in the affirmative, and it was

*Ordered*, That such members of the Privy Council as are members of this House do wait on His Excellency the Governor-General with the said address.

**Hon. Mr. Allan**, from the Committee on Standing Orders and Private Bills, to whom was referred the Bill intituled "An Act to incorporate the Canadian Lake Underwriters'

Association," reported the same with several amendments, which were ordered to be taken into consideration by the House at the next sitting thereof.

**Hon. Mr. Allan**, from same committee, reported without amendment the Bill intituled "An Act to amend the Acts relating to the Canada West Farmers' Mutual and Stock Insurance Company, and to change the name of the company to the Canada Farmers' Mutual Insurance Company," which said bill was read a third time and passed, and a message ordered to be sent to the House of Commons, that the Senate have passed the bill without any amendment.

The following Bills were discharged from the orders of the day on motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Mitchell**, viz:

"An Act respecting indictable offences by forgery."

"An Act respecting larceny and other similar offences,"

"An Act respecting malicious injuries to property,"

"An Act respecting offences relating to the coin."

The Bill intituled "An Act respecting copyright," was read a second time, and ordered to be referred to a Committee of the Whole at the next sitting of the House.

The House then resolved itself into Committee of the Whole on the Bill intituled "An Act respecting the manufacture or importation of copper coins and tokens," (**Honourable Mr. Anderson** in the chair). Reported the same with several amendments, and read a third time and passed, and sent down to the House of Commons for their concurrence.

Also, "An Act respecting trade marks and industrial designs," was passed through its several stages with some amendments, and ordered to be sent down to the House of Commons.

#### EXCISE DUTIES ON SPIRITS AND PETROLEUM

The House went into Committee of the Whole on a Bill to impose excise duties on spirits and petroleum.

**Hon. Mr. Dickson** in the chair.

**Hon. Mr. Wilmot** thought it was entirely wrong to place a duty upon oil, as light was one of the necessaries of life, and it entered

into the consumption of every family. A part of the duty imposed upon many of our imports had to be paid by the person who sent the articles, but in this case the whole duty would have to come from our own people. It would operate very injuriously against our own industrial establishments. He knew one establishment in New Brunswick for the manufacture of the Albertine coal oil, which would have to be shut up, and the operatives discharged.

**Hon. Mr. Christie** said this tax was actually about fifty per cent, upon the original price of the oil, and it would operate very severely upon the poor people of the country.

**Hon. Mr. Campbell** said the expense of light for a small family was not much, therefore this tax of five cents per gallon upon oil would not be felt very severely.

The bill was then agreed to, when the Speaker having resumed the Chair, it was read a third time and passed.

The Bill intituled "An Act respecting the militia and defence of the Dominion of Canada," was read a first time, and ordered to be read a second time at the next sitting of the House.

The House then resolved itself into Committee of the Whole on the Bill intituled "An Act respecting the Governor-General, the Civil List, and the salaries of certain public functionaries, (**Hon. Mr. Malhiot** in the chair), was read a third time, passed, and sent down to the House of Commons without amendment.

#### FORTIFICATION

The order of the day was then read for the second reading of the Bill intituled "An Act to make provision for defraying the expense of certain works of fortification required for the defence of the Dominion."

**Hon. Mr. Campbell** said a Bill of this kind originating in the House of Commons to grant supply to Her Majesty for the construction of fortifications to provide for the defence of the country, would, he was sure, meet with the hearty approval of members from both sides of the House. The matter of the defence of the country has formed the subject of communications between the Imperial and Canadian Governments, and has been brought before Parliament repeatedly. From the infancy of this country, the expense of its defence has been borne almost wholly by the Mother Country until the last few years. If the

amount of money expended by the people of Great Britain for the defence of this country, for the last sixty years, had been added up, the amount would startle us. Not only have the people of Great Britain expended money to defend our country against foreign invaders, but against every source of annoyance and trouble whatever, therefore we should only be too ready and too willing to give our assistance in the way this Bill provides. During this year, Great Britain has expended £998,000 sterling for the defence of this country, exclusive of the large sum they expend in connection with the naval service, armories, barracks and other services, making a total of about £1,500,000 sterling. They expend here annually a larger sum of money than the House of Commons proposes to grant in this Bill for the purpose of permanent fortifications. He alluded to former appropriations which had been made for the permanent defence of the country, and said it was gratifying to find there was a disposition evinced by the people of this country to do their part towards its defence. The country had passed beyond a state of pupilage, and we should not hesitate a moment to provide for these fortifications, without which it would be impossible to defend it, and our annual expenditure for the militia service would be useless and vain. The necessity of these fortifications had been pressed upon the people of Canada again and again by the Mother Country, and experienced officers had been sent out to prepare plans and specifications for those works. These plans having been made, the subject was again brought under the consideration of the Government of Upper Canada, and a correspondence ensued between them and the Imperial Government, which was followed up by a deputation being sent to England, composed of members of the then Executive Council, who were authorized to meet the Imperial Government and come to an understanding upon this important question. In the report which they presented to the Governor-General on their return, the subject is treated at great length, and the necessity for the people of Canada to bear their fair share of the expenses for the defence of the country is strongly adverted to. He (Mr. Campbell) then read extracts from the said report, commenting upon them, and said it was upon that understanding with the British Government that the sum proposed by this Bill for the erection of fortifications has been voted by the House of Commons. He was confident that all the power and resources of the British Empire would be given for our defence, on condition that we did our share of what was necessary for that purpose. He then read extracts from despatches received from the Colonial Secretary, the last one being received in February last, in order to show that the arrangements made between the two Governments was even more than fair towards the people of Canada. The Imperial Government were to undertake the construction of the necessary works at Quebec and Halifax, with all the naval defence of the country, and all the armaments in all the fortifications in the Dominion. The course of conduct pursued by the British Government was one which reflected honor upon them, and for which this country should feel grateful. Are we content to take upon ourselves a fair share of this burden? He thought nothing would be more unmanly than not to do so. If we admire the institutions of the Mother Country, and prefer a limited monarchical form of Government, let us not only say so, but let us do our duty under it as men; let us say we are willing to make a sacrifice for the sake of those institutions which we love. If we adopted any other course, which he could not for a moment suppose, what would be said in England where they have for fifty or sixty years past defended our country from infancy to mature age. They would say we have defended the people of Canada, from the time of their infancy with a sparse population until they have grown up to a population of four millions, and now we offer to defend them with all our resources, if they will join with us in carrying out those measures necessary for their defence, and they refuse; therefore we must come to the conclusion that they pretended to be actuated by a loyalty which did not exist. Under these circumstances this measure has been passed by the House of Commons, but no scheme has been laid down for the expenditure of this money. The plans and estimates have been drawn and shown in confidence to the gentlemen who formed the deputation to which he had referred, but it would be impossible and impolitic to bring a confidential report like that before Parliament, because its value depends in a great measure upon its not being known. He would draw attention to the fact that the delegation when in England objected to any scheme that did not make provision for the defence of the whole country. This scheme, he said, made that provision, and he thought it was a shame for persons to represent this country as defenceless. It was the opinion of the eminent men,



who had drawn the plans of those fortifications, that after their erection the defence of the country would be easy, the fortifications affording a rallying-place for the troops. The works for Montreal would extend in an arc of three miles, and the centre would be about the termination of the Victoria Bridge. These works would include seven forts, besides the curtain of earthwork which would make it almost impossible for any army to approach them successfully. These forts could be easily manned. One hundred and fifty artillery men in each fort would be enough to instruct the less informed militia men in the discharge of their duties. In regard to the expenditure of this money, it is proposed that the expenditure shall be in St. John, Montreal, Kingston, and some places West. A question had been raised about this expenditure not being given more in detail for the different localities; he thought it would be impossible to give a detailed estimate, as the expenditure would be directed by the Royal Engineers, and it would take place in those portions of the country which they considered most important. St. John, N.B., is considered a most important position to defend, in order to protect the Intercolonial Railway. The defence of Montreal was also considered of vital importance, while the defence of Kingston was of less importance, but still necessary for the defence of the lakes. The expenditure of this money will be under the direction of those who will have no other object in view except the defence of the country, and they will no doubt discharge that duty conscientiously. The cost of these works will by no means be so large as some seem to suppose. The expenditure will go on for five years. The first year the interest on the expenditure will be \$53,000, the second year \$107,000, the third year \$160,000, the fourth year \$214,000, and the fifth year \$216,660, and in forty years the whole debt would be wiped out, if the invested sinking fund yielded but five per cent. He was sure no one in the House, and he was almost certain no Canadian, but would be willing to appropriate that and more than that, to preserve and maintain British connection, and to carry out those propositions, made so liberally by the British Government, and to show them that we are not recreant children, but are willing to do our part of the defence of our homes and our firesides. With these few remarks he would now move that the Bill be read a second time.

**Hon. Mr. Letellier de St. Just** objected to the way this measure was submitted to the House. He had no patience to do more than allude to the old and absurd argument, that any hon. member's loyalty was to be called in question, because he might object to this measure and its details. We should only go according to our means, and not involve this country in expenses far beyond our resources. When British statesmen object to such measures as the present, and their details, and discuss them freely, it never enters the head of any sane man to question their loyalty to the laws and institutions of the empire. As far as he and his compatriots are concerned, they have all given proof of their loyalty, and it was not to be questioned or doubted. The amounts voted this year already are far beyond the powers of this country to endure, and when every necessary (not to speak of luxuries) of life was based upon the utmost limit, surely we ought to pause before voting five millions of dollars in a block sum for a commencement of fortifications, to be placed we don't know where. There is no specific information afforded us as to the cost of these contemplated works, where they are to be placed, when commenced, or finished, nor any of the details we had a right to expect, before being called on to vote this enormous sum, which is but an instalment of what will be demanded hereafter. He wished to protest against the passage of the Bill.

The said bill was then read a second time, passed through Committee of the whole House without any amendment.

**Hon. Mr. Benson** in the chair.

It was then ordered for a third reading presently, was then passed and ordered to be sent to the House of Commons, and acquaint that House that the Senate have passed this bill without any amendments.

The order of the day being read, for the second reading of the bill intituled "An Act respecting perjury",

On motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Kenny**, it was ordered that the said bill be discharged from the orders of the day.

The Bill intituled "An Act to incorporate the Stratford Board of Trade", was read a second time.

On motion of **Hon. Mr. McDonald**, seconded by **Hon. Mr. Anderson**, it was ordered that said bill be committed to the Committee on Banking, Commerce and Railways.

The House proceeded to the consideration of the second report of the Joint Committee of the Senate and the House of Commons, on the Library of Parliament, and the said report was read by the Clerk as follows:

The members on behalf of the Senate of the Joint Committee on the Library of Parliament, beg leave to present a second report.

That the new rules, in relation to the loan of books from the Library during a recess of Parliament, which were embodied in the first report, and agreed to by Your Honourable House, having failed to receive the sanction of the House of Commons, the Committee have framed other rules, of a less stringent character, which they trust may be accepted by both Houses, in lieu of those previously recommended.

These rules are designed to be in addition to, and in amendment of, the 111th rule of the Senate concerning the Library, and are as follows:

(1.) That during the recess of Parliament no member of either House, not residing at the Seat of Government, shall be at liberty to borrow, or have in his possession at any one time, more than three works from the Library, or to retain the same for a longer period than one month.

(2.) That no persons, who may be privileged, by a card from the Speaker of either House, to borrow books from the Library, shall be allowed to have in their possession more than two works at any one time, or to retain the same longer than three weeks; and that all such persons shall return the books so taken when required by the Librarian.

(3.) That no books of reference, or books of special cost and value, may be removed from the Seat of Government, under any circumstances.

(4.) That at the first meeting of the Joint Library Committee at every Session of Parliament the Librarian shall report a list of the books absent at the commencement of the Session, specifying the names of any persons who have retained the same, in contravention of either of the foregoing rules.

On motion of **Hon. Mr. Ross**, seconded by the **Hon. Mr. Chapais**, it was ordered that the said report be adopted.

It being six o'clock the House adjourned until half-past seven o'clock, p.m.

## AFTER RECESS.

### MILITIA AND DEFENCE

The order of the day being read for the second reading of the Bill intituled "An Act respecting the Militia and Defence of the Dominion of Canada,"

**Hon. Mr. Campbell** said he had no doubt but this bill had received a great deal of attention in the House of Commons. The militia included all men between the ages of 18 and 60, and it is proposed by this bill that they shall be divided into active and regular militia. The Active Militia includes the Volunteer, Regular, and Marine Militia. The Volunteer Militia is to be raised by voluntary enlistments; the Regular Militia is to be raised by voluntary enlistments and men balloted to serve; the Marine Militia is to be composed of seamen, sailors, and persons whose occupation is upon sailing crafts in the Dominion. The bill provides that the whole country shall be divided into military districts, and these again are to be divided into regimental and brigade divisions as may be deemed expedient, and such divisions may be divided into company divisions. For each regimental division there shall be appointed one Lieut-Col. and two Majors of Reserve Militia. It is proposed in this way to organize all the men in the country between eighteen and sixty, taking them by rotation for duty according to the classes specified in the bill, and these classes are so arranged as to give the least inconvenience to the country. It is proposed to take out for actual drill every year, forty thousand men, to be drilled for a period from eight to sixteen days. If volunteers are found to give the quota of forty thousand men, the ballot will not come into force at all, but if not, then a resort to the ballot will be necessary. This body of men raised by ballot or voluntary enlistment, and drilled for sixteen days, will constitute the first military force to which the country will look for service in case danger arises. In addition to this there would be a large number of officers trained, and also a Dominion Rifle Association established, which would give the men a practical acquaintance with the weapons used, and thus enable them to come into the field having a great advantage over those who are not so trained. These were the principal features of the bill, which he hoped would not be received with much opposition, and he would move that the bill be now read a second time.

**Hon. Mr. Tessier** said that to employ men in active service and give them no more than fifty cents per day, and to make the same provision for the officers, was a feature of the bill which was particularly obnoxious, and would not meet the approval of the country. The Lower House had decided in favour of this bill by a large majority, and they are responsible to the country for the working of the measure, but for his part he would have advised them to have deferred the measure, as they were already incurring a large expenditure for the Intercolonial Railway; not merely for the original cost, but an expense which would go on from year to year. Then again they were likely to require a large sum for the purchase of the Northwest Territory, and to open up roads and communications with it. They should not go on with such a reckless expenditure of the public money, until they saw whether the Union prospered or not. He thought it would have been better to have left this question with the Home authorities, and informed them of the position in which the country stood in regard to this matter. He generally expressed his views with great diffidence, but he could not help on this occasion, raising his voice and protesting against the course the Government were now pursuing.

**Hon. Mr. Flint** did not rise for the purpose of opposing the bill, but he thought it should be so amended as to give satisfaction to the Volunteers and their officers. In the 10th clause of the bill, the regular period of service of the Regular Militia is placed at two years, while the period of service required of the Volunteers is three years. There should be no difference in the time of service between the Volunteers and those who are drafted from the Militia, because this is placing them in a better position than those who volunteer. He would move, when the bill went into Committee, to make three years the term of service for both classes. He would also move that the word "officers" be struck out of the 45th clause, because he thought it was degrading to place an officer in the same list as a private. He was sure those officers would sooner serve at their drill without pay, than be placed in that position. The idea was absurd to give a gentleman a commission in Her Majesty's service, and then pay him less than a scavenger on the street. They should either pay him a sum commensurate with the duties he has to perform, or else not pay him at all. He thought they should not interfere with the views of the Government in regard to this bill, except in the minor matters which he had mentioned.

**Hon. Mr. Sanborn** thought that the true mode to provide for the defence of this country, if we expected an organized war, was by its militia. He did not think at the present time, situated as we are, with the difficulties having been tided over which had existed in the United States, and which had considerable influence upon those who had the direction of affairs in England, that we could reasonably expect those two great nations ever to be involved in a serious conflict. He should almost lose hope of any advance in the civilization of the world, if he did not believe there was not right feeling enough in the minds of those two great nations to prevent them from entering into a deadly conflict, which could not be anything else but a war of destruction of life and property, and which would throw back the world into comparative barbarism. It ought not to enter our minds as a feeling beyond the region of possibility, that there can be a conflict between those two great nations. We are legislating under existing facts; while there is no prospect of war, there are elements of disturbance existing among the people of the United States enough to create apprehension in our minds. We have not the same force to sustain us to aid in preventing and putting down any aggressive movement, not of a nation, but of an irregular force, which has for its object a treasonable design, as we would have in an organized war. It is then our volunteer force would have to be put to the test, and it will be found to be a most valuable power. We find the Volunteers are a body composed largely of men who have entered the service from a love for it. Military drill has its pleasing associations to many minds, and young men suited for active service form themselves into companies and choose their own officers. If we do anything to discourage the volunteer system, we do a serious injury to the affairs of the country. No one has said otherwise than that the Volunteers have been a most important advantage to the country, and the military schools have proved an important success. If this bill is carried into operation, the military schools should be kept in good condition, because if we hope for success we must have men schooled in military drill. We must have the elements of the military art obtained in some way, or a military organization will be of but little consequence. If the officers of a company do not have the advantage of obtaining a knowledge of drill, you have no means by which you can put your machinery in motion. The greatest objection which he saw to this bill was that it discouraged to too great an

extent the volunteer movement. That feature of the bill he thought very ill-timed, because the effect of discouraging volunteers would be to deprive the country of their services to a great extent. This would be doing an injury to the country which could only be remedied by time, because we find by experience that when men are subject to draft they come out with reluctance, taking no interest in their drill; they do nothing more than conform themselves to the simple requirements of the law. If you expect to have a military organization in a time of peace, in order to be prepared for difficulties when they arise, then you must have men who enter it with *esprit de corps*, which will give them satisfaction and pleasure in the discharge of the duties devolving upon them. The remarks made upon the 45th Section show the effect which that clause would have. It would be lowering the position of the officers of the Volunteers. It was an object of ambition for a man to get a position in the army or navy, as it gave him a position in life; the volunteer movement being something between the regular army and the ordinary militia, those who entered the service gained a credit and reputation before the country. When the salary of an officer, who has discharged his duties, has been reduced, it is looked upon as an indication for him to resign, and in this way the officers of Volunteers will look upon it. It is not in regard to the amount of pay to which they will object, but to being placed on a level with their subordinates. He said it was impossible for them to amend the bill on those money clauses, but he thought they were deserving of some remark, and should call from them some expression of their views. He had listened with a great deal of interest to the remarks made on the Bill on Fortifications by the Postmaster-General, who had presented the points which favoured it with earnestness and ability. There was one feature in his remarks which did not strike him (Mr. Sanborn) very favourably; he (Mr. Campbell) took the position that it was absolutely necessary to take that measure with our whole hearts, and that to display any kind of doubt in regard to it was equivalent to a feeling of disloyalty. He (Mr. Sanborn) did not think it necessary for us to place ourselves upon ground like this with an expenditure of \$5,000,000 to begin with. He thought the question should be viewed in all its bearings from a Canadian as well as an Imperial standpoint. When Col. Jervois made his report there were serious apprehensions felt of a conflict between the United States

and Great Britain, on account of difficulties which might arise through the civil war which was then raging in the neighbouring Republic. It was that state of affairs which suggested that report upon fortifications, and after which the Hon. Postmaster-General says it is a shame that any man should say that this Dominion was indefensible. Perhaps it would be a shame to say we had no spirit or desire to defend this country, but it is no shame to a man to give his opinion in regard to the advantages, or disadvantages for defence which this country possesses. We should look upon the country as it is with 1,500 miles of frontier to defend. The scripture says when a man builds a house he is to count the cost, and we, when we grant large sums of money, should consider the cost and the utility of the work. Col. Jervois says in one of the first remarks which he makes in his report: "I observe that although owing to the length and nature of the frontier of Canada it is impossible to protect it through its whole extent, yet an enemy must notwithstanding gain possession of certain vital points before they acquire any certain military advantage." It must be borne in mind that this report was made when there was a probability of a conflict between the United States and Great Britain, and the views expressed are entirely Imperial in character. Col. Jervois also says in his report that the main point is to fortify Lower Canada, thus admitting that Upper Canada, in case of a war must be abandoned. As a Lower Canadian he (Mr. Sanborn) could certainly have no objection to this view of the case; at the same time, situated as he was, in the eastern townships, he would not feel the advantage of the fortifications erected at Montreal as much as those who were on the other side of the St. Lawrence. It is stated in this report that the country on the other side of the St. Lawrence is indefensible, and he states the very position which the Postmaster-General says it is a shame to assert. The man who has the charge of planning the fortifications has stated his views to us, and should we not, in the discharge of our duty, look these facts fairly in the face, in order to realize the position, and ascertain what advantages these fortifications would give? He was not prepared to say that those fortifications should not be placed where it is contemplated to erect them, but he would say that we were taking a very serious responsibility upon ourselves, and it was one which was deserving of much thought and deliberation. We should look at it as Canadians, because we cannot disguise the fact, that we may be left at some

future period to our own resources. We have been often told by members of the Parliament of Canada, when they were seeking to bring about Confederation, that we were verging towards a nationality, and that this Confederation was a first step towards making us a nation. The whole tenor of the remarks of British statesmen leads us to the conviction that the responsibility of our becoming something great—or less great—according to our ability, depends upon ourselves, therefore it is our duty to view Canada as Canada alone. We have here a home, a nationality—something of which we have reason to be proud. We have also reason to be proud of the country to which we are attached, and of the Government which extends protection over us, but we must have pride for Canada too. Viewing this matter we must not only view it from an Imperial point, of view, as for the interest of the Empire, but we must view it in the light of our own interest. The Postmaster-General has told us of the amount expended by Great Britain in keeping soldiers here. He (Mr. Sanborn) believed that was not an increased expenditure for Great Britain, as those soldiers must be kept, and they could be kept in Canada as cheaply as anywhere else.

**Hon. Mr. Campbell**—Every additional colony gives the occasion for the employment of so many additional troops, therefore we are the occasion of so many additional troops being employed.

**Hon. Mr. Sanborn** did not think any larger number of troops was kept on account of Canada being a possession of the British Crown. If there were, it was for the maintenance of British power on this continent, from an Imperial, and not from a Canadian, point of view. Suppose a war takes place between the United States and Great Britain, it would not be on account of any grievance which we have, as Canadians; yet the result would be the devastation of the most beautiful and productive part of our country. Should we not then assert our own peculiar position, and show the state in which we would be placed by the contingencies of war. Then look at the importance of the colonies to bring power and prestige to Great Britain. Let her be shorn of them, and where would her name be in the estimation of the world, in comparison to what it is now? In regard to this bill, there is no statement as to where these fortifications are to be placed, or what they are to be. This is an exceedingly important point, and one upon which we ought to be informed. The House of Commons should have been in-

formed upon that point before making a grant for those fortifications, but it having been made, it becomes us to bow with grace to the decision the representatives of the people have given upon this question. In doing so, however, he had felt it his duty to say something upon both these measures, in answer to the remarks made so eloquently by the Postmaster-General, with an expectation that something would be said in reply. He thought it would not be treating his hon. friend with the consideration he deserved, if we passed in silence a measure of so much importance, and he knew he (Mr. Campbell) would rather hear members who differed in opinion from him, than to have nothing said upon the subject.

**Hon. Mr. McCully** said the subject of the defence of the country had been most eloquently treated by his hon. friend (Mr. Sanborn), but he could not regard the subject in the same light. It was a most important question, and one upon which they should all give an opinion. He did not regret that the Government had taken it upon themselves to evince by the bills before the House that there was a desire at the present time to meet, so far as our means will admit, the wishes of the British Government in regard to the defence of the country. His hon. friend (Mr. Sanborn) had looked upon the Confederation of the Provinces from a different stand point from what he did. He (Mr. McCully) had believed that unless these Provinces were Confederated, and made one common capital throughout this Dominion, the time would not be far distant when they would not have been under British rule, and this had actuated him in the interest he had taken in bringing about this measure, but whether it was for weal or woe depended upon the future. He felt that we were compelled to submit to a large amount of taxation, but he hoped the Government would use a great deal of economy, and so expend this outlay required for fortifications in such a way as would give satisfaction to the country at large. He could not expect that the entire scheme would have been left open for criticism, but at the same time he thought the Government had no right to ask us to adopt these measures without giving us all the information which they reasonably can. The people of Nova Scotia are not likely to be much benefitted by this outlay, because it had always been the policy of the British Government to expend large sums of money in Nova Scotia, but they were prepared to make considerable sacrifice in order to have connection between the sea shore and

Canada by the Intercolonial Railway. Had it not been for the prospect of getting that road constructed, they would not have consented to enter this Confederation. He was not prepared to give an opinion in regard to the defence of this Dominion, more especially that portion of it which extended fifteen hundred miles along the lakes. He did not believe it possible to defend the frontier of this country against invasion by a perfectly organized body on the other side of the border, but he believed that with the means under our control, if wisely spent, and with the assistance of England on the Atlantic Ocean, it would be a long time before they would gain much advantage in Canada. For this reason he was prepared to assist the Government to such a reasonable extent in regard to militia and fortifications as would satisfy the people of England that the people of Canada were doing all which could be reasonably expected of them. He believed that when the people of England knew of our action in this matter it would increase their sympathy for us more than if we had been drifting along year after year without endeavouring to help ourselves. Though there were some men in the British Parliament who were endeavouring to get rid of these colonies, yet he believed it was the sentiment of the British nation, not only to spend their money, but to give us all the advantage the prestige of that nation could give if we did but a reasonable share towards the defence of the country. If war were to come he believed a large portion of the Dominion would be trodden under foot, and it was to prevent war we should organize and show such a front that would prevent invasion. A large portion of this money is to be spent to protect Montreal, which is the commercial capital of the Dominion, and then even if the west is devastated that city would be a secure retreat for our forces. For these reasons, and these only, he would consent to give his support to these measures. He felt the force of the remarks which the Postmaster-General addressed to the House in reference to the bills coming from the people's representatives. They are the judges, having come from the people and to whom they must give an account of their stewardship; therefore, it is not for us to intervene with reference to the amount of means which they are willing to appropriate for the defence of this Empire. He did not undervalue the difficulties which might occur in providing for our defence, but he knew of no more legitimate way of obviating those difficulties than by making this appropriation, and holding the Govern-

ment strictly responsible in regard to dispensing the means placed at their disposal for this service.

**Hon. Mr. Macpherson** said that as these various Provinces had been united into one Dominion, it was felt that an improved military system was indispensable. This was now being provided by this bill, but he regretted that it did not give more encouragement to the organized Volunteers than they now receive. He would be pleased to hear the hon. Postmaster-General state the reasons why the Government had not given the Volunteers more encouragement than they have done under this bill. He thought they were a useful organization and the system should be extended and every encouragement given them, but he feared that under this bill the movement would die out altogether. In regard to military schools, he thought they had been of great service in the past, and he regarded them as indispensable in the future. He said they should also have navy schools, as they had a large number of sailors, who were the best material for forming a naval force. All they require is instruction in naval gunnery, and that can be imparted to them in the winter season when they are out of employment. He hoped that by next winter the Government would have arrangements made by which they could receive this instruction. He also hoped the whole country was prepared to do its duty in the matter of defence, both as regards the militia and fortifications. With respect to the cost of fortifications, that was a matter the country would expect the Government to exercise as judicious an economy as possible. They will feel, however, that it is necessary to meet the views of the Home Government so far as circumstances will admit. There was great force in what some hon. members have said, that circumstances have changed very much since these measures were urged upon us, and that we are returning to a state of affairs which existed before the lamentable war broke out in the United States, when we had no fear of invasion from our neighbours. He hoped that time would return when it would not be necessary to make any heavy expenditure in the matter of defence generally, but at the present time, he thought it would be well for us to maintain an efficient militia, and to expend a reasonable sum in fortifications, in view of troubles which may arise with our neighbours, or rather from those organizations of Fenians who have placed themselves under their protection. One objection which he had to this Militia Bill was, that he feared an efficient militia could

not be organized under it, as the time allowed for drill—from eight to sixteen days—was not sufficient for the purpose, and for this reason he thought that the volunteer movement ought still to be encouraged. With regard to the expenditure upon the different fortifications he thought that was a matter for the military authorities to determine. It would not be right for us to say that unless a certain amount of money is expended in our locality, we will go against the bill; it is only the military authorities who can say where these fortifications can be most advantageously placed. Montreal is an important point, and it is one which we all admit would be a costly place to fortify, but while the military authorities were considering the cost of these fortifications, he hoped they would not disregard the necessity for defending the western peninsula. It has been said that Montreal was the heart of the country, and if it was taken the country would be cut in two and the west would be of little value. Whether that would be the case or not, every one would admit that if the west was overrun and the supplies cut off, Montreal would, in a military sense, be in a worthless condition. His hon. friend (Mr. McCully) had spoken of the large amount of increased expenditure which had been undertaken by the country, and he seemed to cast the blame of it upon the Government. In this he was scarcely just, as Imperial Legislation has forced upon this Government the initiation of measures involving a very large expenditure for the Intercolonial Railway, which amounts to upwards of two-thirds of the actual expenditure provided for this Session. That measure found its place in the Imperial Act from the imperative demands of the representatives from the Maritime Provinces. One gentleman here (Mr. McCully) said the Maritime Provinces insisted upon the construction of the Intercolonial Railway and without it nothing would have induced Nova Scotia to consent to enter this Union. If the large expenditure connected with the construction of this road has been forced upon us by his Maritime friends, it is scarcely just in them to reproach us with that expenditure. If they think that costly work can be dispensed with there was no doubt but they could get that agreement cancelled, but he believed they had no wish to do so, therefore they should not reproach the Government for burdening the country with an expenditure in which they really have no option. He would not occupy the time of the House any further,

but he would be obliged if the Postmaster-General would give an explanation in respect to the want of encouragement to the Volunteers which is in this bill.

**Hon. Mr. Wark** said although a considerable expenditure was involved in these measures, yet he did not think it was more, considering the resources of the Dominion, than we should expend for the defence of the country. He did not think it was more than was required at the present time, and certainly it was not more than the people of the United Kingdom had a right to expect from us. We have until this time been protected in a paternal way by the Mother Country, but we have now assumed a more advanced position. He looked upon this Dominion as a member of the Empire, and it was a great mistake for people to talk of separating this Dominion from the Mother Country. We could not afford to separate, the one country being necessary to the other, and *vice versa*. Every statesman in England must see the importance of the Colonies to Great Britain, in the event of a war, to give them aid, and to furnish coal for their steamships, because those ships are useful just in proportion to their obtaining supplies of fuel. A great many speak of the United States, as though in the event of a war they could choose their own battle ground, as England and France did in the Russian war. We know they must meet the whole power of the British Empire on the ocean, and that is one reason why they will not involve themselves in a war. We cannot afford to fortify our whole frontier, but the very circumstance of our having fortified certain strong points will convince our neighbours, in the event of war that they cannot obtain possession of any important point in the Dominion. They know that their commerce must be exposed on every sea, as all the steamers sailing from New York across the Atlantic are owned in Europe, and would in a short time be converted into privateers. If their commerce suffered so much from a few privateers from the Southern States, how much more would it suffer from the fleet of Great Britain. These circumstances will go far to prevent a war between the two countries. He hoped that in the defence of our country we would go on step by step—first the organization of the militia, and then the erection of fortifications. At the same time he would much rather see the money expended in fortifications spent in enlarging our canals, as that would be the best protection against a war with the United States, because it would put the people of a portion of the Western States under an obligation to

Canada for a cheaper and better outlet to the ocean than they have on their own railways or canals, and whilst they would be compelled to construct war vessels on the lakes, these canals would admit for us any amount of gunboats which would destroy any fortifications they might erect. He agreed with what had been said in regard to the efficiency of the Volunteers, and it was not fair that after public spirited young men had given up their time and means in organizing and carrying forward this volunteer movement, they should be treated with indifference by wealthy individuals, who should be compelled by taxation to support them. At the same time he did not think militia drill in this country should be left entirely to the Volunteers, because it was desirable that every man capable of carrying arms should know something about the use of them. He would like to see a system of drilling introduced into schools to give boys from twelve to fourteen years of age some idea of the use of arms.

**Hon. Mr. Wilmot** said it was a fact to be much regretted that a portion of the British people, and he feared no very inconsiderable portion of them, were preparing the way to throw this and other distant Colonies on their own resources as regards their self-defence, which will appear from late debates in the British House of Parliament, and on other great public occasions, when allusion was made to the dangers to life, and the hardships and expenses attending the marching of the troops from Halifax to the interior of Canada in the winter season through mud and snow to defend this country. He hoped this large amount would be judiciously expended, so as to yield us some lasting benefit in return.

**Hon. Mr. Mitchell** said this was a measure which suited the wants and requirements of the country, and from what he could learn from the people and their representatives, he must conclude that it was one that would give satisfaction to the country. It was satisfactory to the Government to know that the pledges given by them to the British Government that the people of this country were not disposed to depend entirely upon the people of England to defend them, is likely to be realized. Notwithstanding what had been said by his hon. friend (Mr. Wilmot) in regard to the sentiments uttered in his presence when in England, he (Mr. Mitchell) believed that the sentiments of the English people were not to cast off the colonies. The sentiment is not that the colonies should defend themselves, or that England should get rid of them, but it is

that Great Britain and her colonies together should form the British Empire, and that we as a free people—having the benefit of British laws, British institutions, and the privileges dependent upon British connection—should bear our fair share of the burden of defending the whole Empire and maintaining its integrity. This is a just and right view of the question. He was present on the occasion referred to by his hon. friend (Mr. Wilmot), when a gentleman occupying a high position in England referred to the expense the colonies were to the British Treasury, and he referred to the fact that a great deal of British blood and British treasure had been spent in British America. Great Britain, he said, suffered a great deal of disadvantage in maintaining the liberties and rights of the country. When these statements were made he (Mr. Mitchell) had felt the question was not fairly put, and that the gentleman addressing the assembly did not understand the question. He (Mr. Mitchell) had the satisfaction of showing to that assembly, in which were some of the noblemen of England, the unfair position in which the speaker had placed these colonies when he said that troops had to be sent to St. John, and marched through to Canada amid snows and storms in the month of December at a great risk of life. He (Mr. Mitchell) took the opportunity of asking whose battles they went to fight? Was it to fight the battles of the Canadian people? Was it in defence of the liberties of all the people in British America, or was it to protect the liberties of a British quarter-deck from the invasion of a foe? Was it not the attempt made to lessen the protection which the British flag gave which was the occasion of those troops being sent to Canada? The expressions to which he had given utterance in that assembly, drew from the audience expressions of satisfaction and approval. The numbers of those in England who wish to throw us upon our own protection is very small; all the British people ask of us is that if British treasure is to be spent in Canada, we should pay our just share to maintain the rights and liberties of the country. He did not think there was a single man on the floor of the House, or any man who wished to remain a British subject, but was willing to contribute his fair share for the defence of the country. These bills will be an evidence to the people of England that we desire to maintain British power on this Continent, and it will be an argument against the reasoning of those who desire to sever the connection between us and the British Empire. He thought the argument used



by his hon. friend (Mr. Sanborn), that if England had not these colonies she would have to maintain her troops elsewhere, was wrong. If Great Britain was denuded of her colonies, the number of troops required to maintain and protect her rights would be very much less than they are now, and so far from making these colonies a means of employing troops they only come here as a measure of necessity. He did not think it was necessary to say much in reference to the remarks made concerning the length of our frontier, as that was a point they might as well leave to military men, but he felt that so long as we remained defenceless we invited attack.

The bill was then read a second time and referred to a Committee of the Whole House,

**Hon. Mr. McCrea** in the chair.

Reported the same without amendment.

And on motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Mitchell**, the 42nd rule was suspended, the said bill read a third time and passed on a division, and ordered to be sent to the House of Commons to acquaint that House that the Senate have passed this bill without any amendment.

A message was received from the House of Commons with a Bill intituled, "An Act to continue for a limited time the several Acts therein mentioned," which was read a first time, and ordered to be read a second time to-morrow.

Also a message from the Commons, with a Bill intituled, "An Act for the regulation of Fishing and protection of Fisheries," to which they desire the concurrence of this House, which bill was read a first time, and ordered to be read a second time to-morrow.

"An Act respecting the commencement of certain Acts of this Session therein mentioned," was read a second time, and ordered that the 42nd rule be dispensed with as far as it relates to this bill, and that the same be read a third time and passed.

An Act respecting Forgery, Perjury and Intimidation in connection with the Provincial Legislatures and their Acts, was read a first time, and ordered for a second reading at the next sitting of the House.

**Hon. Mr. Burnham**, from the Joint Committee of the Senate and House of Commons, on the Printing of Parliament, presented their 15th report.

Ordered, that it be received, and the same was then read by the Clerk as follows:

The Committee have carefully examined the following documents and recommend that they be printed, viz.:

Return to an address from the House of Commons; for a copy of the address of the House of Assembly of Nova Scotia, to the British Government, for the repeal of so much of the British North American Act as refers to that province &c.; also the instructions to the Hon. Mr. Tupper on the same subject, before or since his departure.

Return to an address from the House of Commons, correspondence which has passed between the Canadian and the Imperial Governments as to the status, rights and privileges abroad of British subjects naturalized in any one of the Provinces of the Dominion.

Return and supplementary return to an address from the House of Commons; correspondence between the Government of the late Province of Canada, and the Governments of the Dominion and Newfoundland, as to the disputed boundary line between the two countries in Labrador (Distribution only.)

Return to an address from the House of Commons, showing the number of vessels owned in the Dominion of Canada, on the 1st July, 1867, and showing whether they are steamers or sailing vessels, &c.

Return to an address from the House of Commons, showing the number of railways in the Dominion of Canada, when built, length, cost of construction, &c.

Statement in obedience to the order of the House of Commons, showing the names of the shareholders of the several banks of the Dominion, with the amounts of stock held by each, &c.

Second report of the Committee of the House of Commons, on Immigration and Colonization.

Return to address, House of Commons; for the amount of securities, whether bonds or stock issued by the Dominion of Canada since 1st July last, with the rate of interest, nature of securities, &c., &c.

Return to address, House of Commons; reports made by the officers of the geological survey with reference to the gold districts of Nova Scotia.

Petition of Thomas McGoey and others, of the district of Ottawa and its vicinity; praying for an investigation into the conduct and acts of the Honourable Aimé Lafontaine, Judge of the Superior Court in and for the said district.

Report of the Committee on privileges and elections.

Letter of Job Wilkinson, Esq., dated 4th February, 1852, with the papers connected therewith, on the report of Major Robinson, Intercolonial Railway.—(Distribution only.)

Return to address, House of Commons; showing what sum or sums of money (if any) have been paid out of the Consolidated Revenue Fund of the late Province of Canada, and of the Dominion, to the credit of the Upper Canada (now Ontario) Municipal Loan Fund, under the provisions of the Seigniorial Amendment Act, 1859, with the date of payments, &c.

Return to address, and supplementary return, House of Commons; For all reports since 1st July, 1867, to the Government, which may have been made by surveyors, or other officers employed to construct roads and other works for the opening communication between the head of Lake Superior and the Red River.

Message from the Governor-General, with despatch from the Secretary of State, in answer to the joint address from the Senate and House of Commons to Her Majesty, praying the annexation to Canada of Rupert's Land and the Northwest Territory.

The Committee also recommend that the following documents be not printed, viz.:

Return to an address from Senate, on the subject of the encouragement of the building of ships of wood and iron known as composite vessels.

Return to an address from House of Commons—statement of convictions and penalties levied under Fisheries and Game Acts, by John McLaren Esq., during 1866 and 1867.

Return to an address from the House of Commons—statement of number of sittings, their date and duration, of the Court at Amherst, in the Magdalen Islands, since its establishment, and all correspondence between the Government and the Judges of the district of Gaspé, &c.

Return to an address from the House of Commons—copies of all memorials addressed to the Government on the subject of the duty on hops.

Return to an address from the House of Commons—return of all surveys and reports relating to harbors on the east coast of Lake Huron; also, all reports relative to said surveys of harbours of refuge or otherwise, north of the town of Goderich, &c.

Return to an address from the House of Commons—correspondence between the Gov-

ernment of the late Province of Canada, or the Government of the Dominion, and the Government of Newfoundland in relation to duties of customs which the latter Government exacts from our fishermen, on articles used in the fisheries, &c.

Return to an address from the House of Commons—return of fines imposed, and seizures made in the county of Digby, for breaches of the revenue laws, since the first day of July last, &c.

Return to an address from the House of Commons—statement of accounts rendered to the Government by the proprietors of the *Gazette de Sorel*; and likewise a statement of all moneys paid to the same, with date of such payments, the whole since 1862 inclusive.

Return to an address from the House of Commons—copies of contracts entered into with Robert H. McGreevy, for work done on Public Buildings, Ottawa.

All of which is respectfully submitted.

Asa A. Burnham,  
Chairman.

On motion of **Hon. Mr. Burnham**, seconded by **Hon. Mr. Shaw**, it was ordered, that the said report be taken into consideration by the House to-morrow.

The House then resolved itself into Committee of the Whole on the Bill intituled "An Act respecting copyrights," (**Hon. Mr. Reesor** in the chair,) who reported the same with several amendments, which were concurred in. The bill was then read a third time and passed.

An Act respecting forgery, perjury and intimidation, in connection with the Provincial Legislatures and their Acts, was ordered to be postponed until to-morrow, on motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Mitchell**.

The amendments proposed by the Committee of the whole House to the Bill intituled "An Act to incorporate the Canadian Lake Underwriters' Association," were then considered, which said amendments were severally concurred in, the bill was read a third time as amended, passed, and ordered to be taken to the House of Commons, and acquaint that House that the Senate had passed this bill with several amendments, to which they asked their concurrence.

The House then adjourned.

## THE SENATE

Tuesday, May 19, 1868.

The Speaker took the chair at three o'clock.

**Hon. Mr. Anderson** from the Committee on Standing Orders and Private Bills reported the Bill, intituled "An Act to incorporate the Stratford Board of Trade," which was then read a third time and passed.

The fifteenth report of the Joint Committee of the Senate and House of Commons on the Printing of Parliament, was read and adopted.

The Bill intituled "An Act to continue for a limited time the several Acts therein mentioned," received several readings and was passed.

On motion of **Hon. Mr. Ryan**, seconded by **Hon. Mr. Aikins**, it was ordered that the return presented yesterday to an address of this House to His Excellency the Governor-General, dated 7th May, 1868, praying His Excellency to be pleased to cause to be laid before this House copies of the reports made by John Page, Esq., Engineer of the Public Works Department, on the subject of deepening Lake St. Peter, in virtue of an order in Council made in July, 1862, be read.

### PROTECTION OF FISHERIES

Pursuant to the Order of the Day the Bill intituled "An Act for the regulation and protection of Fisheries," was read a second time.

**Hon. Mr. Mitchell** said this was a measure of great importance to the interests of the Dominion, and he felt assured that every hon. member of the House would take a careful look over its provisions and notice the changes made from the old Canadian Act, which was introduced in 1854 by his hon. friend (Mr. Campbell), when he was Commissioner of Crown Lands. He believed this Canadian Act had been a great success, and this opinion which he had formed of it was corroborated by the testimony of those who have been engaged in the fisheries of the lake shores and western rivers of the Dominion. There have been alterations made in it for the purpose of assimilating it to the wants and requirements of the Maritime Provinces. He felt that with the slight experience which he had in this branch of the public service the best course which he could take, was to adopt the old landmarks established by men who had more experience than he had in this Department. Therefore, with the assistance of

gentlemen in his own Department, he had prepared this bill, making as few changes as possible, and those changes he would point out when the House went into Committee upon the bill.

The House then went into Committee of the Whole upon the Bill (**Hon. Mr. Benson** in the chair), when after a long conversational debate in reference to the changes that had been made, the bill was agreed to with several amendments, after which the bill was read a third time and passed.

The Bill intituled "An Act respecting the Northern Railway of Canada," was read a first and second time, agreed to by a Committee of the whole House, and ordered to be read a third time at the next sitting of the House.

### RELIEF OF SICK AND DISTRESSED MARINERS

The Bill intituled "An Act respecting the treatment and relief of sick and distressed mariners," was read a first time.

**Hon. Mr. Mitchell** then moved the second reading of the bill, and said its object was for the purpose of assimilating the different systems in the several Provinces of the Dominion for the support of sick and distressed mariners. In the Province of old Canada, for the maintenance of mariners, a tax of one penny per ton was imposed upon vessels coming into the ports of that Province. In Nova Scotia and New Brunswick there was also a tax imposed of two or three cents a ton, according to the amount of shipping, for that purpose, and for the maintenance of Hospitals. Every two or three years the law had to be altered, sometimes making the tax more, and sometimes less. Under this bill those laws will be assimilated, and a tax of so much a ton will be imposed upon the tonnage of vessels, for the purpose of maintaining sick mariners who may be chargeable to that fund.

On motion of **Hon. Mr. Mitchell** the House went into committee upon the bill, (**Hon. Mr. Skead** in the chair), when it was agreed to without amendment.

### FISHING BY FOREIGN VESSELS

A message was then brought from the House of Commons with a Bill intituled, "An Act respecting Fishing by Foreign Vessels," which was read a first time, when

**Hon. Mr. Mitchell** moved the second reading, and said the bill was almost a transcript of similar Acts, which for the last eleven

years had been on the Statute books of New Brunswick and Nova Scotia. The object of the bill was to make foreign fishing vessels found within three miles of the coast liable to be taken into ports and condemned. The passing of the Reciprocity Treaty shortly after these Acts came into operation practically did away with their operation; but now the treaty being repealed it becomes necessary in order to enforce the rights of our fishermen that an Act should pass in Canada similar in its character to those former Acts. He then referred to the regulation which had been passed, and which had received the assent of Her Majesty, to give license to foreign vessels to fish within three miles of the coast for the fee of \$2 per ton. The bill was then read a second time, when the House went into committee and agreed to the bill without amendment.

The Speaker having resumed the Chair the bill was read a third time and passed.

Hon. Mr. Mitchell presented to the House a return to an Address to His Excellency the Governor-General, dated yesterday, praying that His Excellency will be pleased to cause to be laid before this House, copies of any correspondence, proposals or suggestions, received during the present Session of Parliament, by the Hon. the Minister of Fisheries and Marine, having reference to deepening and improving the ship channel between Quebec and Montreal, and to reconstructing and uniting the Trinity Board and Harbour Trusts of Montreal.—Referred to the Joint Committee on Printing.

#### LIGHTHOUSES, BUOYS AND BEACONS

The Bill intituled "An Act relating to lighthouses, buoys and beacons," received two readings.

Hon. Mr. Mitchell said the object of the bill was for the purpose of assimilating the laws relating to lighthouses, buoys and beacons. In the late Province of Canada, lights on the coast were maintained out of the general treasury; in Nova Scotia, they were maintained by a tax of ten cents per ton on the shipping which entered the ports of that Province; in New Brunswick they were also maintained by a tax on the shipping. It would be unjust to allow the law to remain as it is, because in the Maritime Provinces this tax was collected at their ports, while in Canada it would be taken out of the general treasury, to which the Maritime Provinces contribute. Therefore, the Government had introduced this bill abolishing all taxation on tonnage for

the maintenance of lights, and adopting the principle of maintaining lights out of the general treasury.

Hon. Mr. McCully objected to bills coming up here without giving the members of the House an opportunity of judging of their provisions. He referred particularly to a bill they passed in about five minutes, in regard to the confiscation of American ships when found fishing within three miles of the coast, but believing it to be a good bill, he had not raised his voice against it. These Marine bills might have been here sooner. He did not blame the Minister of Marine for the delay, because he knew he gave his attention to them, but it was the Government, who were responsible for these measures not arriving here at an earlier period. He hoped that hereafter, we should not be put in the position of having to pass bills without reading them.

Hon. Mr. Mitchell sympathized with his hon. friend, and if he had not known the facts he would have taken the same objection. This was a bill which affected the taxation of the country, therefore it was necessary that it should be introduced into the other House. The other bill regarding confiscation also affected property, and had to come from the other House. Every bill which he had presented was connected in some way with taxation, and therefore it became a matter of constitutional necessity that they should be received from the other Branch of the Legislature. These bills had been in the other House for many weeks, and the consideration of them here had been prevented by the great amount of business before that Branch of the Legislature. He hoped that in future a great part of the business introduced into the other Branch would come here earlier in the Session, as we would have better legislation if we had more time. He regretted this hasty legislation as much as his hon. friend.

The House then went into Committee upon the bill, and agreed to it without amendment, and ordered the third reading of the said Bill at next sitting of the House.

#### PENALTIES IN RESPECT OF STAMP DUTIES

A message was brought from the House of Commons with a Bill entitled, an Act respecting certain penalties in respect of Stamp Duties, which was read a first time.

Hon. Mr. Campbell moved the second reading, and said it was a bill which had been suggested by his hon. friend from Nova

Scotia, who had ascertained that there was a difficulty in that Province, inasmuch as the law providing that stamps should be affixed to notes and bills of exchange was not thoroughly known in that part of the country. He (Mr. Campbell) had satisfied him that there was no difficulty attending the recovery of the notes, by affixing stamps to them at any time before judgment was given, but still persons would be liable to penalties for not having affixed them when the notes were drawn; therefore, to meet that difficulty this bill had been introduced into the other branch of the Legislature.

The bill then received a second and third reading, and passed.

An Act respecting railways received its first and second readings.

### DUTIES OF CUSTOMS

A message was brought from the House of Commons with a Bill intituled "An Act to amend an Act of the present Session, intituled 'An Act imposing duties of customs with the tariff of duties payable under it.' " Read a first time.

**Hon. Mr. Campbell** in moving the second reading, said this bill made certain changes in the tariff which had been in force since the first part of the Session. He then enumerated the principal alterations which had been made from the previous tariff.

**Hon. Mr. Macpherson** desired to express his gratification that the duty on breadstuffs had been removed. He had read in a report of the proceedings of the other House that certain merchants and dealers in wine in the Maritime Provinces had taken their wine out of bond under the old tariff, after the new tariff should have been in operation. He would like the Government to explain how it happened, and to what amount the revenue had suffered? He did not attach so much importance to the amount as to the occurrence. He understood the Government had taken measures to prevent anything of that kind occurring by taking possession of the telegraph the day the tariff had come under the consideration of the other House.

**Hon. Mr. Campbell** was glad to find his hon. friend was gratified with the change in the tariff in regard to breadstuffs. In reference to the enquiry how the contemplated changes in the tariff had reached St. John, thus enabling all the merchants to take their wines out of bond before the new tariff came into

operation, he could not conceive how the information reached them, and it surprised him as much as it did his hon. friend.

**Hon. Mr. Macpherson** hoped the Government would take every means of enquiring into the matter, as in justice to the employees who were aware of the proposed changes, the matter should be well sifted.

**Hon. Mr. Aikins** did not think it was good policy to take the duty off breadstuffs, particularly in regard to corn.

**Hon. Mr. Miller** said the duty on breadstuffs was a serious act of injustice to the Maritime Provinces, but he thought the Government would have adopted a wiser course if they had continued the duties on flour and imposed some protective duty upon coal; the former would have been acquiesced in by the people of Nova Scotia in consideration of a duty being placed upon that important article of production in Nova Scotia.

**Hon. Mr. Dever** argued against the unfairness of the discriminating duties upon spirits, the high priced wines being imported at a much lower rate of duty according to value than other spirits. He held that wine was chiefly used by the wealthy, therefore, he could see no reason why a duty should not be imposed upon that article equal in amount to other spirits which have to pay 130 per cent on their cost. Wine paid but 30 per cent while the duty on whisky was 150 per cent, and on gin and West India rum it was 200 per cent.

The Bill was then read a second time; committed to a Committee of the whole House, agreed to and read a third time and passed.

The following Bills were brought from the House of Commons, and the amendments made by that House were agreed to by the Senate, viz.:—

An Act respecting the Manufacture and Importation of Copper Coins or Tokens.

An Act respecting the commencement of certain Acts of this Session therein mentioned.

An Act to incorporate the Bank of Agriculture.

An Act to provide for Oaths of Witnesses being administered in certain cases for the purposes of either House of Parliament.

The Bill intituled "An Act respecting Forgery, Perjury, and Intimidation in connection with the Provincial Legislatures and their Acts," had several readings and was passed.

The House then adjourned until half-past seven o'clock, p.m.

## AFTER RECESS

The House having met, the following bills were read a third time and passed, viz.:

An Act respecting the Northern Railway.

An Act respecting the treatment and relief of Distressed Mariners.

An Act respecting Fishing by Foreign Vessels.

An Act relating to Lighthouses, Buoys and Beacons.

## AN ACT RESPECTING RAILWAYS

The House went into Committee of the Whole on a Bill intituled, "An Act respecting Railways,"

**Hon. Mr. Chaffers** in the chair.

**Hon. Mr. Campbell**, in reply to an objection made to a clause of the bill which provided that railways should carry freight for every Express company upon the same terms, stated that the clause did not apply to existing Railway companies.

**Hon. Mr. Ferrier** said if the principle was wrong the clause ought not to be passed, even though it did not come into operation now.

**Hon. Mr. McMaster** said it was quite true that the law did not affect existing roads, but those roads which it did affect would be intimately connected with existing roads, therefore it was extremely desirable that the clause should be struck out.

**Hon. Mr. Campbell** had no strong opinion upon the subject, as he had no experience in the matter. If the committee thought proper to strike out the clause he would have no objection.

**Hon. Mr. Ross** thought the clause unfair, and it was not right to pass it simply to gratify some persons who unfortunately can not get a contract, where some other company has it.

**Hon. Mr. McCrea** said it was only fair that all express companies should be served alike it would be a monopoly for one company to get privileges at a cheaper rate than another. Several express companies were to be established, but a company composed of Americans had a monopoly on the railway lines, which gave them a great advantage. He thought the clause a good one, and it ought not to be struck out.

**Hon. Mr. Macpherson** said as express companies had the charge of valuable parcels, it was very important that they should be responsible companies. He was in favour of proper competition, but to afford facilities to all those who represented themselves as express companies, he thought would not be for the interest of the public.

**Hon. Mr. Reesor** remarked that so long as one company was allowed to have a monopoly, so long would the public be imposed upon. If they could have one more express company in Canada, the charges for carrying by express would be more reasonable.

**Hon. Mr. Flint** thought it was not right that one company should have a monopoly of the whole country.

**Hon. Mr. Macpherson** said a railway company had power to make arrangements with as many companies as they chose.

**Hon. Mr. Flint** said it should not be left discretionary with them whether they should give greater privileges to one company than to another. The railway itself was a great monopoly, and they charged just what they saw fit. If they carry freight for twelve and-a-half cents a certain distance when navigation is open and charge fifty cents during the winter months, it shows they either charge too much in the last instance or too little in the first. The railway companies should not say which express company they will take, but they should be compelled to serve them all alike. If we could get half a dozen express companies, there would be competition, and the public would be better served.

**Hon. Mr. Benson** would vote against the amendment to strike out the last clause.

An amendment was then moved to strike out the clause, which was carried.

The Committee then rose and reported the bill agreed to as amended, after which it was read a third time and passed.

The following bills from the House of Commons, received several readings and passed, viz.:

An Act respecting the Internal Economy of the House of Commons.

An Act further securing the Independence of Parliament.

An Act respecting the Canada Vine-Growers' Association.

On motion of **Hon. Mr. Campbell** the House adjourned until to-morrow at eleven o'clock, a.m.

## THE SENATE

Wednesday, May 20, 1868.

The Speaker took the chair at eleven o'clock.

The following bills were received by message from the House of Commons, viz.:

An Act respecting Copyrights.

An Act respecting Trade Marks and Industrial Designs.

An Act respecting the internal economy of the House of Commons.

An Act respecting the Police of Canada, with several amendments, which were concurred in by the Senate.

An Act respecting Railways.

And an Act for the regulation of Fishing and the protection of Fisheries.

A Bill intituled an Act relating to interest in Nova Scotia, was presented to the House by **Hon. Mr. McCully**, and received three several readings and passed.

A message was brought from the House of Commons by their Clerk, with a Bill intituled, an Act to amend the Act for the incorporation of the Northwest Navigation and Railway Company.

The Bill, after passing through the necessary readings, was passed without amendment.

A Bill intituled an Act respecting Harbour Police, was also read three times and passed.

The House then adjourned until three o'clock in the afternoon.

## AFTERNOON SESSION

A message was brought from the House of Commons by their Clerk, to return the Bill intituled an Act to incorporate the Canadian Lake Underwriters' Association, and to acquaint the House that they had agreed to the amendments made by the Senate.

## TOBACCO DUTY

A message was brought from the House of Commons, by their Clerk, with a Bill intituled an Act for the better securing the payment of the duty imposed on tobacco manufactured in Canada, was read a first and second time.

**Hon. Mr. Campbell** moved the third reading, when

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**Hon. Mr. Wilmot** enquired whether the bill now under discussion had been printed and distributed, for a most important Government measure came before the House at its last meeting, purporting to be a bill for the independence of Parliament, which his hon. friend, the Postmaster-General, explained at the second reading, was for the purpose, as he (Mr. W.) understood, of permitting Queen's Counsel to hold seats in the House of Commons, but he had been informed that it went very much further, and would permit Sheriffs and Registrars of deeds and wills to be elected—officers of all others that should be excluded. The bill had been brought in under a false title. It should have been entitled a bill to establish the subserviency of Parliament, and not the independence. Had he (Mr. W.) been aware of the provisions of the Bill he would certainly have divided the House upon it, and he very much regretted that the Government should have taken such a course.

**Hon. Mr. Campbell** said it would be a very delicate subject for this House to say who should or who should not be elected into the other House of Parliament. The matter was solely for the other House to deal with. Upon introducing the bill he had stated that it permitted Queen's Counsel, Attorneys and others to hold seats in Parliament.

**Hon. Mr. Ross** said as all these officers were controlled by the Local Legislatures, there could not be the slightest objection to their holding seats in Parliament, The Dominion Government had no control over them.

**Hon. Mr. Letellier de St. Just** said no officer of the Local Government should be independent of the Federal Government. They have to pay the Lieutenant-Governors of the Provinces, and they have a sort of pressure upon those Local Governments, therefore, when he saw that Sheriffs and Coroners were to have the liberty of being elected to the Commons he thought it would be an injury to the country. He objected to these measures being so hastily passed through Parliament, when they had no means of testing whether they were suitable for the country or not, on account of so many members being absent.

**Hon. Mr. Reesor** quite agreed with the hon. member who had taken his seat. It was to be regretted that under this bill persons could be elected to the Commons that were not allowed to be elected under the old law of Canada. In regard to the bill before the House he thought it would be a less expensive way of collecting

the revenue on that particular production than under the old system, and it would not interfere with its production.

The bill was then read a third time and passed.

On motion of **Hon. Mr. Campbell** the House adjourned until half-past seven o'clock.

#### EVENING SESSION

**Hon. Mr. Burnham**, from the Joint Committee of the Senate and House of Commons, on the Printing of Parliament, presented their 16th Report. Which report on motion of **Hon. Mr. Burnham**, seconded by **Hon. Mr. Skead**, was then adopted.

A message was brought from the House of Commons by their Clerk, with a Bill intituled "An Act respecting procedure and other matters relating to Criminal Law," to which they desire the concurrence of the House.

On motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Kenny**, it was

Ordered, that the said Bill be discharged from the order of the day.

Also a message with a Bill intituled, "An Act respecting patents for invention," which bill was read a first time.

Another message with a Bill intituled "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the thirtieth day of June, 1868, and the thirtieth day of June, 1869; and for other purposes relating to the public service," to which they desire the concurrence of this House.

The said bill was read a first time.

Ordered, that the 42nd rule be dispensed with, in so far as it relates to said bill, and that the same be read a second time, and third time, and passed, and ordered to be sent down to the House of Commons, and acquaint that House that the Senate have passed this bill without any amendment.

**Hon. Mr. Chapais** presented to the House a report of the Minister of Agriculture, for the six months ending 1st July, 1867.

"An Act respecting Insurance Companies," (from the House of Commons,) was read a first time, and the 42nd rule being dispensed with, it was read a second and third time, and passed, and ordered to be sent down to the House of Commons, and acquaint that House that the Senate have passed this bill without any amendment.

A message was brought from the House of Commons, by their Clerk, to return the Bill intituled "An Act for the taking of evidence in Canada in relation to civil and commercial matters pending before Courts of Justice in any of Her Majesty's Dominions, or before any Foreign tribunals," and to acquaint that House that they have passed the said bill with several amendments, to which they desire the concurrence of this House, which said amendments were agreed to.

Ordered, that the Clerk inform the House of Commons that the Senate doth agree to the amendments to the said bill, without any amendment.

A message was brought from the House of Commons, by their Clerk, to return the Bill entitled, an Act respecting Forgery, Perjury and Intimidation, in connection with the Provincial Legislatures and their Acts, and to acquaint this House that they have passed the said bill with several amendments, to which they desire the concurrence of this honourable House, which were agreed to, and ordered that the Clerk inform the House that the Senate doth agree to the amendments to the said bill without any amendment.

**Hon. Mr. Campbell**, Postmaster-General, then gave the House considerable information regarding the postal service arrangements to the Maritime Provinces during the coming season of navigation, which seemed to give general satisfaction.

**Hon. Mr. Ryan** wished to ask the Postmaster-General if the report he had just heard was true, that a motion was carried in the House of Commons, at the instance of the member for Argenteuil, (Mr. Abbott) that the Grenville and Carillon Canal was to be closed on Sundays. He thought it very invidious to select the Province of Quebec alone, in the Dominion, to enforce such regulations, whereby they interfered with the innocent amusements and business arrangements of its inhabitants. It was a great hardship to be detained on a journey over from midnight on Saturday until Monday; besides, no through steamers in England (the country we ought to copy from) were interfered with or stopped on their voyage for the Sunday. He respected that day, he hoped, as much as any other hon. member, but he thought this was carrying matters to an extreme.

After the **Hon. Messrs. Campbell, Macpherson** and **Price** had taken part in the debate, the House adjourned until Friday next.



## THE SENATE

Friday, May 22, 1868.

To-day, at two o'clock p.m., His Excellency the Governor-General proceeded in state to the chamber of the Senate, in the Parliament Building. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following bills were assented to in Her Majesty's name by His Excellency the Governor-General, viz.:

An Act to define the privileges, immunities and powers of the Senate and House of Commons, and to give summary protection to persons employed in the publication of Parliamentary papers.

An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands.

An Act respecting the Currency.

An Act respecting Inquiries concerning Public Matters.

An Act to regulate and restrict the Contingent charges of the Departments of the Public Service, and to establish a stationery office.

An Act respecting Commissions, and oaths of allegiance and of office.

An Act for continuing the Parliament of Canada, in case of the demise of the Crown.

An Act respecting the security to be given by Officers of Canada.

An Act to enable Her Majesty to provide for the widow and children of the late Hon. Thos. D'Arcy McGee.

An Act for the organization of the Department of Marine and Fisheries of Canada.

An Act respecting Accessories to, and abettors of, indictable offences.

An Act to authorize the carrying of gas pipes across the River Niagara, in order to facilitate the lighting of the Town of Clifton with gas.

An Act to Incorporate the Clifton Suspension Bridge Company.

An Act to amend the Acts relating to the Niagara District Bank.

An Act respecting the Department of Justice.

An Act to amend an Act intituled: "An Act respecting the Statutes of Canada."

An Act to enable banks in any part of Canada to use notes of the Dominion instead of issuing notes of their own.

An Act respecting Aliens and Naturalization.

An Act to confirm the Amalgamation of the Commercial Bank of Canada and the Merchants' Bank; and to amend and consolidate the Acts of Incorporation of the said Banks.

An Act respecting the navigation of Canadian Waters.

An Act respecting the Geological Survey of Canada.

An Act respecting Penitentiaries, and the Directors thereof, and for other purposes.

An Act to impose a duty on Foreign Reprints of British Copyright Works.

An Act respecting the Inspection of Steamboats, and for the greater safety of passengers by them.

An Act respecting the Consolidated Revenue Fund.

An Act constituting the Department of Inland Revenue.

An Act constituting the Department of Customs.

An Act to annex a portion of the Seignior of Belair to the County of Quebec, and another portion thereof to the County of Portneuf.

An Act for the better security of the Crown and of the Government.

An Act respecting persons in custody charged with High Treason or Felony.

An Act respecting the Civil Service of Canada.

An Act for the organization of the Department of Agriculture.

An Act to confirm a certain by-law passed by the Directors of the Lake Memphremagog Navigation Company, and for other purposes.

An Act to incorporate the Canada Shipping Company.

An Act to declare certain persons therein mentioned indemnified for having sat and voted as members of the House of Commons, while holding certain offices under the Crown.

An Act to incorporate "The Merchants' Express Company of the Dominion of Canada".

An Act respecting Riots and Riotous Assemblies.

An Act to amend "An Act to provide for the improvement and management of the Harbour of Quebec", and the Act amending the same.

An Act to make provision for defraying the expense of certain Works of Fortification required for the defence of the Dominion.

An Act respecting the Governor-General, the civil list, and the salaries of certain public functionaries.

An Act to amend the Acts relating to the Canada West Farmers' Mutual and Stock Insurance Company, and to change the name of the Company to the "Canada Farmers' Mutual Insurance Company".

An Act to increase the excise duty on Spirits, to impose an excise duty on refined Petroleum, and to provide for the inspection thereof.

An Act respecting the Militia and Defence of the Dominion of Canada.

An Act to provide for Oaths to witnesses being administered in certain cases for the purposes of either House of Parliament.

An Act to incorporate "The Canadian Lake Underwriters' Association".

An Act respecting the internal economy of the House of Commons and for other purposes.

An Act for the regulation of Fishing and protection of Fisheries.

An Act respecting the Northern Railway of Canada.

An Act relating to Lighthouses, Buoys and Beacons.

An Act respecting the Treatment and Relief of Sick and Distressed Mariners.

An Act respecting Penalties in respect of Stamp Duties.

An Act respecting the Canada Vine Growers' Association.

An Act respecting Police of Canada.

An Act further securing the Independence of Parliament.

An Act relating to Quarantine and Public Health.

An Act respecting Fishing by Foreign Vessels.

An Act respecting the Manufacture or Importation of Copper Coins or Tokens.

An Act to incorporate the Stratford Board of Trade.

An Act to amend the Act of the present Session, intituled: "An Act imposing duties of Customs with the Tariff of Duties payable under it."

An Act to Incorporate the Bank of Agriculture.

An Act to continue for a limited time the several Acts therein mentioned.

An Act respecting the commencement of certain Acts of this Session therein mentioned.

An Act for better securing the payment of the duty imposed on Tobacco manufactured in Canada.

An Act respecting Railways.

An Act to amend the Act for the incorporation of the Northwest Navigation and Railway Company.

An Act respecting Copyrights.

An Act respecting Trade Marks and Industrial Designs.

An Act respecting Harbour Police.

An Act respecting Insurance Companies.

An Act respecting forgery, perjury, and intimidation in connection with the Provincial Legislatures and their Acts.

An Act to provide for taking Evidence in Canada in relation to civil and commercial matters pending before Courts of Justice in any other of Her Majesty's Dominions, or before Foreign Tribunals.

After which His Excellency the Governor-General was pleased to reserve the following bills for the signification of Her Majesty's pleasure thereon:

An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders.

An Act to fix the salary of the Governor-General.

An Act for the relief of Joseph Frederick Whiteaves.

Then **The Honourable the Speaker** of the House of Commons addressed His Excellency the Governor General, as followeth:

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 a Bill, intituled: "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively the thirtieth day of June, 1868, and the thirtieth day of June,

1869; and for other purposes relating to the public service;" to which I humbly request Your Excellency's assent.

To this Bill the Royal assent was signified, in the following words:

In Her Majesty's name His Excellency the Governor-General thanks Her loyal subjects, accepts their benevolence, and assents to this Bill.

After which His Excellency the Governor-General was pleased to close the First Session of the First Parliament of the Dominion with the following

**SPEECH:**

Honourable Gentlemen of the Senate,

Gentlemen of the House of Commons:

I am glad to be enabled to release you from further attendance to your duties in Parliament.

The Acts which you have passed for remodelling the Militia force of the Dominion, and securing the defence of your territory, will, I trust, accomplish the objects which you desire to obtain.

I hope the measures which have been adopted for regulating the fiscal system of the Dominion will tend to the promotion of commercial enterprise, and to the stability of the public credit.

I congratulate you on the passage of the Acts by which the Executive Departments of

the Dominion have been organized, and their efficiency provided for.

I must express my regret that the measures for the assimilation of the criminal law of the several Provinces of the Dominion which were submitted by my directions to Parliament, have not been presented for the sanction of the Crown.

Gentlemen of the House of Commons:

I thank you for the provision you have made for the public service, and I am satisfied it will be applied with a due regard to efficiency and economy.

Honourable Gentlemen, and Gentlemen:

I rejoice that I am in a position to congratulate you on the general prosperity which prevails through the Dominion, and I feel assured that on your return to your homes you will exert yourselves in promoting obedience to the laws and inculcating attachment to the free institutions under which it is your happiness to live.

**The Speaker of the Senate then said:**

Honourable Gentlemen of the Senate and of the House of Commons:

It is His Excellency the Governor-General's will and pleasure, that this Parliament be prorogued until Wednesday, the first day of July next, to be here held, and this Parliament is accordingly prorogued until Wednesday, the first day of July next.

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**Abbreviations:** 1r., 2r., 3r., = first, second, third reading. amdt. = amendment. com. = committee. corres. = correspondence. Govt. = government. H. of C. = House of Commons. M. = motion. R.A. = Royal Assent. ref. = referred.

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